

Sen and Deliberative Democracy

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In this chapter I argue for two claims. First, I contend that Sen's capability approach to social ethics and international development requires democracy conceived as public discussion as well as fair and free elections. Specifically, I argue that Sen's normative assumptions—especially the way he understands and employs the concepts of agency, capability, and functionings—enable him to argue for democracy's three-fold importance and that, in turn, democratic discussion and decision-making are not only permitted but also required by his normative vision. Second, I make a case that Sen's conception of democracy would be fruitfully enriched and specified by explicitly drawing on some features of the theory and practice of what is called "deliberative democracy." I discuss and evaluate recent work on the nature, merits, challenges, and limits of deliberative democracy and argue that this perspective is an important resource for the capability approach in its efforts to deepen democracy, design participatory institutions, and make democracy central to development challenges of our times.

Sen's Capability Approach and Democracy

In this chapter I argue for two claims. First, I contend that Sen's capability approach to social ethics and international development permits or, better, requires democracy conceived as public deliberation. Second, I make a case that Sen's conception of democracy, which he adumbrates in his recent work, would be fruitfully enriched and specified by the theory and practice of what is called "deliberative democracy." It is especially in *Development as Freedom* (1999b), "Democracy as a Universal Value," (1999a) and *India: Development and Participation*, 2nd ed. (2002) that Sen makes clear his commitment to democracy conceived as public discussion and democratic decision-making.

In the chapter's first part, I argue that Sen's normative assumptions enable him to argue for democracy's three-fold importance and that, in turn, democratic discussion and decision-making are not only permitted but also required by his normative vision. In the

essay's second part, I discuss the theory and practice of deliberative democracy and argue that this perspective is an important resource for the capability approach in its efforts to deepen democracy, design participatory institutions, and make democracy central to development. In particular, recent work on the nature, merits, challenges, and limits of deliberative democracy has much to offer the capability approach as it seeks to meet the democratic and development challenges of our times.

Agency and Well-being, Freedom and Achievement. In other places I offer a detailed interpretation of the normative “foundation” of Sen’s social ethic, namely, his cross-cutting distinctions of agency and well-being, on the one hand, achievement and freedom, on the other.¹ Here, with the help of Figure 1, I summarize the basic ideas:

	Agency	Well-being
Achievement	Agency Achievement	Well-being Achievements (Functionings)
Freedom	Agency Freedom	Well-being Freedoms (Capabilities)

Sen conceives of *agency* and *well-being* as two distinguishable but linked aspects of human life, each of which call for respect (aid, protection) on the part of institutions and individuals. In turn, both agency and well-being have two dimensions, namely, actual *achievements* in the world and the *freedom* for those achievements. “Functioning” and “capability” are terms that Sen frequently employs, especially in his more technical writing, to connote well-being achievement and well-being freedom, respectively.

Although the concept of capability is important in Sen’s social ethic, regrettably his approach is typically called the “capability approach.” In some contexts functionings

are, for Sen, more important than capabilities. Moreover, since both well-being freedom and agency freedom are normatively important, he is right to refer to his overall perspective as a “freedom centered” approach. Finally, since the exercise of and freedom for agency are not only morally crucial but often neglected in political thought and practice, there is good reason to call his outlook the “agent-oriented view” (Sen 1999b: 11). Let us examine each of these four dimensions in more detail.

Humans can and should be agents in the sense that they can decide and act to realize their aims, often making a difference to the world. Regardless of whether a person’s goals are altruistic or self-regarding, her “agency achievement refers to the realization of goals and values she has reasons to pursue” (Sen 1992: 56). For Sen, if one is acted on by outside persons or other forces or happens to act on a whim or impulse but for no reason, one is not an agent (in charge of herself) but a “patient,” a passive object, acted on by external or internal forces over which one has no control. A person as agent is “someone who acts and brings about change, and whose achievements can be judged in terms of her own values and objectives, whether or not we assess them in terms of some external criteria as well” (Sen 1999b: 19).²

Humans not only exhibit more or less agency, but they are often able or free to do so. One’s agency freedom is “one’s freedom to bring about the achievements one values and which one attempts to produce”(Sen 1992: 56). I might be an agent, but due to external coercion or internal compulsion at present I am not now free to choose or to achieve what I choose. Moreover, a person even might get what she wants and thereby realize a capability, but if she “is being forced to do exactly what she would have chosen to do anyway,” she lacks agency freedom. Increasingly Sen calls this aspect the “process

aspect of freedom” in contrast to the “opportunity aspect of freedom”(Sen 2004: 331).

One reason that development, conceived as good social change, is important for Sen is that it provides a variety of social arrangements in which human beings express their agency, or become freer to do so. The ethically-sensitive analyst evaluates development policies and practices in the light of the extent to which they promote, protect, and restore human agency rather than merely the good or bad things that happen to people:

Social arrangements, involving many institutions (the state, the market, the legal system, political parties, the media, public interest groups, and public discussion forums, among others) are investigated in terms of their contribution to enhancing and guaranteeing the substantive freedoms of individuals, seen as active agents of change, rather than passive recipients of dispensed benefits (Sen 1999b: xii-xiii).

In terms of the medieval distinction between ‘the patient’ and ‘the agent,’ this freedom-centered understanding of economics and of the process of development is very much an agent-oriented view. With adequate social opportunities, individuals can effectively shape their own destiny and help each other. They need not be seen primarily as passive recipients of the benefits of cunning development programs. There is indeed a strong rationale for recognizing the positive role of free and sustainable agency – and even of constructive impatience (Sen 1999b: 11).

One challenge for Sen and for deliberative democratic theorists is to give an account of how public deliberation provides devices for *collective* agency, a process for combining the decisions and agency freedoms of many agents. For Sen, groups as well as individual persons can and should be authors of their own lives.

It should not be thought, however, that Sen’s emphasis on agency entails that an agent’s freedom must mean that the agent him- or herself always exercises or controls the “levers” of change.³ Even if I do not choose to vote, so long as I am not prohibited or restrained from voting I have agency freedom to vote. For Sen, my agency freedom is enhanced when something I value occurs even when I had nothing to do with its

occurrence but would have chosen it had I *had* the chance. If someone else eliminates the famine that besets me, not only is my well-being improved, but my agency freedom is enhanced, since had I been able, I would have chosen to end the famine and contributed to its end. Tyrants are restrained not only by their “subjects”’ agency freedom as active doing (what Sen calls “control”), but also by their knowledge that their “subjects” have the freedom of agency (even though they do not choose to use it right now).⁴ Even though my senator - and not me - casts a vote to disconfirm the president’s nomination for attorney general, my agency freedom has been expanded despite the fact that I did not cast a vote—and was not able to do so—for or against the nomination. I voted for my senator but did not cast *this* vote. However, I would have voted the way my Senator did, had I had the chance.

My agency freedom is realized, then, if someone else brings about what I value and would myself have chosen to bring about. This realization of agency freedom must be sharply contrasted with the violation of agency freedom (or “the process aspect” of freedom) that would occur if a tyrant forced me to do what I would have chosen to do on my own. Agency or “the process aspect of freedom” has to do with “the fairness or equity of the processes involved, or about the freedom of citizens to invoke and utilize procedures that are equitable” (Sen 2004: 336).

In addition to the norm of agency—both agency achievement and agency freedom—Sen proposes the norm of human well-being. Sometimes humans as agents choose to benefit themselves or gain “personal advantage,” and sometimes their goals or adopted causes reach beyond themselves and even require that they sacrifice themselves. For Sen, “the well-being achievement of a person can be seen as an evaluation of the

‘wellness’ of a person’s state of being (rather than, say, the goodness of her contribution to the country, or her success in achieving her overall goals)” (Sen 1993: 36). Of course, if a person decides that his own personal welfare or advantage is his exclusive life goal, then he has exercised his agency exclusively in the service of his well-being. Most people, however, have commitments to others and to goals beyond their own well-being. If my agency is the only source of my life’s going well or ill, then my well- or ill-being owes nothing to outside causes or internal compulsions.

Sen conceives well-being not just as happiness or preference satisfaction, although such may be involved, but as a plurality of subjective and objective states of being and a variety of doings, which he calls “functionings”. One exercise that individuals and groups engage in is that of evaluating which functionings they have reason to value. Unlike Nussbaum’s list of those functionings, which she claims we need into order to be “fully human” (Nussbaum 2000: 87) or to flourish, Sen adamantly refuses to prescribe a list. However, to illustrate the kind of well-being achievement or functionings that may be valued, he typically gives examples of functions that people judge valuable. Moreover, to illustrate what evaluators take to be minimally acceptable levels of the most valuable or basic functionings—and thereby define poverty as the deprivation of these functionings—he frequently offers the following as a typical result of valuation:

The functionings relevant to this analysis [of poverty] vary from such elementary physical ones as being well-nourished, being adequately clothed and sheltered, avoiding preventable morbidity, etc., to more complex social achievements such as taking part in the life of the community, being able to appear in public without shame, and so on. These are rather ‘general’ functionings, but . . . the specific form that their fulfillments may take would tend to vary from society to society (Sen 1992: 110).

Like agency, well-being has a freedom dimension as well as an achievement dimension. My life goes well not only when I am adequately nourished (and have other functionings that I have reason to value), but also when I am free to continue to be so or am free to be so again. Because I am on a hunger strike to protest a military invasion, I may be very deficient with respect to numerous functionings that I value, but —unlike the starving person—I have the capability (given my income and opportunities) or freedom to escape from hunger and the other deprivations. The valuable capabilities or freedoms are not part of my current well-being achievement but are *possible* achievements. *Being able* or *free* to fight off disease is as much a part of my current well-being as being healthy right now. The freedoms that enrich human life and constitute the primary end of development include not only agency freedom, just discussed, but also basic capabilities or well-being freedoms:

The substantive freedoms include elementary capabilities like being able to avoid such deprivations as starvation, undernourishment, escapable morbidity and premature mortality, as well as the freedoms that are associated with being literate and numerate, enjoying political participation and uncensored speech and so on. In this constitutive perspective, development involves expansion of these and other basic freedoms (Sen 1999b: 36).

Although sometimes Sen regrets introducing the term “capability” as a fundamental notion in his development ethics, it is a useful term as long as we note there are other normative considerations and that capability refers to opportunities or possible functionings—related to both external enabling conditions and internal powers or other personal traits abilities. I may have the physical and intellectual ability to cast a ballot but be unable to vote because I live in a repressive dictatorship that holds no elections. I may live in a country with fair and free elections but be incapable of voting because I am an infant or have Alzheimer’s Disease. To have the (actual and not

potential) capability to be healthy is to have both access to health care and the internal ability to make use of it.

What is Democracy? Given the moral space of agency, both freedom and achievement, and well-being (both capabilities to function and functionings), how does Sen argue for democracy? On the level of nation-state governance, Sen argues that democratic governance is important for intrinsic, instrumental, and what he calls “constructive” reasons.⁵ Let us analyze and evaluate each of these justifications and relate them to Sen’s key ethical notions. Before doing so, however, it is important to grasp Sen’s normative definition of democracy:

What exactly is democracy? We must not identify democracy with majority rule. Democracy has complex demands, which certainly include voting and respect for election results, but it also requires the protection of liberties and freedoms, respect for legal entitlements, and the guaranteeing of free discussion and uncensored distribution of news and fair comment. Even elections can be deeply defective if they occur without the different sides getting an adequate opportunity to present their respective cases, or without the electorate enjoying the freedom to obtain news and to consider the views of the competing protagonists. Democracy is a demanding system, and not just a mechanical condition (like majority rule) taken in isolation (Sen 1999a: 9-10).

This definition is normative in the sense that it sets forth what Sen calls the “ideals” of democracy, in contrast to its “institutions” and its “practice,” and portrays democracy as a “demanding system” of governance. It is demanding with respect to *breadth*: for in democracy there is “widespread actual participation, including the most disadvantaged” (Drèze and Sen 2002: 24) and an “equitable distribution of power” (Drèze and Sen 2002: 347). Democracy is also demanding with respect to *depth*, because it requires more robust modes of participation than just voting or majority rule, for example, free discussion and the give and take of opposing arguments. Finally, as we

shall see in Sen's argument for its constructive importance, democracy is demanding with respect to *range* of the questions that citizens should democratically deliberate and decide.⁶

Democracy's Intrinsic Value. First, Sen argues that democracy is intrinsically good because it enables citizens to participate politically and this freedom is something people have reason to value as intrinsically valuable. Democracy and political and civil rights have, says Sen, "*direct* importance in human living associated with basic capabilities (including that of political and social participation)" (Sen 1999b: 148): "Political and social participation has *intrinsic value* for human life and well-being." (Sen 1999a: 10). Opportunities for political participation as well as actual participation help make our lives go well, and "to be prevented from participation in the political life of the community is a major deprivation" (Sen 1999a: 10).

Sen might be criticized here for smuggling into his liberalism a conception that the good life and even the best life is one of political engagement. That objection, however, would assume that Sen identifies well-being and human flourishing, which he does not. Sen's concept of well-being refers to personal advantage, one's life going well, and not to a life of realizing one's "highest" potentials. Another objection might be that far from contributing to personal advantage, political activity is for many either boring or burdensome (or both). Sen's point, however, is not about the joys of political activity so much as the loss that comes from being excluded from participation.

Let us push further. One reason that being prevented from political involvement is bad is that it means that someone makes decisions for me, someone else runs my life. Yet surprisingly Sen does not make this move. He does not say that democracy is intrinsically

important because in democracy citizens exercise their agency as well as have the freedom to do so. As an agent I decide and act rather than being the recipient of someone else's decision and action. Sen can and, I believe, should say that democracy is intrinsically valuable because democracy provides each citizen with agency freedom and, often, agency achievement insofar as democracy provides its citizens with opportunities to select their leaders and their policies. Good development provides social arrangements, including democratic processes, in which human beings are free to express their agency, "shape their own destiny" (Sen 1999b: 11), and "be in charge of their own well-being" (Sen 1999b: 288):

Social arrangements, involving many institutions (the state, the market, the legal system, political parties, the media, public interest groups, and public discussion forums, among others) are investigated in terms of their contribution to enhancing and guaranteeing the substantive freedoms of individuals, seen as active agents of change, rather than passive recipients of dispensed benefits (Sen 1999b: xii-xiii).

Although he does not explicitly justify democracy by appeal to human agency, Sen does provide the materials, then, to construct such an argument. Because an individual's agency or autonomy is one basis for his or her dignity, we can also say that implicit in Sen's outlook is the argument that democracy is important because it respects people's dignity and their right of self-determination.

In democratic self-rule, agency freedom and achievement is collective as well as individual. Consider the Huaorani, a small Indian tribe that lives in the Ecuadorian Amazon. This relatively pristine region is one undergoing rapid change due to oil exploration and extraction, environmental degradation, and new settlers seeking land and work. It is also a region with newly protected areas, politically significant alliances among Indian tribes, partnerships with the government and oil companies, and new

opportunities, such as ecotourism. A long-time resident of the area remarks on the Huaorani's right to be among the agents of their own change:

Change is inevitable. The Huaorani cannot avoid change. The real question is, on what terms will change occur? The right the Huaorani have—a basic moral right that all people have—is to be allowed to evolve their own cultural tools for dealing with change, rather than having that change imposed upon them (Kane 1996: 75).

Another observer of the Huaorani notes that in one of their villages (Quehueire Ono), the Huaorani have decided on a creative mixture of old and new:

[The stack of written documents that an Huaorani association had produced in its first two years of operation] suggested that while it would be tempting to see Quehueire Ono as a return to tradition that would be inaccurate. If anything, Quehueire Ono represented a Huaorani synthesis: a traditional way of living enhanced by certain modern tools that offered access to an *abundancia* not found in the forest and on which, increasingly, they had come to depend. That is, *cowode* [non-Huaorani] abundance. And in what must be considered a rat's nest of paradox and irony, one of the most valued of these new tools was literacy (Kane 1996: 137-38).

Sen, I believe, would judge the “Huaorani synthesis” less as paradoxical and more as a creative outcome of people collectively exercising their agency—their human right to decide together what parts of their traditional life to abandon, what parts to retain, what parts to adapt, and how to supplement or modify their traditional life with new ideas.

Although he employs the language of capabilities at the start of the following passage, he finally makes his normative point in the language of action or agency:

We come back again to the perspective of capabilities: that different sections of the society (and not just the socially privileged) should be able to be active in the decisions regarding what to preserve and what to let go. There is no compulsion to preserve every departing lifestyle even at heavy cost, but there is a real need—for social justice—for people to be able to take part in these social decisions, if they so choose (Sen 1999b: 241).⁷

In effect we see the materials from which Sen can and should construct an argument—based on the value or dignity of agency—for the intrinsic worth of democratic processes: Democracy embodies or expresses individual and collective agency; agency is intrinsically valuable (because it is one basis of human dignity); so, democracy is intrinsically valuable.

This Huaorani case also alerts us that Sen should add or make explicit a third dimension in arguing democracy's intrinsic value. That dimension is equality. We have reason to value democracy as inherently good because it assumes that all adult members of the group are equal with respect to the worth or dignity of their agency. Apart from whatever good consequences it may have, democracy is intrinsically important because it treats members of the group as having *equal* status, freedom, and agency.⁸ Although Sen does not explicitly offer this egalitarian argument for democracy's intrinsic worth, it is clear that he believes that “equitable distribution of power”⁹ is among the democratic ideals. He can also appeal to the link between agency and the process aspect of freedom discussed above: democracy is justified because it provides a fair and equitable procedure for social choice. In a democracy, citizens have agency or process freedom: they are “free to invoke and utilize procedures that are equitable” (Sen: 2004: 336).

In summary, implicit in Sen's work is a complex argument – appealing to human well-being, agency (dignity), the process aspect of freedom, and equality – for the intrinsic worth of democracy and the inclusion of democratization in development. Daniel Little, in a volume heavily indebted to Sen and Nussbaum, felicitously combines the three components to argue for the intrinsic value of democracy in development:

Is democracy a morally important institution? Should we include democratization within the set of fundamental values and goals of development? Democracy is a

crucial aspect of human freedom. Fundamentally, it is a good thing because it facilitates free human choice and furthers the good of political participation. Democracy is a necessary component of the individual's ability to live freely and autonomously. And democracy is a political form that pays appropriate heed to the inherent worth and dignity of the person. Thus, democracy is a central constituent of the individual's ability to live freely and autonomously as a human being (Little 2003: 229).¹⁰

Democracy's Instrumental Value. Democracy, Sen contends, is also instrumentally good. Democracies have the good consequences of not warring against each other, and in bad times democracies are more responsive than nondemocracies to the importance of protecting human agency (voice) and well-being: "Democracy has an *instrumental* role in enhancing the hearing that people get in response to their claims to political attention (including their economic needs)" (Drèze and Sen 2002: 24). Although a benevolent dictator may listen to "his" people and respond compassionately to their needs, he is likely to insulate himself from popular demands. Although narrow democracies may exclude the voices of the poor and thin democracies may relegate the poor to voting, distributive justice is more likely to occur in even a formal or minimal democracy than in a nondemocracy (see Halperin, *et al.* 2005).

A citizen's freedom not to starve, frequently benefits from the "protective power of democracy" (Sen 1999b 43). Democracy is especially valuable in times of crisis. A free press, for example, may identify a pressing human problem such as an immanent famine and, before it becomes a reality, "demand appropriate public action" (Sen 1999: 150-51). Or, following a disaster, such as the tsunamis of December 26, 2004, a region is more likely to prevent or mitigate a recurrence if and when citizens have the freedom to press their demands for compensation and future security. In a democratic country,

government officials have an incentive—if they want to be reelected—to pay attention to what people want and demand.¹¹

Democracy's Constructive Value: Finally, Sen argues that democratic governance is “constructively” good insofar it provides institutions and processes in which people can learn from each other and “construct” or decide on the values and priorities of the society (Sen 1999b: 152-53): “Value formation is as much a democratic activity as is the use of social values in the determination of public policy and social response” (Drèze and Sen 2002: 25). In this third and most original of his three arguments for democracy, Sen identifies an aspect of the capability approach to which the theory of deliberative democracy may contribute by offering a principled account of the processes groups employ to decide certain questions and form their values. What, more precisely, are these sorts of social choices? Although Sen has never listed these choices in one place, an inspection of his writings reveals at least the following:

1. **The choice of agents and participants.** Who should be a member of the group and who or what is to make (further) choices? Should the group make its own choices and make them deliberatively or should it choose to have some other agent or authority make them? Like most participatory and deliberative theorists, Sen assumes that people who are most affected by a decision should make the decision.
2. **The choice of the process of decision-making.** Just as individuals can make their own decisions in many ways (such as coin-flipping, whim, appeal to authority, appeal to expertise, critical reflection) so groups have a choice from among several collective decision-making procedures, including some form of

democratic decision-making. Sen has devoted much of the work over the course of his career to the rational scrutiny of various social choice processes (see, most recently Sen 2002).

3. **The choice of agency versus well-being.** When the community's choice to make its *own* decisions (rather than have someone else make them) is likely to reduce the well-being of its members or vice-versa, it faces a fundamental decision not only about agency but also of agency versus well-being. This choice is the social version of an individual's choice between what Sen calls the opportunity aspect of freedom, which concerns capabilities for functionings, and the process aspect of freedom, which concerns agency and process:

A person may, in a specific case, have more direct control over the levers of operation and yet be less able to bring about what she values. When such a divergence occurs, we can go in somewhat different directions. We may, in many cases, value real opportunities to achieve certain things no matter how this is brought about ("don't leave the choice to me, you know this restaurant and my tastes, you should choose what I would like to have"). But we may also value, in many cases, the process of choice ("I know you can express my views much better than I can, but let me speak for myself") (Sen 2002: 10; see Sen 2004).

A society also has a choice between helping its members achieve their agency goals, such as by building a statue to some citizen's hero (Sen 1992: 71), or, in contrast, by "mak[ing] sure that no one has to starve, or fail to obtain medical attention for a serious but eminently treatable ailment" (Sen 1992: 70-71). If there were only two options (and Sen rejects such a dichotomy), is it better to have a "nanny state" in which the state and its experts both run the show and provide for basic need satisfaction of its passive citizens or a government in

which citizen exercise political agency but achieve a lower level of well-being?

Sen's own judgment is clear, but the decision of the relative weights of agency

versus well-being is one that groups must often make:

The alternative to an exclusive reliance on individual responsibility is not, as is sometimes assume, the so-called nanny state. There is a difference between 'nannying' an individual's choices and creating more opportunity for choice and for substantive decisions for individuals who can then act responsibly on that basis (Sen 1999b: 284).

4. **The choice between functioning and capability.** Within the "space" of well-being, a community sometimes must choose between a functioning, such as its some members being made healthy now (through curative medicine), and a capability, being made free from ill health (through preventative medicine). Decisions concerning aid to immediate versus future victims of massive natural disasters, such as the tsunamis of December 26, 2004, often have this character.
5. **The choice between functionings (or capabilities) now and functionings (or capabilities) in the future.** A community with scant food may have to decide between present and future ill functioning, such being ill-nourished now and being ill-nourished in the future. A militant group in a repressive society may forgo public protest now in order to be free to engage in it in the future.
6. **The choice and weighting of *valuable* capabilities and functionings.** As I argue elsewhere (Crocker 1992, 1995, and forthcoming) once in the "space" of capabilities and functioning, individuals and communities often must decide on those capabilities and functionings that are most valuable, those that are less valuable, those that are trivial, and those that are evil. Nussbaum conceives of the philosopher's task as that of constructing—on the basis of her intuitions and

through critical dialogue with others—an objective but incomplete and revisable list of valuable capabilities to be embodied in the nation’s constitution (Nussbaum 2000). The role that Nussbaum gives to the philosopher and a constitution, Sen gives to the society or group itself. For Sen, a society has the freedom and responsibility to choose which capabilities and functionings are most valuable and to weight or prioritize them for diverse purposes in different contexts. This additional topic for collective choice is justified because, for Sen, we have reason to want to be free of *ex ante* priority rules, algorithmic formulae of rationality (Sen 2002: 49), or even a “unique blueprint for ‘the just society’,” (Sen 1999b: 287). Such weightings would “lock” a group

prematurely into one specific system for “weighting” some of these competitive concerns, which would severely restrict the room for democratic decision making in this crucial resolution (and more generally in “social choice,” including the variety of processes that relate to participation)” (Sen 1999b: 286).

7. **The choice of *basic* capabilities and thresholds.** Not only can a society select certain capabilities as ones that it generally has more reason to value than others, but also it can—for certain purposes—designate some capabilities as *basic*. For Sen a “basic capability” is “the ability to satisfy certain elementary and crucially important functionings up to certain levels.”¹² This exercise, of course, requires that the community decide on a threshold or level, taking into account its level of prosperity and expected external assistance. It is in this context that Sen argues that a community can define what it means by the (basic) needs that social arrangements should meet:

Even the idea of ‘needs’ (including the understanding of ‘economic needs’), which is often taken to be fixed and well-defined, can respond to public

discussion and exchange of information, views and analyses (Drèze and Sen 2002: 25).¹³

8. **The choice between *basic capabilities* and expansion of *all valuable***

capabilities. Alkire correctly identifies a further choice that is only implicit in Sen's writings but one that communities sometimes face, namely between the promotion of basic capabilities and the expansion of all valuable capabilities or freedoms. Alkire remarks,

“[This choice] allows commendation of activities that may be expected to meet basic needs. But it also allows a community to choose to leave some basic needs unmet”(Alkire 2002: 195).

This discretionary power is exactly the sort of thing that Nussbaum's constitutionalism, which I criticize in (Crocker forthcoming), intends to avoid.

9. **The choice to specify general capabilities and functionings.** Supposing that a group selects certain capabilities and functionings as valuable and even basic, it is still free to *specify* its selections in certain ways. It can, as both Nussbaum (2000: 77) and Henry Richardson (2002: 104, 154, 214, 246) argue, reason collectively about ends by specifying these capabilities and functionings, making them more precise.¹⁴ The capability to appear in public without shame can be specified differently in the Costa Rican rain forest than in the Norwegian tundra.

10. **The choice of distributive and other values.** Communities also can and should choose distributive and other values, how to interpret them, and how to prioritize them. Among the values open for a community to decide is that of just or fair distribution (strict equality, proportionate shortfall from one's potential, capability to be above a threshold, non-dominance). But, while important, justice once decided, contends Sen, is not everything, and a community has the freedom to

decide to value and sometimes prioritize other values such as efficiency (the maximizing of the sum of individual advantage no matter how distributed),¹⁵ social cohesion, social stability, social tranquility (freedom from anxiety-producing choices), and compensation for bad luck.¹⁶

Sen makes the same fundamental point for each of these eleven kinds of choice. Each of these types of choice—including the choices of who should make the choices and how should they do so—confronts groups, from the local to the global level. It is clear, as we have seen, that for Sen “public scrutiny and criticism” (Sen 1999b: 30) have a role to play in these valuational debates and that such debate “is a crucial part of the exercise of democracy and responsible social choice” (Sen 1999b: 110). Rather than authorizing rule by philosophers, other experts, or a mere aggregation of citizen preferences, Sen endorses public discussion and democracy.

Sen contends that “the struggle for democracy around the world . . . is the most profound challenge of our times” (Sen 2003: 28) but that the conception of democracy is often excessively narrow. In addition to balloting, which can be an enormous achievement, Sen maintains that democracy should be understood, following John Rawls, as “the exercise of public reason” (Sen 2003: 29). Sen continues that “this more capacious concept [of democracy] includes the opportunity for citizens to participate in political discussions and so to be in a position to influence public choice” (Sen 2003: 29).

But what does Sen mean by public scrutiny and public reason? How does he conceive of the process of public valuational and policy discussion? What, more precisely, are his views on democratic decision-making as a kind of “responsible social

choice?” Who should engage in this process, in what venues, and how should they do – in ways consistent with Sen’s basic value commitments?

Although he gives us hints, it is precisely at this point that Sen needs to go further.

Alkire correctly identifies what is missing:

The problem is that, although Sen regularly refers to the need for explicit scrutiny of individual and social goals, for reflectiveness, value judgment, practical reason, and democratic social choice, he chooses not to specify the possible range of procedures by which valuational issues are to be resolved or by which information on valuations is to be obtained (Alkire 2002: 13).

Sen himself recognizes that the literature on deliberative democracy provides a resource for addressing these questions of democratic procedures and principles. When discussing the “practice of democracy” in both democratic and nondemocratic regimes, Sen observes that people must seize the participatory opportunities that exist. Then he adds that whether or not people take advantage of these opportunities “depends on a variety of factors.” In a formal democracy, these factors would include “the vigor of multiparty politics” while in a nondemocracy or predemocracy the role of opposition parties may be important. Another and related factor, presumably in all societies, would be “the dynamism of moral arguments and value formation” (Sen 1999b: 155-56). Then, in a footnote Sen interestingly continues: “An important factor [in people seizing democratic opportunities] is the reach of deliberative politics and of the utilization of moral arguments in public debates” (Sen 1999b: 329, n 9). Then Sen proceeds to cite leading examples of the then current (1999) works on deliberative democracy.¹⁷ However, although Sen opens the door to an explicit engagement between the capability approach and deliberative democracy, he has only begun to venture through it.

Sen's strong endorsement of democratic "practice," and his distinguishing it from democratic ideals and institutions, is part of his claim that the latter do "not serve as an automatic remedy of ailments as quinine works to remedy malaria" (Sen 1999b: 155). Democracy is not, as the first Mayor Daley allegedly said about another matter, a "pancreas." In addition to the important role of democratic values and institutions, democratic citizens must "make democracy work" by committing themselves to and engaging in the "practice" of democracy. Yet, we must add, although it is true that deliberative politics has an important role in the "practice" of democracy, the *theory* of deliberative democracy can enrich the ideals of democracy, shape new institutional devices, and guide citizens in the practice of democratic deliberation. Or so I shall argue.

Deliberative Democracy

In this second part of the chapter, I argue that there are several ways in which Sen's capabilities approach can benefit from recent work on deliberative democracy. As a working—but not uncontroversial—definition of deliberative democracy, I follow John Rawls:

The definitive idea for deliberative democracy is the idea of deliberation itself. When citizens deliberate, they exchange views and debate their supporting reasons concerning public political questions. They suppose that their political opinions may be revised by discussion with other citizens; and therefore these opinions are not simply a fixed outcome of their existing private or nonpolitical interests. It is at this point that public reason is crucial, for it characterizes such citizens' reasoning concerning constitutional essentials and matters of basic justice (Rawls 1999: 138-39).¹⁸

By considering the way certain deliberative democracy theorists pose and answer questions concerning the purpose, conditions, process, outcomes, and limits of deliberation, we (and Sen) may find resources to enrich his democratic turn in social and

development ethics. Moreover, at least one deliberative democracy theorist, James Bohman, has adapted some of Sen's ideas to solve problems within deliberative democracy (Bohman 1996). It may be, then, that engaging Sen and deliberative democracy will prove beneficial in both directions.

The deliberative democracy literature—both for and against—has in recent years become a cottage industry. It is a heterogeneous literature that sports both different versions and diverse criticisms of deliberative democracy, and some of the former have been formulated to meet some of the latter. In the present chapter I have insufficient space to analyze in a systematic way the merits and weaknesses of the various versions or criticisms, although occasionally I will take sides in particular controversies. Rather my aim here is to identify several key ideas in the deliberative democracy movement that would enable Sen and others to develop an explicitly deliberative-democratic version of the capability approach.

First, I take up the question of the purpose of deliberation, and then, second, explain three ideals that seem to me to be especially important, namely, reciprocity, publicity, and accountability. Third, drawing on these ideals, I explore answers to the question “Who deliberates?” Fourth, I address the question of background conditions that enable group members to deliberate. Fifth, I follow Richardson's reconstruction of the process of deliberation to emphasize that a deliberative group reasons together about what ought to be done by, among other things, forming joint intentions. Finally, I consider the personal capacities and virtues of deliberators.

Deliberative Aims. A popular conception of both actual and ideal democracy is that democracy is a government that holds regular, competitive elections in which the

candidate or issue with the most votes wins (Przeworski 1999; Schumpeter 1942). A somewhat more robust, but still rather minimalist, definition conceives democratic politics as entailing “a rule of law, promotion of civil and political liberties, free and fair election of lawmakers” (Young 2000: 5).¹⁹ The general task of deliberative democrats is to start with the idea that democracy is rule by the people and then deepen and broaden the conception of “rule” by stressing a kind of inclusive and public discussion and by extending popular rule to at least some nongovernmental associations

If such is the goal of deliberative democrats, then how do they understand the aims of deliberative discussion and decision-making? Two aims stand out. First, deliberation aims to solve *concrete* problems or to devise general policies for solving specific problems; (2) deliberation’s goal is to provide a fair way in which free and equal members of a group can overcome their differences and reach agreement about action and policy.

In introducing *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance*, a volume that presents and evaluates four case studies in deliberative democracy, editors Archon Fung and Erick Olin Wright nicely capture the practical or problem-solving orientation of deliberative democracy:

The first distinctive characteristic of the cases . . . is that they all develop governance structures geared to quite concrete concerns. These experiments, though often linked to social movements and political parties, differ from both in that they focus on practical problems, such as providing public safety, training workers, caring for habitats, or constructing sensible municipal budgets. If these experiments make headway on these issues, then they offer a potential retort to widespread doubts about the efficacy of state action. More importantly, they would deliver goods to sectors of society that are often most grievously denied them (Fung and Wright 2003: 16).

Although Sen so far has emphasized that public discussion enables group members to collectively scrutinize and improve their individual and shared values, Fung and Wright stress that “Empowered Participatory Governance” “extends the application of deliberation from abstract questions over value conflicts and principles of justice to very concrete matters such as street paving, school improvement, and habitat management” (Fung and Wright 2003: 15). One advantage of this Deweyan “problem solving” approach, so far not evident in Sen’s work, is that it enables scholars to evaluate institutional experiments in deliberative decision making and “explore strategies to improve its quality” (Fung and Wright: 2003: 15). Another advantage is that the practical orientation of deliberative democracy offers a way to achieve deliberative democracy’s second goal of fairly reducing disagreement among group members: “This practical focus also creates situations in which actors accustomed to competing with one another for power or resources might begin to cooperate and build more congenial relations” (Fung and Wright 2003: 16). Emphasizing deliberative democracy as a problem-solving method does not rule out Sen’s focus on value formation, for sometimes group’s need to go beyond immediate problems to broader and less specific issues. Exclusive focus on, say, street paving, might weaken the deliberative character of the group once the streets are paved. And solving the problem of pot holes may not occur unless the group resolves the deeper problems of redistributive taxation. Yet, as we shall see presently, Fung and Wright’s stress on public deliberation as practical problem solving cautions group members to avoid ascending to value commitments when such ascent polarizes the group or jeopardizes practical agreements.

Deliberative democracy is a collective device not only to solve concrete problems but also to make fair decisions. Here fairness means that *each* member is treated with respect in that each member has the right to make his voice heard and to contribute to the final decision.

A group informed by this second deliberative aim contrasts with a group in which many—the poor or ethnic majorities or minorities—are excluded from the decision-making process. A deliberatively democratic group also contrasts with a group that practices a democratic procedure that is merely aggregative. In aggregative democracy, preferences or interests are formed in private and then expressed and added together in public. The aim of aggregative democracy is to elicit these private and unscrutinized preferences and additively combine them. If all the members prefer the same policy or objective, everyone gets what they want. In the usual cases where group members differ—sometimes radically—in their preferences, mere aggregation means either that the majority (or option with the most votes) wins or there is no non-arbitrary winner due to voting “cycles.”²⁰ In the former case, minority views lose out altogether and a danger of majority tyranny over the minority exists. In the latter case, the lack of a non-arbitrary winner seems to doom democracy and lead to some kind of authoritarianism. Aggregative social choice, as Sen himself sees it, seems to be “inevitably arbitrary or irremediably despotic” (Sen 2002: 69).

In the version of deliberative democracy that I favor, the focus of collective choice is not on preferences (what members want to do) or beliefs (what members believe about the world) but on joint and shared intentions to strive for certain goals and enact certain policies.²¹ The point of deliberation is to provide a fair way for roughly equal

group members to cooperate together and forge—through the give-and-take of proposals, reasons, and criticisms—a reasoned agreement about their goals, values, policies, and actions. As a result, deliberative democracy publicly “transforms” (Young 2000: 26) rather than merely aggregates preferences. Or, more accurately, in order to solve a common and practical problem, group members together make and rationally scrutinize competing proposals for policies and respectfully hammer out mutually acceptable intentions for action.

Rather than presupposing a pre-existing agreement, deliberative democracy assumes that citizens disagree—sometimes deeply and bitterly—about what is to be done. It offers public deliberation as the process by which citizens—who initially disagree and may continue to do so—may generate a social choice. As Gutmann and Thompson put it, “recognizing that politics cannot be purged of moral conflict, it [deliberative democracy] seeks a common view on how citizens should publicly deliberate when they fundamentally disagree” (Gutmann and Thompson 1996: 93). Without clarifying his views of public reason or explaining the process of public discussion, Sen also recognizes that such discussion begins in a context of disagreement:

The ideal of public reasoning is closely linked with two particular social practices that deserve specific attention: the tolerance of different points of view (along with the acceptability of agreeing to disagree) and the encouragement of public discussion (along with endorsing the value of learning from others) (Sen 2003: 31).

Deliberative Ideals. A further contribution of deliberative democracy—especially Gutmann and Thompson’s version—to Sen’s capability approach consists of clarifying and defending three principles that should regulate collectively reasoned agreements: reciprocity, publicity, and accountability. The ideal of reciprocity prescribes

that each group member makes proposals and offers justification in terms that others can understand and could accept: “Deliberative democracy asks citizens to justify public policy by giving reasons that can be accepted by those who are bound by it” (Gutmann and Thompson 1996: 52). Each would do so knowing that the others will do likewise. Reciprocity is an apt term, for it suggests that each make an appropriate response to a good received.²²

The ‘good received’ is that you make your claims on terms that I can accept in principle. The ‘proportionate return’ is that I make my claims on terms that you can accept in principle (Gutmann and Thompson 1996: 55).

The aim, presupposing that the group involves cooperation among equal and free members, is to form an agreement that is mutually acceptable. Ideal deliberators build on whatever common commitments they share or come to share in order to reduce their disagreements. In such reciprocity, each does more than put up with or grudgingly forbear the—perhaps despised—views of others, for each critically engages with the others, making accommodations and sometimes deep compromises in order to fashion something all or most can endorse.

The ideal of publicity likewise is important, and Gutmann and Thompson’s ideal helps us flesh out Sen’s reference to “public” discussion and the importance of “rich” information for rational choice. Publicity demands, among other things, that each member is free to engage (directly or by representation) in the deliberative process, that the process is transparent to all (rather than being done, as Habermas would say, “behind their backs”), and that each knows that to which she is agreeing or disagreeing.

Sometimes, of course, publicity must be set aside in favor of secrecy, but publicity should

be the presumption and any general limits to publicity should issue from public deliberation.

A third ideal for deliberation is that of accountability. Each group member is accountable to all (and not to him or herself alone) in the sense of giving acceptable reasons to the others. It should not be thought that deliberative democracy concerns only face to face groups in which all are directly present in the give and take of reasons. In larger scale deliberative forums, representatives, officials, or leaders “who make decisions on behalf of other people, whether or not they are electoral constituents, should be accountable to those people” (Gutmann and Thompson 2000: 169). Although a representative’s constituents do not directly participate in the course of parliamentary deliberation, constituents rightly hold accountable those who represent them, and the former thereby indirectly participate in the deliberative process of forming joint intentions. Moreover, owing to publicity, constituents can both monitor the course of deliberation and the group’s eventual decision, and through their representatives intervene in the former and challenge the latter.

Accountability extends then not only to one’s fellow group members and their subgroups and not only to those one represents, but also to those in other groups who are bound by the group’s decisions or affected by its actions. Deliberative democrats differ over whether these persons—affected by the group but not members of it—deserve an accounting or even should have a voice or some other role in the decisions that affect them. At least each of two contiguous groups may gain voice in the deliberations of the other by scaling up to form a more inclusive group or by forming a new higher level and overlapping representative group to address mutual problems (for instance, a joint

committee of the US House and the Senate or an inter-county committee for two adjacent counties).

Who Should Deliberate? This last point about voice enables us to identify a third contribution that deliberative democracy can make to Sen's version of the capability approach. If we are to emphasize deliberation and some conception of the ideals that might guide the process of deliberation, then we must answer two related questions: Which groups should practice deliberative democracy and, within the deliberating groups, which members (and perhaps nonmembers) should deliberate and decide? These are large and important questions, and all I can hope to do in this chapter is identify them, urge defenders of the capability approach to take them up, and encourage proponents of deliberative democracy to contribute to their resolution.

I first address the question of the scope or reach of deliberative democracy. The most radical answers would be monistic, for they would either affirm or deny that deliberative democracy should be the ideal for every governmental and nongovernmental group at levels from the local to the global. John Dewey, for example, distinguishes between "democracy as a social ideal and political democracy as a system of government." As an ideal, democracy for Dewey would be "barren and empty save as it is incarnated" in all types of "human relationships":

The idea of democracy is a wider and fuller idea than can be exemplified in the state even at its best. To be realized it must affect all modes of human association, the family, the school, industry, religion. And even as far as political arrangements are concerned, governmental institutions are but a mechanism for securing to an idea channels of effective operation (Dewey 1927: 143).

For a radical deliberative democrat, all groups that currently operate on non-democratic or anti-democratic principles should be targets for internally adopted or

externally promoted deliberative democracy. This list would include families, including patriarchal ones; small scale income generation projects in Afghanistan; associations, such as Augusta National Golf Association; governments (at all levels), such as Iran; international institutions, such as the World Bank; and global institutions, such as the Roman Catholic Church. The trouble with this perspective is that it fails to respect what William Galston (2002) calls “the expressive liberty” of groups to conduct their affairs according to, if they so choose, nondeliberative and nondemocratic principles and practices.

A less radical alternative would be to affirm that democracy, in general, and deliberative democracy, in particular, has limits, for example, in scientific inquiry, judicial review, sports teams, traditional religious communities, or private golf clubs. Democratic deliberation, however, is relevant for, on the one hand, democratic politics and such governing institutions as legislative bodies, administrative agencies, and, on the other hand, nongovernmental groups whose members view themselves as free and equal and engaged in a cooperative enterprise. Even this less radical first-level position that affirms the limits of public deliberation might appeal to democratic deliberation on a second or meta-level. On this second-level approach, the clashes between groups – whether democratic or nondemocratic – as well as the scope and limits of deliberative democracy should themselves be settled by democratic deliberation. Democratic deliberation would, like the turtles mythically alleged to support the universe, “go all the way down.” Are there any nondeliberative bases for challenging the results of deliberation?

Although we might agree that deliberation is one intrinsic good, because it enables people to exercise their agency, we decide when to employ deliberation on the basis of some other principle. Some evidence exists, for example, that a manipulative elite sometimes uses deliberation as a means of dominating others. If so, a group might choose deliberation or a theorist might propose it only if deliberation did not result in domination. (see Shapiro: chaps. 1 and 2). Understanding both deliberation and non-domination as sometimes coincident and sometimes competing intrinsic values seems to be entirely compatible with Sen's value pluralism. It does not respond fully to Galston's challenge of whether respect for "expressive liberty" requires noninterference with and respect for a hierarchical group based on relations of obedience to authority.

Who has the best answer to the question of the limits and applicability of deliberative democracy (and to the second-level question of who should decide)?²³ It is not yet clear, but capability proponents should take up these issues and the various proposals. Which groups should be deliberatively democratic and who should decide this question (and how) regarding the scope of democratic deliberation? These questions raise such further questions as: which members of groups should engage in deliberation?

Some deliberative groups have formed already, some are in the process of formation, and sometimes unaffiliated individuals decide to form a deliberative group. Who in the group—or outside it—should have an (equal) opportunity to deliberate and vote? Should there be a minimum threshold of cognitive ability, perhaps with age as a proxy? Can one forfeit one's right to participate by committing a felony (see Broder 2004: 27)? Should legal or illegal immigrants have a voice but not the right to vote or should the right to vote be extended only to citizens? Should different levels of

citizenship exist? More generally, should those outside the group have a voice in deliberations and a right to vote? What, if anything, should qualify someone to join a citizen's forum whose task is to address a contentious issue such as damming a pristine river or preventing snowmobilers from entering a wilderness used by cross country skiers? Can anyone interested join the group? Is it first come first served? What if more skiers than snowmobilers attend? How small should the decision-making group be kept and who should decide?

One answer to these kinds of questions is to give responsibility to the deliberative body itself and to allow it to debate and decide who should be a member. That answer, however, is not completely satisfying for it already, perhaps arbitrarily, excludes people from deliberation. Alternatively, one might say that anyone *affected* by the group should have a role in its deliberations and decisions, but that might give someone halfway around the world the same deliberative and decision-making status as those in the group. Perhaps these outsiders should be consulted for their view, but should they be treated as equal members with the right to decide? Are Gutmann and Thompson right when they say that "if representatives are accountable to their moral constituents as well as their electoral constituents, deliberative democracy should create forums in which citizens of foreign countries could present their claims and respond to the counterclaims of our legislators" (1999: 273)? Should protesters in Washington, D.C. not only be listened to or consulted, but also be given a vote in the World Bank proceedings about debt forgiveness? Just because a rose cultivation project in Pakistan affects neighbors (some neighbors were envious of the rose cultivators' success), it does not seem to entail that the neighbors should be included in the group's discussions and decisions.²⁴ Again, on a

second-order level, should group membership be decided democratically or in some other way and, if the later, does this option undermine democracy? Shapiro and Hacker-Cordón call this “a chicken-and-egg problem that lurks at democracy’s core” (1999a: 1), and Shapiro more recently observes: “Questions relating to boundaries and membership seem in an important sense prior to democratic decision making, yet paradoxically they cry out for democratic resolution.” (Shapiro 2003: 52). Once more, these are pressing questions being debated by deliberative and other democratic theorists. Sen could benefit from the controversy and perhaps contribute to its resolution.

Enabling Conditions. A fourth way in which deliberative democracy can contribute to the capability approach is to help identify background and institutional conditions that are presupposed by—or, better, conducive to—a group’s democratic deliberation. These conditions coincide with and reinforce institutional arrangements that Sen himself advocates. That they are conducive to democratic deliberation only provides additional justification for their instrumental importance. Richardson has helpfully identified what he calls “institutions needed to preserve the background justice of democratic deliberation,” (2002: 88) especially with respect to the normative equality (to be discussed presently) of deliberators within or between groups. Where these conditions do not exist—because the potential deliberators live in dictatorships, in racist and anti-poor oligopolies, or in failed states beset by civil war—democratic deliberation may exist in underground venues but be exceedingly vulnerable. What, then, are the conditions that contribute to democratic deliberation?

(1) Equal Political Liberty. Equal political freedoms, contends Richardson, means among other things that “each citizen is to enjoy the same freedoms of speech,

assembly, and political participation” (Richardson 2002: 88). These freedoms contribute to deliberator equality and deliberative democracy in local, national, and global venues. These liberties or civil and political rights must be protected and not merely be part of the legal code. Sen concurs: “one of the strongest arguments in favor of political freedom lies precisely in the opportunity it gives citizens to discuss and debate—and to participate in the selection of—values in the choice of priorities” (Sen: 1999b: 30).

(2) Equality Before the Law. This condition affords the same fundamental constitutional rights to each citizen, regardless of ethnicity, religion, class, education, or sexual preference. More generally, this background condition means that no one is justified in claiming to be above the law and no one is beneath the protection of the law. This condition has been and continues to be especially important in the practice of religious freedom and toleration.

(3) Economic Justice. Economic poverty, inequality, and concentration of wealth can impede if not doom people’s freedoms and deliberative participation. Hence, it is important to create just conditions and protect social and economic rights that enable people *individually* and *collectively* to choose the lives they want to lead. As Jean Drèze and Sen argue:

Large sections of the population have very limited opportunities to speak for themselves. The daily struggle for survival leaves them with little leisure to engage in political activity, and efforts to do so sometimes invite physical repression. Lack of formal education and access to information restricts their ability to intervene in public discussions and electoral debates, or to make effective use of the media, the courts, and other democratic institutions. Lack of adequate organizations further enhances this political marginalization (Drèze and Sen 2002: 29; cf. Richardson 2002: 89).

(4) Procedural Fairness. Richardson’s final background condition for equality among deliberators and deliberative democracy is that “the process of democratic debate

and decision must itself be structured so as to allow each person a fair chance to participate and to counteract to a degree the potential influence of disparities in economic and political power” (Richardson 2002: 88). Different measures—to provide fair chances and reduce the threat of elite capture—will be appropriate in different contexts. Campaign finance reform, an abolition of the U.S. Electoral College, and reform of registration and voting procedures would lessen inequality in U.S. national elections. Requiring that one third of members of Afghanistan’s legislature be women is an egalitarian institutional device; enforced limits on deliberator speaking time is yet another.

The objection might be made to the deliberative democrat’s appeal to these background conditions. First, it looks as though the society in which deliberative democracy exists must already be just (have equal political power and economic opportunity) if deliberative democracy is to “work” and promote justice. If such demanding conditions must be in place *before* deliberative democracy is possible, then deliberative democracy is unreasonably utopian, for the conditions are either impossible or unlikely to obtain (see Denuelin 2003).

How should we respond to this charge of unrealistic utopianism? I respond in four steps. First, it is important to concede that deep economic and other inequalities exist in actually existing democracies. For example, an overriding concern of the United Nations Development Programme’s 2004 report on Latin American democracies is that although most of region’s nations have abandoned authoritarianism in favor of democracy, the regions exhibit worsening poverty and inequality. In unjust conditions, economic and political elites often capture democratic institutions and procedures and use them to

protect and even to intensify their social dominance. The result is frequently disillusionment with democracy.

Second, although formal or minimalist democracies often do badly in reducing poverty and inequality, autocracies at the same economic levels do as badly and often worse than their democratic counterparts. Employing a fairly minimalist definition of democracy,²⁵ Halperin *et al.* present impressive evidence that democracies and democratizing states on average do a better job than authoritarian states in reducing poverty and inequality.

Third, as Iris Young—following Frank Cunningham and his notion of a “democratic fix” (Cunningham 1994)—argues, “in formally democratic societies with serious injustices it must be possible to promote social changes towards greater justice through democratic means” (Young 2000: 35) Halperin *et al.* explain this possibility and the “democratic advantage” on the basis of even a minimalist democracy’s accountability, allocation of opportunity, openness (including access to information), stability, and ability to learn (2005: 146-151). Rather than a country first achieving certain enabling conditions for democracy and then achieving democracy, the country gradually may achieve the “enabling conditions,” for instance greater political liberty and economic equality, *by means of* democracy. Sen puts it aptly: “A country does not have to be deemed fit *for* democracy; rather, it has to become fit *through* democracy” (Sen 1999a: 4).

Fourth, the potential for democracy’s reducing political and economic inequality is even greater when a society—in the light of a firm grasp of democratic values—moves beyond formal or minimalist democracy to deepen and broaden its democratic

institutions. The cure, then, for the deficiencies of democracy is not some non-democratic system but more and better democracy. John Dewey put it extremely well in 1927:

We object to the common supposition of the foes of existing democratic government that the accusations against it touch the social and moral aspirations and ideas which underlie the political forms. The old saying that the cure for the ills of democracy is more democracy is not apt if it means that the evils may be remedied by introducing more machinery of the same kind as that which already exists, or by refining and perfecting that machinery. But the phrase may also indicate the need of returning to the idea itself, of clarifying and deepening our apprehension of it, and of employing our sense of its meaning to criticize and re-make its political manifestations (Dewey 1927:144).

The theory and practice of deliberative democracy is precisely an attempt to rethink the ideal and institutions of “rule by the people.” We need not assume that Richardson’s background conditions must be fully attainable or completely in place before roughly free and equal group members can engage in injustice-reducing deliberation. In spite of political and economic inequalities, with the help of what Fung and Wright call “self-conscious intentional design efforts” (Fung and Wright: 2003: 23), such as training in public speaking and reason giving, people *in and through* the deliberative process itself may reduce their differences and promote justice as they together forge answers to practical problems. In deliberative venues as “schools of democracy,” they may learn (to deliberate and promote justice) by doing (deliberating justly).²⁶ Gianpaolo Baiocchi submits evidence that one of the important experiments in deliberative democracy, that of participatory budgeting in Porto Alegre, Brazil, has had the outcome of reducing member inequalities and the occurrence of domination:

Despite significant inequalities among citizens, the didactic features of the [Porto Alegre] experiment have succeeded in large part in offsetting these potentials for domination. This confirms the expectations of democratic theorists who, while assuming that persons may come to deliberative settings with certain inequalities, expect that over time participation will offset them (Baiocchi 2003: 52).

The Porto Alegre experiment also shows that the participatory budgetary exercise itself has been “highly redistributive” (Baiocchi 2003:67), contributing to the conditions that in turn help enable deliberative democracy. Deliberative democracy often results in the bringing about of conditions that in turn contribute to more egalitarian distribution and deliberation. This point reinforces and gives empirical support to Drèze and Sen’s point that there is a “virtuous circle” of “achieving greater equity,” on the one hand, and citizen participation or “democratic practice,” on the other: “A reduction of inequality both contributes to democratic practice and is strengthened by successful practice of democratic freedoms” (Drèze and Sen: 357). The conditions for deliberative democracy can be built through the practice of such democracy.

Process of Deliberative Democracy. A fifth contribution that deliberative democracy can make to the capabilities approach is to enrich—by making more concrete and detailed—the capability account of the process of public discussion and decision making. It is at this point that the recent work of Henry Richardson becomes particularly relevant. One of Richardson’s innovative contributions to deliberative democracy is to recast the understanding of the deliberative democratic process from a focus on preferences—regardless of whether simply aggregated or transformed through discussion—to a focus on partially joint intentions and shared ends for concrete action (see Richardson 1997; 2002: ch. 10). One advantage of the intention/action perspective is that it enables us to see deliberation as a kind of practical reasoning in the sense that deliberators reason together about what the group (and they as individuals) ought to do. The aim is to agree on, or fashion together, not beliefs about the world or ultimate values but a plan or policy (end plus means) to which all can agree and act to realize.

I turn now to Richardson's modeling—in terms of reasoning about and deciding on partially joint intentions—of “collective, political deliberation by individual reasoners with potentially distinct views” (Richardson 2002: 162). For Richardson, joint intentions are the outcome of a four stage process of “formulating proposals; discussing their merits; coming to an informal agreement; and converting informal agreement into official decision” (Richardson 2002: 164). It is appropriate that Richardson designates each stage with a gerund, for public deliberation is a practice or complex action, structured by norms, whose outcome is a joint intention to act (or an agreement to disagree).

(1) Formulating Proposals. If, instead of deliberation, social choice were merely the aggregation of private preferences, we might just vote consult preferences in a relevant focus group. Or we might collect our preferences and those of others, ask about willingness to pay for a benefit, and accept compensation for a burden. Or we might forsake mere aggregation and either defer to some wise man or expert or obey a dictator or religious leader with respect to what the group should do. If we had nothing but a fair procedure, each of us might try to outdo other group members by influencing them more than they influence us. Finally, a group might try to eliminate deliberation by uncritically appealing to the nation's constitution or its judicial interpreters.

Richardson, however, reframes our group task as that of reasoning together to fashion an answer to what we collectively ought to do. We begin when one (or a subgroup) among us makes a proposal to the rest. Even prior to that initial proposal, a point that Richardson neglects, it may be useful for the group to brain storm about the nature of the problem it faces and some possible solutions (Fung 2003:118). When a proposed solution is made, it is an individual—and not some big collective deliberator or

general will—that makes it. Although the proposal may (or may not) also express private preferences or desires, the act of proposing what *we* ought to do is a *public* act, the performance of which the others are aware of and the content of which others can grasp. Each and every group member is free to make proposals, for each has equal status as a source of claims and as a group member. I face other group members not (merely) as enemies to be hated, or persons to be disapproved of, or rivals to be bested but (also) as fellow citizens in a cooperative scheme. In spite of our differences, the ideal of reciprocity, as well as my respect for each member's dignity and autonomy, demand that what I propose to others is something that they understand (no foreign languages in the absence of translators) and either do or could accept (given appropriate reasons). I also would require the same from them.

Finally, although my proposal is about what we should do together, to make the proposal honestly is also to indicate my willingness to do my part in carrying out the plan and my promise to do so if my proposal gains acceptance. The making of such a promise, of course, would be contingent, negatively, on encountering no unforeseen obstacles as well as, positively, on others (who accept the proposal) freely agreeing to do their parts. The making of one proposal often results in the making of additional proposals, whether they are modifications of the first or rivals to it. This brings us to stage two.

(2) Arguing the Proposals' Merits. In deliberative democracy, those who make proposals give reasons for the actions or policies they favor, and the members engage in a deliberative give-and-take to identify the strengths and weaknesses of the proposal. Here it is important to connect the notion of a proposal with the concept of intention as a sort of means-end package.

In making a proposal I offer reasons for its acceptance (and perhaps reasons for my reasons). Other group members do not just listen to or record my proposals (as vote counters might register my vote, as interviewers might record my expression of willingness to pay, or as focus group members might acknowledge my opinion). Rather, each member has the opportunity to scrutinize rationally both means and ends. Others may defend my proposed action but as a means to additional or alternative ends. Or they may reject my proposal in favor of what they take to be a better means; they may reject my intention altogether and propose different actions and ends. Agreeing with Jürgen Habermas, Richardson criticizes exclusive reliance on instrumental thinking that takes ends as given and reasons only about the most efficient or effective means. Practical reasoning should assess ends, for we often differ on and decide about not only “know-how” but also on “know-whether.” Going beyond Habermas, Richardson gives an account in stage 3 of how, more specifically, we can reason about ends.

Such assessment of ends often leads back to what Richardson (2002: 12) calls “final ends”—ends which are valued in themselves (whether or not they are also valued instrumentally). One way to interpret these final ends is as different interpretations of a public good, not as something independent waiting to be discovered but as something to be hammered out or agreed to through discussion. Democratic deliberation, however, need not and often should not push back (or down) to one’s *ultimate* ends in the sense of those highest goals in one’s goal hierarchy. The principle of reciprocity requires that I offer only reasons that my fellow deliberators can understand and accept, and ascending to ultimate ends or reasons often prevents the group from forming an intention to act.

Here Richardson departs from Rawls's as well as Gutmann and Thompson's notion of "public reason," however; for, unlike them, Richardson (2002: 82) permits deliberators to *supplement* (not *replace*) their publicly accessible reasons and values with a public profession of their ultimate values—for instance, religious values—presumably when these ultimate values may help other members understand where a person is "coming from."

Richardson's view is a promising third way between (i) Habermas's view (1995) that there should be *no* restrictions on the content of what is offered in public deliberation, and (ii) Rawls's contention (1999: 140-148) that the idea of "public reason" should filter out whatever other citizens are unable to accept.²⁷ To respect my fellow citizen I should welcome his (or her) attempt to *clarify or explain* (not justify) his proposal (and its reasons), even if that means he does so by appealing to matters he knows I cannot accept. To respect and tolerate me, he may profess belief in God's will as a way of helping me understand his proposal, but if he knows I am a non-religious person, he should not offer this profession as a way to *justify* his proposal. To do so would be to disrespect me as one he knows to be non-religious. If I argue that a particular action (if not "everything") is permitted because God does not exist, not only does my conclusion not follow from my premise but my premise also is one with no chance of being accepted by the theist and, in fact, disrespects the him or her.

(3) Coming to an Informal Agreement. In Richardson's account of deliberation, the first two stages give the deliberators an abundance of riches. Group members may offer competing proposals about what to do, but the proposed actions and reasons (ends and values) submitted may be significantly, even radically, different. How

does Richardson's version of deliberative democracy deal with these differences? How can the many, especially when heterogeneous, be reduced to a one that yields unitary collective action? Here is one place that deliberative democracy advances beyond balloting and majoritarian democracy because, in stage 3, deliberation includes several ways in which (most) group members (both majority and minorities) respectfully and tolerantly cooperate together to forge a joint intention.

One way to form a joint intention, contends Richardson, is to agree on the same action and policy and yet agree to disagree on its justifications: "We may all agree on what ought to be done but each have quite different reasons for coming to this conclusion" (2002: 173). Cass Sunstein terms an agreement of this sort an "incompletely theorized agreement on particular outcomes" (2001: 57). It is, I believe, a particularly effective way to practice tolerant deliberation in the face of deep valuational disagreement.

Alternatively, we may seek out intermediate final ends that lead to the same policy but do not rank high in our hierarchy of ends, and in any case we refuse to advance together to the realm of potentially divisive or "hot button" higher-order final or ultimate ends.²⁸ Or, we may we may deliberate about two competing final ends, at least one of us showing the other that there is good reason to be guided by the hitherto neglected end. We may agree on a final end, disagree on its specification, and through give-and-take come to agree on one of the competing specifications or together invent a new and more comprehensive specification that does justice to both sides. Furthermore, deliberators may creatively and collectively fashion a new and higher-order end that can be specified

in two complementary lower-order ends. Finally, and most radically, through what Richardson calls “deep compromise,” ends can be refashioned rather than held as fixed:

Deep compromise, by contrast [with “bare compromise,” which is only a change in means] is a change in one’s support of policies or implementing means that is accompanied and explained or supported by a change in one’s ends that itself counts as a compromise (2002: 147).

The joint intention (action, whether or not combined with justifying reasons) that is agreed to is not just a set of individual intentions to perform a similar action. Rather, it is an agreement to do something together, and this “togetherness” means that: “(1) each of the parties intends to do his or her part as required by the joint plan; (2) each of the parties believes that the joint action can be carried out if enough do their parts; and (3) these intentions and beliefs are common knowledge” (Richardson 2002: 165).

Why would fellow deliberators want to adopt one of these ways to handle disagreement about ends, especially that of deep compromise? Richardson offers two plausible motivations. First, through increased information that discussion brings to light, one or more members may become convinced that the limited available means require a change of ends or that past attempts to realize a given end resulted in unintended and unanticipated effects that now should be avoided (see Sen 1999b: 256-261). Richer information about facts leads to refashioning of values. Second, deliberators, as free and equal partners informed by the ideals of reciprocity and toleration in a fair cooperative enterprise, are obliged to be responsive to and—within limits—to accommodate each other’s ends (Richardson 2002: 172). More work is needed on the limits of toleration, especially in relation to dogmatically held or intolerable—for instance, racist or sexist—ultimate beliefs.²⁹

Does, asks Richardson, this affirmation of an obligation based on a debt of gratitude “pull a normative rabbit out of a positive hat?” (2002: 172). Not if we accept the principle of reciprocity and the notion that “I, in turn, owe you” is a fitting response when you assume a burden or bestow on me a benefit. A balance obtains between self-interest and obligation.

(4) Converting Informal Agreement into Official Decision. Majoritarian democracy emphasizes majority vote and downplays or neglects public discussion leading up to the vote. In contrast, deliberative democracy emphasizes the first three stages of the deliberative process and views majority vote as one means to obtain official conversion (stage 4) of the informal mutual agreement already achieved (stage 3). Rather than an aggregator of preferences, voting in deliberative democracy is a “closure device” (Richardson 2002: 204) that expresses or acknowledges acceptance of a proposal and commitment to a joint intention, including one’s role in executing it. Sometimes in face-to-face groups voting is a mere formality, for it is readily apparent that most if not all members have already agreed to a joint intention. The informal agreement is acknowledged and in a sense ratified, for example, when a Quaker-style moderator formulates what he or she takes to be “the sense of the meeting” and no one objects. At other times, especially in large and even nation-wide groups, a vote indicates that more members are for than against a proposal (or more are for one proposal rather than another). Those in the majority will have tried but failed to accommodate sufficiently the minority to the joint intention, making it partially rather than completely joint. There are deliberative disagreements as well as deliberative agreements. Minorities, however, can often accept the results insofar as the process was fair—they had their say—and the

majority tried to accommodate (and perhaps partially succeeded in accommodating) what turned out to be minority views. The result is a *partially* joint intention that gains legitimacy from a fair substantive process – even though not everyone voted for it or some voted against it.

It is astonishing the extent to which Dewey anticipated this view of the relation of deliberation to the majority vote:

The man who wears the shoe knows best that it pinches and where it pinches, even if the expert shoemaker is the best judge of how the trouble is to be remedied A class of experts is inevitably so removed from common interests as to become a class with private interests and private knowledge, which in social matters is not knowledge at all. The ballot is, as often said, a substitute for bullets. But what is more significant is that counting of heads compels prior recourse to methods of discussion, consultation and persuasion, while the essence of appeal to force is to cut short resort to such methods. Majority rule, just as majority rule, is as foolish as its critics charge it with being. But it never is *merely* majority rule. As a practical politician, Samuel L. Tilden, said a long time ago: ‘The means by which a majority comes to be a majority is the more important thing’: antecedent debates, modification of views to meet the opinions of minorities, the relative satisfaction given the latter by the fact that it has had chance and that the next time it may be successful in becoming a majority. . . . The essential need, in other words, is the improvement of the methods and conditions of debate, discussion and persuasion” (Dewey 1927: 207-208).

Radical participatory democracy rejects voting because it allegedly violates the rights of the losing side(s) and sets people—as competitors—at odds with each other. Instead, radical democrats urge that deliberation continue until there is absolute consensus or complete unanimity. Then everyone in fact would get what they want, people would not be set at odds with each other, and a majority would not tyrannize a minority. In fact, rule by consensus can be more tyrannical than majority voting, for one or a small number of dissenters can block a decision to make changes. As Richardson points out, the consequence of rule by consensus is that the status quo, no matter how

unjust, is “unduly privileg[ed]” (2002: 205). Furthermore, as Gutmann and Thompson observe (1996: 32-33), a decision on when to use majority rule and other decision rules, such as the unanimity rule in juries, executive action, or parental authority, should itself be a matter of public deliberation rather than imposed by the individual or faction that controls the agenda.³⁰

Several reasons converge to make Richardson’s four stage process both morally attractive and an appropriate specification or consistent development of some of Sen’s commitments. First, the positive valuation of the *outcome* of the deliberative process—a partially joint intention—is coupled with the positive evaluation of the *process* itself. Just as a soccer team committed to fair play wants not only to win, but to win fairly, so a deliberatively democratic community values not only a joint intention but also the fair process by which group members generate that intention. Richardson’s stages are a nice illustration of Sen’s notion of a “‘comprehensive outcome’ that incorporates inter alia the process through which the ‘culmination outcome’ [the joint intention] comes about” (1999b: 27). Second, the so-called “impossibility” or arbitrariness of combining individual preferences into a social function may be able to be avoided if deliberators are conceived as fashioning—in and through the giving and sifting of proposals and reasons—(partially) joint intentions and (sometimes) shared ends.

Third, Richardson’s focus on joint intentions enables us to avoid the equally unpalatable extremes of, on the one hand, collapsing individual deliberators into one organic deliberator or, on the other hand, elevating individual intentions to the detriment of joint intentions. Richardson’s insight is that joint intentions grow out “of what each of us, as distinct individuals, think ought to be done” (2002:164) but also enable us to act in

concert, with each of us having responsibilities to do her share. Another way of making the point is to say that that Richardson has found a “way of conceiving of public decision-making that is at once sufficiently cognitive to make it truly deliberative and also sufficiently responsive to the positions of individual citizens to count as democratic” (Richardson 1997: 359). Finally, Richardson’s account of the course of practical reasoning enables him to do justice to the way in which deliberation usually builds on present commitments but also—through deep compromise and innovation—may creatively forge novel purposes that at least a majority of participants can endorse.

Deliberator Capacities and Virtues. So far I have explored the resources of deliberative democracy for understanding the aims, ideals, groups and group membership, background conditions, and the process of deliberation. But I have said little about the kinds of persons who would make competent and virtuous deliberators. What sorts of skills and virtues should deliberators have and how might they be acquired?

Bohman has offered an answer to the question of deliberator skills in the context of his adapting some of Sen’s ideas about well-being to generate an ideal of political—in contrast to moral—equality. For Bohman, citizens in a democratic society should be politically equal in the sense that they at least cross a threshold of minimal “political functioning” and “effective social freedom.” (1996, 1997). Just as Sen stresses that economic equality should be defined in the metric of basic functionings such as adequate nutritional well-being and health and the capacities for such functionings, so Bohman urges deliberative democrats to view qualitative political equality as a certain level of political functioning and capacities. A person would be politically poor if he or she were not able to function above the minimal threshold.

Faithful to the spirit of Sen's approach, Bohman conceives political participation as one way in which our lives go well (or function in a way that we have reason to value). But Bohman also advances beyond Sen in two ways. First, he provides a detailed description of specific capacities or skills that contribute to political functioning. Secondly, he argues that in opposition to equality of resources, equal access to resources, or equality of opportunity, "only equality of political capacities makes deliberation fully democratic" (Bohman 1996: 109). In this context I am interested in Bohman's first adaptation, supplemented by some of Richardson's and my own ideas.

Space permits me to do little more than list the sorts of skills that good deliberators would have for minimally adequate "political functioning" (Bohman 1996: 124, 12). These includes (i) the skill of initiating public dialogue or making proposals about an issue such that one's reasons "receive deliberative uptake" (ibid.: 110);³¹ (ii) the ability to engage in argument and counter-argument—what Richardson terms "sift[ing] reasons and arguments"—in order "to figure out what really ought to be done" (Richardson 2002: 76); (iii) skills in framing and reframing a debate, showing that some dichotomies are neither exclusive nor exhaustive, and finding ways to harmonize proposals and compromise values; (iv) an ability for persuasive but not manipulative rhetoric (ibid.: 90). A further topic to be addressed would be the merit of different ways that citizens most effectively acquire these skills—for instance, formal and informal education, "learning by doing" (participation in deliberative processes), and civic empowerment movements (ibid.: 92; see also Stromquist 2003).

It is clear that group members differ significantly with respect to these deliberative capacities—just as they may differ with respect to economic power and

social status. It is also apparent that it is difficult, if not impossible, to formulate a quantitative measure of when someone has crossed a minimal threshold of being able to make proposals and so forth. This difficulty, however, should not—as it is in danger of doing—lead Richardson to revert to a realism about extant differences that rejects “direct approaches” (2002: 89) to promoting the social ideal of equal (basic) political capacities. He rightly insists that “the basic institutions of society should be arranged so as to support the capability of each citizen to engage meaningfully in democratic deliberation” (2002: 89). But his list of these institutions surprisingly does not include both formal and informal educational institutions and capacity-building initiatives, which may play a direct role in nurturing and improving citizens’ deliberative capacities. The experiments in Empowered Participatory Governance function as “schools of democracy” for group members to acquire or improve the skills important to democratic citizenship and deliberation (Fung and Wright 2003: 23, 56, 119-28).

In addition to capacities that contribute to an individual’s political functioning in democratic forums, the practice of democratic deliberation requires that group members exhibit and are motivated by certain excellences of character or civic virtues. Gutmann and Thompson have made the most significant contribution to this topic. They propose three deliberative virtues of democratic citizens: (mutual) respect, civic integrity, and civic magnanimity. Although the development of the point is beyond the scope of the present chapter, to Gutmann and Thompson’s list I would add the virtue of tolerance and suggest that deliberative tolerance combines aspects of the other three virtues. This sort of tolerance has an important role to play when citizens strongly disapprove of each other’s opinions, beliefs, or way of life (see Crocker 2004; Oberdick 2001).

A virtuous deliberator respects other group members in the sense that—though she (or he) might not like the others and have profound disagreements with them—she has “a favorable attitude toward, and constructive interaction with, the persons with whom one [she] disagrees” (Gutmann and Thompson 1996: 79). The virtuous citizen respects her fellow citizens (and fellow human beings) by trying to understand and honestly evaluate their proposals and their evaluations of her own proposals. Informed by the principle of reciprocity, the admirable deliberator respects others by making proposals and offering reasons for them that fellow citizens understand and in principle can accept.

In addition to respect for fellow citizens, virtuous deliberators demonstrate civic integrity. Virtuous deliberators express civic integrity when they are sincere and honest, putting forward the proposals and reasons they do because they believe them and not (merely) for strategic reasons. Civic integrity also means that deliberators practice what they preach and accept the practical implications of their moral principles. Finally, civic integrity does *not* mean that one has to hold dogmatically to the core of one’s values or ends, for—through the deliberative process itself—one can freely fashion new values (and a new personal identity).³² This creative refashioning occurs when constructive engagement with the other expresses a third virtue, namely, civic magnanimity.

Deliberators demonstrate civic magnanimity by the attitudes they have toward the proposals, reasons, or ends of those with whom they disagree or disapprove. First, deliberators treat each other’s proposals and positions as expressing their sincerely held moral views rather than as a cover for a political strategy or economic interest. Virtuous deliberators assess the merits of each other’s *arguments* rather than—as is typical of many US talk shows—engage in *ad hominem* attacks. Second, civic magnanimity

requires the virtue of open-mindedness, for the person with whom I initially disagree may turn out—on further reflection—to have a better idea or something surprising to contribute to a partially joint intention. And “willingness to search for deep compromise is a particularly important form of open-mindedness” (Richardson 2002: 187). This virtue also demands, as we have seen, that we focus on deliberative solutions to the problem at hand rather than offering foundational principles sure to be rejected by our fellow deliberators. The magnanimous deliberator also hears out others when they *explain* themselves by referring to beliefs inaccessible or unacceptable to some of their interlocuters. Put positively, citizens are magnanimous when they “try to minimize the range of their public disagreement by promoting policies on which their principles converge” (Gutmann and Thompson 1996: 89)—even though those principles are well short of their high ranking or ultimate principles. Civic magnanimity contributes to a deliberative reconstruction of tolerance by enjoining the tolerant deliberator to be open to the possibility that her initial preferences might be transformed in and through the deliberative process itself.

Many are the personal and social factors that make these deliberative virtues difficult to acquire, maintain, and exhibit. However, although I cannot argue it here, I would contend that civic education, exemplary persons, and initiation in deliberative processes themselves—all have a role in overcoming these obstacles and promoting these civic virtues.

Without participants with the “right stuff,” the deliberative approach to democracy might not manifest respect for persons, result in mutually acceptable decisions, or promote justice. As Jean Drèze and Amartya Sen remark, in addition to

importance of the democratic ideals and institutions of (deliberative) democracy, democracy requires that citizens must “make democracy work.” (2002: 347-52). If deliberative democracy is to be put into practice, it requires group members with certain sorts of skills and virtues. Deliberative democrats Bohman, Gutmann, and Thompson offer proposals for the nature of those skills and virtues that flesh out the defense of deliberative democracy and supplement Sen’s suggestive but brief discussion of “individual freedom as a social commitment” (Sen 1999b: 282).

Concluding Remarks

Amartya Sen’s capability approach, I have argued, requires democracy conceived as “open public reasoning” (Sen 2003: 33) about matters of social concern. Sen himself urges that this deliberative ideal of democracy be built into our conception of the ends as well as the means of development, whether in “developed” or “developing” countries:

Such processes as participation in political decisions and social choice cannot be seen as being—at best—among the *means* to development (through, say, their contribution to economic growth), but have to be understood as constitutive parts of the ends of development in themselves (1999b: 291).

Not only should this emphasis on public reason change how we engage in the theory and practice of “development,” it should also change how we think about equality and justice. Sen’s own answer to his famous question “Equality of what?” (Sen 1980) is not only an equality of democratically-decided basic capabilities but also, and more importantly, equality of agency or process freedoms. As a result, rather than offering one theory designed to best the others or to yield a definitive blue print of “the just society,” Sen takes the ball away from philosophical theory and throws it to an agency-oriented

conception of democratic decision making. In an important passage, already partially quoted, Sen states:

At the level of the pure theory of justice, it would be a mistake to lock prematurely into one specific system of “weighting” some of these competitive concerns [such as “weights” to be given to various capabilities or to aggregative versus distributive concerns], which would severely restrict the room for democratic decision making in this crucial resolution (and more generally in “social choice,” including the variety of processes that relate to participation). Foundational ideas of justice can separate out some basic issues as being inescapably relevant, but they cannot plausibly end up, I have argued, with an exclusive choice of some highly delineated formula of relative weights as being the unique blueprint for “the just society” (999b: 286-87).

Sen also contends both that “the value of public reasoning applies to reasoning about democracy itself” and, following Dewey, that “the defects of democracy demand more democracy not less” (Sen 2003: 34). I have also argued that that the academic theory and institutional practice of deliberative democracy has much to contribute to Sen’s own capability approach and to the public discussion about the ideals, institutions, and practice of democracy. Deliberative theorists and scholars of deliberative experiments have enriched public discussion with respect to the aims, norms, enabling conditions, process, and limits of deliberative democracy as well as the capacities and virtues of deliberative citizens. As Sen and others informed by the capability approach contribute to the public debate about democracy, they will benefit much from the challenges, concerns, insights, and limitations of deliberative democrats. The resultant public debate about the ends and means of democracy and democratization will, one hopes, also contribute to meeting our greatest national and global challenge— developing deeper, more inclusive, and more resilient democratic institutions and ways of life.

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Notes

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¹ Crocker 1992, 1995, and forthcoming.

² See also Sen 1985: 203–41; Sen 1999b: 4, 11, 17–18, 53, 190–91, 281, 287–88; Alkire 2002: 6, n. 18; 9.

³ G. A. Cohen makes this mistake when he charges Sen with "athleticism," (1993: 25–26).

⁴ See Pettit 1997.

⁵ See Sen 1999b: 148; Sen 1999a: 9–11; and Drèze and Sen: 2002: 24–25.

⁶ I borrow the terms "breadth," "depth," and "range" from Carl Cohen 1971. See also Stojanović (1993) and Crocker (1983: 293, 299–300).

⁷ See also Sen 1999b: 241; Sen 2004: 335–36.

⁸ Daniel Little (2003: 222) usefully clarifies two of the "tenets of normative democratic theory": "the universal citizenship principle" and "the liberty principle and the equality principle." The former holds that "All adult members of the collectivity ought to have the status of citizens (that is, there should be no restriction in political rights for different groups of people within the polity)." The latter affirms that "All citizens ought to have the broadest set of political rights and liberties possible, compatible with the extension of equal rights to all."

⁹ Drèze and Sen 2002: 347.

¹⁰ Another question with respect to the Huaorani in the context of Ecuador and the Amazon, of course, is how the Huaorani and other Amazonian tribes but also other affected groups—including the Ecuadorian, other national governments and the transnational oil companies—can and should decide collectively and fairly the fate of the region as well as reap the instrumental benefits of democracy. Needed are principles for deciding who comes to the table, sets the agenda, and deliberates about the ends and means of policy.

¹¹ For arguments for and against the claim that democracy promotes justice, equality, efficiency, and freedom, see Shapiro and Hacker-Cordón 1999. Fareed Zakaria (2003) argues that (illiberal) democracy often diminishes liberty. Robert Kagan (2003: 27-37) critically reviews Zakaria's volume. For a massive and rigorous study on what the evidence shows (and does not show) with respect democracy's effects on economic growth and human development, see Siegle 2001. See also Halperin *et al.* (2005).

¹² This passage is evidence that Nussbaum is mistaken when she says, "Sen nowhere uses the idea of a threshold" (Nussbaum 2002: 12).

¹³ See also Sen 1999b: 153-54.

¹⁴ Nussbaum 2000: 77; Richardson 2002: 104, 154, 214, 246.

¹⁵ Sen 1992: 146-47.

¹⁶ Alkire 2002: 92.

¹⁷ These include the following: Habermas (1994); Benhabib (1994); Bohman and Rehg (1997); Fishkin (1971); Dahrendorf (1988); Hamlin and Pettit (1989); Sunstein (1993); and Gutmann and Thompson (1996). Among the most important volumes defending or evaluating deliberative democracy that Sen does not cite (many of which were published after 1999), are in the order they appeared: Bohman (1996); Cohen (1989, 1996); Elster (1998); Macedo (1999); Shapiro and Hacker-Cordón, (1999a, b); Paul (2000); Young (2000); Sunstein (2001); Richardson (2002); Fung and Wright (2003); Shapiro (2003); Ackerman and Fishkin (2004); Fung (2004); Gutmann and Thompson (2004); and Leib (2004). In his 2004 essay "Elements of a Theory of Human Rights" (2004: 349, n. 57 and n. 58), Sen cites Cohen (1996) and Gutmann and Thompson (1996) in relation to deliberative democracy and public reasoning, respectively.

¹⁸ Joshua Cohen, in an essay that helped initiate the recent deliberative democracy movement, says: "By a deliberative democracy, I shall mean, roughly, an association whose affairs are governed by the public deliberation of its members" (1989: 17). Cf. Amy Gutmann and Dennis Thompson's definition: "Deliberative democracy is a conception of democratic politics in which decisions and policies are justified in a process of discussion among free and equal citizens or their accountable representatives," (2000: 161).

¹⁹ Cf. Diamond 1999: 1-19.

²⁰ "Cycling" refers to the way in which, as Sen puts it, "majority rule can be thoroughly inconsistent, with A defeating B by a majority, B defeating C also by a majority, and C in turn defeating A, by a majority as well" (Sen 2002: 68). See also Mackie 2003.

²¹ See Richardson, "Democratic Intentions," in Bohman and Rehg 1997: 349-82 and Richardson 2002: 162-76.

²² Gutmann and Thompson rely on Lawrence Becker's concept of reciprocity as "making a proportionate return for good received"; see Becker (1986: 73-144). The principle, however, may plausibly be pitched on a more abstract level to include proportionate responses to bads as well as goods received; see J. L. Crocker (1992: 1059).

²³ Gutmann and Thompson discuss these issues in (Gutmann and Thompson 2004: 116-38).

²⁴ See Alkire 2002: 271-77.

²⁵ Halperin *et al.* define democracies as "those countries that have met the relatively high standards of having instituted genuine checks and balances on executive power and created mechanisms for popular participation in the political process" (Halperin, Siegle, and Weinstein 2005: 66).

²⁶ Compare Fung and Wright 2003: 28, 32; Baiocchi 2003: 56-58; Drèze and Sen 2002: 362-63.

²⁷ John Rawls 1999: 140-48. For an analysis of these two options and an argument for the second, see Guariglia (2001: 147-55).

²⁸ Cf. Sen: "A consensus on public decisions may flourish so long as the exact grounds for that accord are not very precisely articulated" (Sen 2002: 558), quoted by Alkire 2002: 92-93). See also Sunstein (2001: 56-58 and 1999: 123-50).

²⁹ I explore these issues in Crocker 2004.

³⁰ Gutmann and Thompson 1996: 32-33.

³¹ Bohman, borrowing from Austin (1955), defines "'deliberative uptake' among all the participants in deliberation" as "deliberation on reasons addressed to others, who are expected to respond to them in dialogue. This uptake is directly expressed in the interaction of dialogue, in give and take of various sorts" (Bohman 1996: 59).

³² Sen (1998, 2000) has rejected convincingly identity determinism and essentialism and argued for our human ability to shape and transcend our (multiple) identities and freely create complex identities. Cf. Young (1997).

