

The Capability Approach and Deliberative Democracy*

In this chapter I argue for three claims. First, Sen’s normative assumptions—the concepts of agency, capability, and functionings, which I analyzed, evaluated, and applied in earlier chapters—enable him to argue persuasively for democracy’s three-fold importance. Second, Sen’s capability approach to social ethics and international development requires democracy conceived as public discussion as well as fair and free elections. Third, Sen’s conception of democracy and democratically-oriented development 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. In the next chapter, I apply a deliberative version of the agency and capability approach to local development projects. In the

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volume's last chapter, I show how development ethics would employ this approach in arguing for the democratization of globalization as well as the globalization of democracy.

Sen's Capability Approach and Democracy

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. Although democratic decision-making has been a background theme in much of Sen's earlier work, it is especially in *Development as Freedom*,¹ "Democracy as a Universal Value,"² (with Jean Drèze) *India: Development and Participation*, 2nd ed.,³ and *the Argumentative Indian: Writings on Indian History, Culture and Identity*⁴ that Sen makes explicit his commitment to democracy conceived as public discussion and democratic decision-making.

Agency and Well-being, Freedom and Achievement.

In Chapter 5 above, I offered a detailed interpretation of the normative "foundation" of Sen's capability and agency approach to development, namely, his cross-cutting distinctions of agency and well-being, on the one hand, achievement and freedom, on the other.

One is an agent when she deliberates and decides for herself, acts to realize her aims, and, thereby, make some intentional difference in the world. Depending on the traits of a person, for example, whether they are cognitively impaired, a person has more or less agency. Depending on the setting, humans are more or less free to exercise their

agency. Sen appeals to our considered judgments that it is good for people to reason about, make conscious decisions, and be in charge of their own actions rather than be mere pawns in a cosmic, natural, or social chess game. Among the option for human action is that of promoting or protecting those ways of living and freedoms (functionings and capabilities) that the agent has reason to value, such as adequate health and the freedom for good health. The well-being, with which an agent is concerned, may her own or that of other people. I may be an agent in promoting, ignoring, or undermining my own well-being or that of other people. When I exercise my agency to help others or when others exercise theirs in order to help me, the help may either focus on the recipient's agency (to help himself) or the help may cause the one helped to be a passive recipient. The contrast with being an agent is that of a person acted upon, without say or control, by other persons or impersonal forces.

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 Before analyzing and evaluating each of these justifications and relating them to Sen's key ethical notions, 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.⁶

This definition of democracy 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. To supplement Sen’s account of the demanding ideal of democracy, I offer a scalar account of the concept. Democracy is a more-or-less rather than an either-or affair. Groups are more or less democratic or, perhaps better, function more or less democratically along four dimensions: breadth, depth, range, and control.⁷

Democracies differ with respect to *breadth*. In the early days of the US, democracy was very narrow, for only white male landowners had the vote. More demanding is an inclusive democracy in which there is “widespread actual participation, including the most disadvantaged” and an “equitable distribution of power.”⁸

Democracies also differ with respect to *depth*. In shallow democracies, citizens—if they vote at all—do little more than vote. Deeper democracy requires modes of participation in addition to balloting and majority rule, for example, free discussion and the give and take of opposing arguments. It is especially with this aspect of democracy, that the theory and practice of deliberative democracy has made its greatest contribution.

As we shall see in Sen’s argument for its constructive importance, democracies differ both with respect to the *range* of questions that citizens should democratically decide and with respect to the *kinds* of institutions are democratic. Finally, the dimension of *control* in democracy concerns the extent to which citizens make or influence decisions and the extent that these decisions make a difference in the world. The dimension of control or influence is important, for the group that “rules” may be inclusive, address many sorts of issues through many channels, and address them in a variety of ways, including discussion, and yet have no influence over the decision or no impact on the world. The more “the people,” whoever they are, actually rule, influence decisions, and control their affairs, the more fully do we have a fully functioning democracy.⁹

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 intrinsically. 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)”: “Political and social participation has *intrinsic value* for human life and well-being.”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.”¹¹

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. Moreover, it is the freedom for political participation that Sen emphasizes and not the activity itself. Our lives go less well when we are prevented from political activity even if we would not choose it. 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, although he—as we saw above—does defend the ideal of agency, Sen does not appeal to agency in his intrinsic argument for democracy. 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, act, and make a difference in the world rather than having no effect or being merely the recipient of someone else’s decision and action. Sen can and 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 shape public

policies and select their leaders. Good development provides social arrangements, including democratic processes, in which human beings are free—directly or indirectly—to express their agency, “shape their own destiny,” “be in charge of their own well-being,”¹² and effect change:

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.¹³

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 formally 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 Huaoranis’ 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.¹⁴

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 a 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.¹⁵

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 and appropriately 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.¹⁶

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 for human dignity); so, democracy is intrinsically valuable.

This Huaorani case also suggests that Sen should add or make explicit a third dimension in arguing democracy's intrinsic value. That dimension is moral 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 their worth or dignity and this worth is related, among other things, to 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.¹⁷ 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"¹⁸ 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.”¹⁹

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.²⁰

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).”²¹ 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 restrict participation to voting, distributive justice is more likely to occur in even a formal or minimal democracy than in a nondemocracy.²²

A citizen’s freedom not to starve, Sen argues and as we discussed in Chapter 8, frequently benefits from the “protective power of democracy.”²³ Democracy is especially valuable in times of crisis. A free press, for example, may identify a pressing human problem such as an imminent famine and, before it becomes a reality, “demand appropriate public action.”²⁴ Or, following a disaster, such as the tsunamis of December 26, 2004 or the hurricane that struck New Orleans in August 2005, a region is more likely to prevent or mitigate a disaster 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.

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 society²⁵: “Value formation is as much a democratic activity as is the use of social values in the determination of public policy and social response.”²⁶ 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 should 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.²⁷
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”).²⁸

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, 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,”²⁹ 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 citizens 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.³⁰

In Chapter 5-7, I argued that Sen himself—with good reason, I believe—does not give normative priority to either agency or well-being. Each is important to supplement and correct the other. At this juncture, however, the point is that sometimes a group must decide between agency and well-being or what balance to strike between them.

4. **The choice between functioning and capability.** Within the “space” of well-being, a community sometimes must choose between a functioning, such as its members being made healthy now (through curative medicine), and a capability, such as being made free from ill health (through preventative medicine). Decisions concerning aid to immediate versus future victims of massive natural disasters often have this character. Sen himself is generally critical of those approaches, which he calls collectively BLAST (“Blood, Sweat, and Tears”), which sacrifice current generations to future ones.³¹
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 argued in Chapter 6, once in the “space” of capabilities and functioning, individuals and communities can exercise their agency and decide on those capabilities and functionings that are most valuable, those that are less valuable, those that are trivial, and those that are evil. I also argued in Chapter 6 that 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.³² 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 weigh 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,³³ or even a “unique blueprint for ‘the just society.’”³⁴ 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 agency and democratic decision making in this crucial resolution (and more generally in ‘social choice,’ including the variety of processes that relate to participation).³⁵
7. **The choice of *basic* capabilities and thresholds.** Not only can a society select certain capabilities as ones that it generally or in a particular situation has more

reason to value than others, but also it can—for certain purposes—designate some capabilities as *basic*. Sen first employed his notion of “basic” capabilities in the 1979 Tanner lectures, and the term’s meaning has been difficult to pin down.³⁶ Sen clearest definition of a “basic capability” occurs in a footnote in *Inequality Re-examined*: “[A basic capability is] the ability to satisfy certain elementary and crucially important functionings up to certain levels.”³⁷ 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.³⁸

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.”³⁹

This discretionary power, with respect to constitutional guarantees, is exactly the sort of thing that Nussbaum's constitutionalism, which I criticized in Chapter 6, intends to block.⁴⁰

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* or *interpret* its selections in certain ways. It can, as both Nussbaum and Henry Richardson argue, reason collectively about ends by specifying these capabilities and functionings, making them more precise.⁴¹ 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, a Rawlsian difference principle, 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),⁴² social cohesion, social stability, social tranquility (freedom from anxiety-producing choices), and compensation for bad luck.⁴³

Sen makes the same fundamental point for each of these ten kinds of choice. Each type—including the choices of who should make the choices and how they should 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” 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.”⁴⁴ Rather than authorizing rule by philosophers, other experts, or a mere aggregation of citizen preferences, Sen endorses public discussion and democracy.

This emphasis on public reason should change how we engage in the theory and practice of “development” as well as how we think about equality and justice. Sen’s own answer to his famous question “Equality of what?” is not only an equality of democratically-decided basic capabilities but also, and just as importantly, equality of agency or process freedoms.⁴⁵ 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.’⁴⁶

Sen contends that “the struggle for democracy around the world . . . is the most profound challenge of our times” but that the conception of democracy is often excessively narrow.⁴⁷ 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.”⁴⁸ 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.”⁴⁹

But what does Sen mean by public scrutiny and public reason? How does he conceive of the process of public valuatinal 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 so—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.⁵⁰

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.”⁵¹ Then, in an endnote to this statement Sen interestingly adds: “An important factor [in people seizing democratic opportunities] is the reach of deliberative politics and of the utilization of moral arguments in public debates.”⁵² Sen immediately proceeds to cite leading examples of the then current (1999) works on deliberative democracy.⁵³ 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.”⁵⁴ 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

Sen’s capability approach can benefit from recent work on deliberative democracy. 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.⁵⁵ It may be, then, that engaging Sen and deliberative democracy will prove beneficial in both directions.

What is the deliberative democracy? It is the theory and practice of a model of democracy that emphasizes the exchange of reasons in the making of democratic decisions. As a working conception, I adopt the influential 1999 definition of John Rawls’s:

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 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.⁵⁶

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 yields 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 Henry 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.⁵⁷ 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.”⁵⁸ 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 identify and solve *concrete* problems or to devise general policies for solving specific problems. Second, 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.⁵⁹

Rawls, in the definition of deliberative democracy cited above, emphasizes a public use of reason to decide “constitutional essentials and matters of basic justice.” Sen so far has stressed that public discussion enables group members collectively scrutinize and improve their individual and shared values. In contrast, political scientists Archon Fung and Erik Olin Wright propose that what they call “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.”⁶⁰ 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.”⁶¹ 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.”⁶² 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.”⁶³ 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.”⁶⁴

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.⁶⁵ The point of deliberation is to provide a fair way for morally free and 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” rather than merely aggregates preferences.⁶⁶ 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.”⁶⁷ 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).⁶⁸

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.”⁶⁹ 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:⁷⁰ “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.”⁷¹

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 grudgingly put up with or passively tolerate 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."⁷² 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 express their agency 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. Institutions also can be designed that provide representatives and represented with regular opportunities to reason together about issues and what stands the representative might take. Such efforts, I argued in Chapter 5, close the gap between direct agency (participatory democracy) and indirect agency (representative democracy).

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. 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 difficult 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 or "form of life," 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.⁷³

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 calls “the expressive liberty” of groups to conduct their affairs according to, if they so choose, nondeliberative and nondemocratic principles and practices.⁷⁴

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 an intrinsic good, because it enables people to exercise their agency, we must 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.⁷⁵ If one dimension of “rule by the people” is “effective voice” or influence over decision making and impact on the world, then these outcomes sometimes may be brought about most effectively not by deliberation but by non-deliberative means such as bargaining, political maneuvering, clientalism, and agitation.⁷⁶ Understanding both deliberation and non-domination or effective power 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)?⁷⁷ 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?⁷⁸ 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 views, 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”⁷⁹ 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.⁸⁰ 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,”⁸¹ 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.”⁸² Once more, these are pressing questions being debated by deliberative and other democratic theorists. Democratic capability theorists 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,⁸³ 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 or employ nondeliberative means but be exceedingly vulnerable.⁸⁴ What, then, are the conditions that contribute to democratic deliberation?

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.”⁸⁵ A less demanding idea of political equality is that each citizen is able to be at or above a threshold of minimally adequate politically functioning.⁸⁶ These freedoms, based on an ideal of moral equality of persons, 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.”⁸⁷

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.

Economic Justice. Economic poverty, inequality, and concentration of wealth can impede if not doom people's freedoms and deliberative participation. . 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.⁸⁸

Hence, it is important to create conditions in which people have the real opportunity to advance to at least a level of minimally adequate of well being. Only then, would people be able *individually* and *collectively* to choose the lives they want to lead. Moreover, too great a gap in economic and social power between the rich and the poor would result in the political domination of the former over the latter.

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."⁸⁹ 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 at least one third of members of Afghanistan’s legislature be women is an egalitarian institutional device; enforced limits on deliberator speaking time is yet another.

Two objections might be made to the deliberative democrat’s appeal to these background conditions. First, does not deliberative democracy presuppose a radical and morally problematic egalitarianism? Second, a “chicken-and-egg” problem, does not this view imply that a deliberative democracy society 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.⁹⁰

How should we respond to these objections? The first criticism, one that charges deliberative democracy with an unacceptable egalitarianism, I will take up in the concluding section of the next chapter. To the second charge—that deliberative democracy is unrealistic utopianism—I respond now in four steps. First, it is important to concede that deep economic and other inequalities beset 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.⁹¹ 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.⁹² 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,⁹³ 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”⁹⁴—argues, “in formally democratic societies with serious injustices it must be possible to promote social changes towards greater justice through democratic means.”⁹⁵ 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.⁹⁶ 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.”⁹⁷

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.⁹⁸

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,”⁹⁹ 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).¹⁰⁰ What occurs is a “virtuous circle” in which a deepening democracy improves conditions that enable further democratization.

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.¹⁰¹

The Porto Alegre experiment also shows that the participatory budgetary exercise itself has been “highly redistributive,”¹⁰² 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.”¹⁰³ The conditions for deliberative democracy can be built through the practice of such democracy.

As important as these four responses are, I now think it is too glib—in the face of criticisms of (deliberative) democracy—to merely say that “the solution for the ills of (deliberative) democracy is more (deliberative) democracy.” Much depends on what obstacles are in the way of (further) democratization. When there is good will of all deliberators and no serious economic, educational, or other inequalities, then more democracy may do the job. But the less good will there is, especially when accompanied by severe inequalities, nondeliberative methods may have a limited role. Among these methods would be political pressure, public shaming, and appeal to experts.¹⁰⁴

Process of Deliberative Democracy.

A fifth contribution that deliberative democracy can make to the capability approach is to make the latter more concrete and detailed with respect to its 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.¹⁰⁵ 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 convictions about 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.”¹⁰⁶ 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.”¹⁰⁷ 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 or consult preferences in a relevant focus group. Or a cost-benefit economist 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 person 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 collectively we 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.¹⁰⁸ At this initial stage, wide participation is appropriate to guard against a skewed identification of the problem at hand or which of several problems is most urgent. Whatever problem is identified or proposed solution is offered, individuals—and not some big collective deliberator or general will—are the agents.

It is appropriate to express private preferences or desires, especially when a person or subgroup argues that its interests should be treated (more) fairly. Jane Mansbridge insightfully insists that such expressions of self-interest have an important role in democratic deliberation: “As participants in deliberation, we cannot understand ourselves or others, or work out just resolutions to many conflicts, if we cannot formulate relatively accurately and express relatively well some conception of our own narrow self-interest.”¹⁰⁹ Deliberation does not require that deliberators become so impartial that they are not able to claim fair treatment of their interests. As we saw in Chapter 7, such a balance between one’s interests and those of others requires lucidity, about my interests and those of others, and practical wisdom about getting a just balance.

Although the proposal may (or may not) 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, 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 or agency, demand that what I propose to others is something that they understand (no foreign languages in the absence of translators; no technical jargon) 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, hopefully ones that have some "uptake," 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,¹¹⁰ 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 “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 calls “final ends”—ends which are valued in themselves (whether or not they are also valued instrumentally).¹¹¹ 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 Gutmann and Thompson’s notion of “public reason,” however; for, unlike them, Richardson¹¹² 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 view¹¹³ that there should be *no* restrictions on the content of what is offered in public deliberation,

and (ii) Rawls's contention¹¹⁴ that the idea of "public reason" should filter out whatever other citizens are unable to accept.¹¹⁵ 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, it is permissible that he 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 him or her.¹¹⁶

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.”¹¹⁷ Cass Sunstein terms an agreement of this sort an “incompletely theorized agreement on particular outcomes.”¹¹⁸ 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.¹¹⁹ 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.¹²⁰

The joint intention (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.”¹²¹

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 have resulted in unintended and unanticipated effects that now should be avoided.¹²² 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.¹²³ More work is needed on the limits of toleration, especially in relation to dogmatically held or intolerable—for instance, racist or sexist—ultimate beliefs.

Does, asks Richardson, this affirmation of an obligation based on a debt of gratitude “pull a normative rabbit out of a positive hat?”¹²⁴ 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”¹²⁵ 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.”¹²⁶

Some participatory democrats reject voting because it allegedly violates the rights of the losing side(s) and sets people—as competitors —at odds with each other. Instead, the participatory 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].”¹²⁷ Furthermore, as Gutmann and Thompson observe, 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.¹²⁸

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.”¹²⁹ 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—with the help of richer information and 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”¹³⁰ but also intertwine or overlap in such a way as to 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.”¹³¹ 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. In another essay, I also have addressed the important questions of the kinds of persons who would make competent and virtuous deliberators and the way these skills and virtues might be brought about.¹³² Here it must suffice to say that 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 Drèze and Sen remark, democracy requires, in addition to the democratic ideals and institutions of (deliberative) democracy, citizens who “make democracy work.”¹³³

Concluding Remarks

A frequent criticism of the relevance of Sen’s capability approach for global, national, regional, and local development is that it leaves too many evaluative issues unresolved. Enlisting the resources of deliberative democracy, I sought in this chapter to strengthen Sen’s appeal to democracy as public discussion and have argued that groups and communities themselves, on all levels, have the primary responsibility to resolve these evaluative issues and should do so democratically and deliberatively. Sen 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.”¹³⁴ The resultant public debate about the ends and means of democracy, democracy promotion, and deliberative participation in development 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. In the next chapter, I take up this challenge with respect to local development and in the volume’s final chapter, I address the challenge in relation to globalization and global institutions.

NOTES

1. Amartya Sen, *Development as Freedom* (Oxford: Oxford University Press, 1999).

2. Amartya Sen, "Democracy as a Universal Value," *Journal of Democracy*, 1999, 10, 3: 3---17. See also Amartya Sen, “Democracy and Its Global Roots,” *The New Republic*, 2003, 229, 4: 28.

3. Jean Drèze and *India: Development and Participation*, 2nd ed. (Oxford: Oxford University Press, 2002).

4. Amartya Sen, *The Argumentative Indian: Writings on Indian History, Culture and Identity* (New York: Farrar, Straus and Giroux, New York, 2005). See also, Amartya Sen, *Identify and Violence: The Illusion of Destiny* (New York and London: W. W. Norton, 2006).

5. See Sen, "Democracy as a Universal Value," 148; *Development as Freedom*, 9--11; Drèze and Sen, *India*, 24--25.

6. Sen, "Democracy as a Universal Value," *Journal of Democracy*, 9---10.

7. I borrow the terms "breadth," "depth," and "range" from Carl Cohen, *Democracy*, (Athens, GA: University of Georgia Press, 1971). See also Svetozar Stojanović, *Between Ideals and Reality: A Critique of Socialism and its Future*, trans. G. Sher, (Oxford: Oxford University Press, 1973) and David A. Crocker, *Praxis and Democratic Socialism: The Critical Social Theory of Marković and Stojanović*, (Atlantic Highlands, NJ: Humanities Press; Sussex, England: Harvester Press, 1983), 293, 299---300.

8. Drèze and Sen, *India*, 24, 347.

9. Due to the occurrence of "majoritarian tyrannies," one might be tempted to add another dimension to the strength of a democracy, namely, its making *just* decisions. Majoritarian tyranny can be wide and deep and range over many issues and institutions but make decisions that are unjust in content and consequence. Should we not build into the notion of democracy some notion of just decisions and consequences? Yes and no. Insofar as strong democracy presupposes an ideal of free and equal agents, equal political

liberty and equality before the law, and at least rough economic justice, democratic institutions presuppose justice. Moreover, the more inclusive, wide-ranging, and deep democracy is the more likely it is to make decisions that an independent critic might assess as just. However, no conceptual or practical guarantee exists that a strong democracy will also yield justice or avoid injustice. Rather, what justice should mean in that group's time and place will be decided (perhaps mistakenly) by the group itself. Although Jay Drydyk will not agree with these remarks, they owe much to his searching comments.

10. Sen, *Development as Freedom*, 148; and "Democracy as a Universal Value," 10.
11. Sen, "Democracy as a Universal Value," 10.
12. Sen, *Development as Freedom*, 288.
13. Ibid, xii-xiii.
14. Joe Kane, *Savages*, 2nd ed., (New York: Vintage, 1996), 75.
15. Ibid, 137---138.
16. Sen, *Development as Freedom*, 242; see also Sen, *Development as Freedom*, 241.
17. Daniel Little, *The Paradoxes of Wealth and Poverty: Mapping the Ethical Dilemmas of Global Development*, (Boulder, CO: Westview Press, 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.” For a similar argument based on national and world citizens’ equal dignity and autonomy, see Adela Cortina, *Los ciudadanos como portagonistas* (Barcelona: Galaxy Gutenberg, 1999).

18. Drèze and Sen, *India*, 347.

19. Sen, “Elements of a Theory of Human Rights,” *Philosophy & Public Affairs*, 32, 4 (2004): 336.

20. Little, *The Paradoxes of Wealth and Poverty*, 229. 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 government, 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. Who should come to the table, sets the agenda, and deliberate about the ends and means of policy?

21. Drèze and Sen, *India*, 24.

22. Morton H. Halperin, Joseph T. Siegle, Michael M. Weinstein, *The Democracy Advantage: How Democracies Promote Prosperity and Peace* (New York: Routledge, 2005). For additional arguments for and against the claim that democracy promotes justice, equality, efficiency, and freedom, see Ian Shapiro, and Casiano Hacker-Cordón, eds. *Democracy's Edges*, (Cambridge: Cambridge University Press, 1999); Larry Diamond, *Developing Democracy: Toward Consolidation* (Baltimore and London: Johns Hopkins University Press, 1999); Adam Przeworski, Michael E. Alvarez, José Antonio Cheibub, and Fernando Limongi, *Democracy and Development: Political Institutions and*

Well-Being in the World, 1950-1900 (Cambridge: Cambridge University Press, 2000); and Fareed Zakaria, *The Future of Freedom: Illiberal Democracy at Home and Abroad*, (New York: W. W. Norton, 2003).

23. Sen, *Development as Freedom*, 43. See also, Sen, *The Argumentative Indian*, 198---200.

24. *Ibid*, 150---151.

25. Sen, *Development as Freedom*, 152---153.

26. Drèze and Sen, *India*, 25.

27. Sen, *Rationality and Freedom*, (Cambridge: Harvard University Press, 2002).

28. *Ibid*, 10 and Sen, "Elements of a Theory of Human Rights."

29. Sen, *Inequality Re-examined*, (Cambridge, MA: Harvard University Press, 1992), 70---71.

30. Sen, *Development as Freedom*, 284.

31. Amartya Sen, "Development Thinking at the Beginning of the 21st Century," *Economic and Social Development into the XXI Century*, XXX, ed. Louis Emmerji (Washington, DC: Inter-American Development Bank, 1997). Cf. Sen, *Development as Freedom*, 35---36..

32. Martha Nussbaum, *Women and Human Development: The Capabilities Approach*, (Cambridge: Cambridge University Press, 2000).

33. Sen, *Rationality and Freedom*, 49.

34. Sen, *Development as Freedom*, 287.

35. *Ibid*, 286.

36. See Sen, “Equality of What?” in *The Tanner Lectures on Human Value*, ed. Sterling M. McMurrin (Salt Lake City: University of Utah Press, 1980), 197---220.

37. Sen, *Inequality Re-examined*, 46. This passage is evidence that Nussbaum is mistaken when she says, “Sen nowhere uses the idea of a threshold” (Nussbaum, *Women and Human Development*, 12).

38. Drèze and Sen, *India*, 25. Sen, *Development as Freedom*, 153---54.

39. Sabina Alkire, *Valuing Freedoms: Sen's Capability Approach and Poverty Reduction*, (Oxford: Oxford University Press, 2002), 195.

40. For Nussbaum, constitutional guarantees, for example, for health care, are compatible with someone’s freedom to forgo good health in order to realize some non-basic capability.

41. Nussbaum, *Women and Human Development*, 77 and Henry Richardson, *Democratic Autonomy: Public Reasoning About the Ends of Policy*, (Oxford: Oxford University Press, 2002), 104, 154, 214, 246.

42. Sen *Inequality Re-examined*, 146---47.

43. Alkire, *Valuing Freedoms*, 92. Cf. the World Bank’s *World Development Report 2006* in which it is recognized that—although “equity” usually contributes to “efficiency” (and vice-versa), at least in the long run—sometimes a nation must choose between “equity” and “efficiency.” (World Bank, *World Development Report 2006: Equity and Development* (New York: Oxford University Press, 2005), 3, 10, 17.

44. Sen, *Development as Freedom*, 30 and 110.

45. Sen, “Equality of What?”

46. Sen, *Development as Freedom*, 286---287.

47. Sen, "Democracy and Its Global Roots," 28.

48. Ibid, 29.

49. Ibid

50. Alkire, *Valuing Freedoms*, 13.

51. Sen, *Development as Freedom*, 155---156.

52. Ibid, 329, n 9.

53. These include the following: Jürgen Habermas, "Three Normative Models of Democracy," *Constellations*, 1, 1 (1994): 1---10; Seyla Benhabib, "Deliberative Rationality and Models of Democratic Legitimacy," *Constellations*, 1, 1 (1994): 41---45. James Bohman and William Rehg, eds., *Deliberative Democracy*, (Cambridge, MA: MIT Press, 1997); James Fishkin, *Democracy and Deliberation*, (New Haven, Conn.: Yale University Press, 1971); Ralf Dahrendorf, *The Modern Social Contract*, (New York: Weidenfeld & Nicolson, 1988); A. Hamlin and Philip Pettit, eds., *The Good Polity*, (Oxford: Blackwell, 1989); Cass Sunstein, *The Partial Constitution*, (Cambridge, MA: Harvard University Press, 1993); and Amy Gutmann and Dennis Thompson, *Democracy and Disagreement*, (Harvard: Harvard University Press, 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: James Bohman, *Public Deliberation: Pluralism, Complexity and Democracy*, (Cambridge, MA: MIT Press, 1996); Joshua. Cohen, "Procedure and Substance in Deliberative Democracy," in *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib (Princeton: Princeton University Press, 1996); Jon.Elster, ed., *Deliberative Democracy*, (Cambridge: Cambridge University Press, 1998); Stephen

Macedo ed., *Deliberative Politics: Essays on Democracy and Disagreement*, (Oxford: Oxford University Press, 1999); Shapiro and Hacker-Cordón, eds., *Democracy's Edges*, and *Democracy's Value*, (Cambridge: Cambridge University Press, 1999); Ellen Frankel Paul, Fred D. Miller, Jr., Jeffrey Paul, eds., *Democracy*, (Cambridge: Cambridge University Press, 2000); Iris Marion Young, *Inclusion and Democracy*, (Oxford: Oxford University Press, 2000); Cass Sunstein, *Designing Democracy: What Constitutions Do*, (Oxford: Oxford University Press, 2001); Henry Richardson, *Democratic Autonomy: Public Reasoning About the Ends of Policy*, (Oxford: Oxford University Press, 2002); Archon Fung and E.O. Wright, eds., *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance*, (London: Verso, 2003); Ian Shapiro, *The State of Democratic Theory*, (Princeton: Princeton University Press, 2003); Bruce Ackerman and James S. Fishkin, *Deliberation Day*, (New Haven & London: Yale University Press, 2004); Archon Fung, *Empowered Participation: Reinventing Urban Democracy*, (Princeton: Princeton University Press, 2004); Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton: Princeton University Press, 2004); and John Gastil and Peter Levine, eds., *The Deliberative Democracy Handbook: Strategies for Effective Civic Engagement in the 21st Century* (San Francisco: Jossey-Bass, 2005). 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.

54. Sen, *Development as Freedom*, 155.

55. Bohman, *Public Deliberation*.

56. John Rawls, *The Law of Peoples with "The Idea of Public Reason Revisited,"* (Cambridge, MA: Cambridge University Press, 1999), 138---39. Joshua Cohen, in an essay that helped launch the recent deliberative democracy movement, says "By deliberative democracy, I shall mean, roughly, an association whose affairs are governed by the public deliberation of its members" ("Deliberation and Democratic Legitimacy," in *The Good Polity*, eds. Hamlin and Pettit [Oxford: Blackwell, 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" (*Why Deliberative Democracy?* 161).

57. Przeworski, A. "Minimalist Conception of Democracy: A Defense." in *Democracy's Value*, eds. Shapiro and Hacker-Cordón, 23---55; and Joseph Schumpeter, *Capitalism, Socialism, and Democracy*, (New York: Harper, 1942).

58. Young, *Inclusion and Democracy*, 1---19.

59. Fung and Wright, *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance*, 16.

60. Ibid, 15.

61. Ibid, 13.

62. Ibid, 16.

63. "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, *Rationality and*

Freedom, 2002: 68). See also Gerry Mackie, *Democracy Defended* (Cambridge: Cambridge University Press, 2003).

64. Sen, *Rationality and Freedom*, 69.

65. See Richardson, "Democratic Intentions," in *Deliberative Democracy*, eds. Bohman and Rehg, 349---82; and Richardson, *Democratic Autonomy*, 162---76.

66. Young, *Inclusion and Democracy*, 26.

67. Gutmann and Thompson, *Democracy and Disagreement*, 93.

68. Sen, "Democracy and Its Global Roots," 31.

69. Gutmann and Thompson, *Democracy and Disagreement*, 52.

70. Gutmann and Thompson rely on Lawrence Becker's concept of reciprocity as "making a proportionate return for good received"; see L.C. Becker, *Reciprocity*, (London: Routledge and Kegan Paul, 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, "The Upper Limits of Just Punishment," *Emory Law Journal*, 1992, 42, 1059.

71. Gutmann and Thompson, *Democracy and Disagreement*, 55.

72. Gutmann and Thompson, "Why Deliberative Democracy is Different," in *Democracy*, eds. Paul et al, 161---80.

73. John Dewey, *The Public and Its Problems*, (Athens, OH: Swallow Press, Ohio University Press, 1927), 143.

74. William A. Galston, *Liberal Pluralism*, (Cambridge: Cambridge University Press, 2002).

75. Shapiro, *The State of Democratic Theory*, chaps. 1 and 2.

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76. Andrew D. Selee, "The Paradox of Local Empowerment: Decentralization and Democratic Governance in Mexico," Ph. D. dissertation, University of Maryland, School of Public Policy, 2006.
77. Gutmann and Thompson discuss these issues in *Why Deliberative Democracy*, 116---38.
78. David Broder, "Endangered Suffrage," *Washington Post*, September 17, 2003, 27.
79. Gutmann and Thompson, "Democratic Disagreement" in *Deliberative Politics*, ed. Macedo, 273.
80. See Alkire *Valuing Freedoms*, 271---77.
81. Shapiro and Hacker-Cordón, eds., *Democracy's Edges*, 1.
82. Shapiro, *The State of Democratic Theory*, 52.
83. Richardson, *Democratic Autonomy*, 88.
84. See Archon Fung, "Deliberation Before the Revolution."
85. Richardson, *Democratic Autonomy*, 88.
86. Bohman, *Public Deliberation*, 112, 24.
87. Sen, *Development as Freedom*, 30.
88. Drèze and Sen *India*, 29 and Richardson, *Democratic Autonomy*, 88.
89. Richardson, *Democratic Autonomy*, 88.
90. Sèverine Deneulin, "Promoting Human Freedom under Conditions of Inequalities: A Procedural Framework," *Journal of Human Development*, 2005, 6 (1): 75--92.

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91. United Nations Development Programme, *La democracia en América Latina: Hacia una democracia de ciudadanas y ciudadanos* (Buenos Aires: Aguilar, Altea, Taurus, Alfaguara, 2004).
92. For a surprisingly forthright analysis of the reality of elite dominance over a disempowered majority and the danger of elite capture of measures to reduce this dominance, see World Bank, *World Development Report 2006*, 156---58, 175, 178---82.
93. 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 et al, *The Democracy Advantage*, 66).
94. Frank Cunningham, *The Real World of Democracy Revisited*, (Atlantic Highlands, NJ: Humanities Press, 1994).
95. Young, *Inclusion and Democracy*, 35.
96. Halperin et al *The Democracy Advantage*, 146---151.
97. Sen, "Democracy as a Universal Value," 4.
98. Dewey, *The Public and Its Problems*, 144.
99. Fung and Wright, *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance*, 23.
100. Compare Fung and Wright, *Deepening Democracy*, 28, 32; Gianpaolo Baiocchi, "Participation, Activism and Politics: The Porto Alegre Experiment," in *Deepening Democracy*, eds. Fung and Wright, 56---58; Drèze and Sen, *India*, 362---63.
101. Baiocchi, “Participation, Activism and Politics,” in *Deepening Democracy*, eds. Fung and Wright, 52.

102. Ibid, 67. See also World Bank, *World Development Report 2006*, 70---71.

103. Drèze and Sen, *India*, 357.

104. In “Deliberation Before the Revolution,” 401---16, Fung convincingly argues that deliberative democrats may employ nondeliberative methods but only with the long term goal of a deliberative society and when deliberative activists first have assumed good faith on the part of their opponents, have exhausted deliberative methods, and have limit their use of nondeliberative methods by a principle of proportionality.

105. Richardson, "Democratic Intentions," in *Deliberative Democracy*, eds. Bohman and Rehg, 349---82; and *Democratic Autonomy*, chap. 10.

106. Richardson, *Democratic Autonomy*, 162.

107. Ibid., 164.

108. Fung, “Deliberative Democracy, Chicago Style: Grass-roots Governance in Policing and Public Education” in *Deepening Democracy*, ed. Fung and Wright, 118.

109. Jane Mansbridge, “Practice-Thought-Practice” in *Deepening Democracy*, 176; see also, 179---83.

110. Jürgen Habermas, *The Theory of Communicative Action*, Vol. 1, *Reason and the Rationalization of Society* (Boston: Beacon Press, 1984).

111. Richardson, *Democratic Autonomy*, 12.

112. Ibid., 82.

113. Jürgen Habermas, “Reconciliation through the Public Use of Reason: Remarks on John Rawls’s *Political Liberalism*,” *Journal of Philosophy*, 92 (1995): 109---31.

114. John Rawls, *The Law of Peoples*, 140---148.

115. Ibid. For an analysis of these two options and an argument for the second, see Oswaldo Guariglia *Una etica para el siglo XXI: Etica y derechos humanos en un tiempo posmetafisico*, (Buenos Aires: Fondo de Cultura Económica, 2001), 147---55.

116. Richardson correctly sees that Rawls himself is moving toward this “third way” in Rawls, *The Law of Peoples*, 121---80. In *Justice as Fairness: A Restatement*, which amounts to a final statement of the themes of his previous work, Rawls argues that people should be free to introduce their “comprehensive doctrines” into public debate as a means of “informing one another where they come from, so to speak, and on what basis they support the public political conception of justice” (John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge, MA: Harvard University Press, 2001), 89. I discovered the passage in which Rawls makes this point only after I completed Chapter 9..

117. Richardson, *Democratic Autonomy*, 173.

118. Sunstein, *Designing Democracy: What Constitutions Do*, 57.

119. Cf. Sen: “A consensus on public decisions may flourish so long as the exact grounds for that accord are not very precisely articulated” (Sen *Rationality and Freedom*, 558), quoted by Alkire *Valuing Freedoms*, 92---93). See also Sunstein, *Designing Democracy*, 56---58; and “Agreement Without Theory,” in *Deliberative Politics*, ed. Macedo, 123---150.

120. Richardson, *Democratic Autonomy*, 147.

121. Ibid., 165.

122. Sen, *Development as Freedom*, 256---261.

123. Richardson, *Democratic Autonomy*, 172.

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124. Richardson, *Democratic Autonomy*, 172.
125. *Ibid.*, 204.
126. Dewey, *The Public and Its Problems*, 207---208.
127. Richardson, *Democratic Autonomy*, 205.
128. Gutmann and Thompson, *Democracy and Disagreement*, 32---33.
129. Sen, *Development as Freedom*, 27.
130. Richardson, *Democratic Autonomy*, 162.
131. Richardson, "Democratic Intentions," in *Deliberative Democracy*, ed. Bohman and Rehg, 359.
132. Crocker, "Sen and Deliberative Democracy," 187---90. For dialogical and deliberative skills and capacities, see Bohman, *Public Deliberation* and "Deliberative Democracy and Effective Social Freedom: Capabilities, Resources, and Opportunities," in *Deliberative Democracy*, ed. Bohman and Rehg, For the role of participatory education in promoting democratic critical thinking, seeing others as fellow (world) citizens, and narrative imagination, see Martha C. Nussbaum, "Education and Democratic Citizenship: Capabilities and Quality Education," *Journal of Human Development: Alternative Economics in Action*, 7, 3 (2006): 388---92. For the deliberative virtues of (mutual) respect, civic integrity, civic magnanimity, and see Gutmann and Thompson, *Democracy and Disagreement*, chaps. 2-4.
133. Drèze and Sen, *India*, 347---52
134. Sen, "Democracy and Its Global Roots," 34.