Five Arguments for Deliberative Democracy

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Five arguments in favour of deliberative democracy are considered. These focus on its educative power, on its community-generating power, on the fairness of the procedure of public deliberation, on the epistemic quality of its outcomes and on the congruence of the deliberative democratic ideal 'with whom we are'. The first four arguments are shown to be inadequate. The fifth argument, it is claimed, not only provides the most convincing defence of deliberative democracy but can also be used to decide rationally between competing interpretations of the deliberative ideal. By way of illustration, the essay concludes with a critical discussion of the rival versions proposed by Rawls and Habermas.

In its simplest terms, deliberative democracy refers to a conception of democratic government that secures a central place for reasoned discussion in political life. This conception has itself been the topic of much recent discussion, most of it favourable, with even its critics tending to acknowledge the intuitive attractiveness of democratic deliberation. The new use of the label 'deliberative' by veteran theorists John Rawls and Jürgen Habermas to describe their – quite dissimilar – normative conceptions of democracy is further evidence of its current popularity (Rawls, 1997b; Habermas, 1994; Habermas, 1996). Deliberative democracy, it seems, is in vogue. But does it *deserve* its current favourable reception? Why should we prefer a deliberative model to, for example, a non-deliberative participatory model or a purely procedural one? This essay sets out to consider the merits of the main arguments commonly advanced in favour of the deliberative conception of democracy. It groups these under five broad headings.

The arguments focus respectively on: (1) the *educative* power of the process of public deliberation (2) the *community-generating* power of the process of public deliberation (3) the fairness of the *procedure* of public deliberation (4) the epistemic quality of the *outcomes* of public deliberation, and (5) the *congruence* of the ideal of politics articulated by deliberative democracy with 'whom we are'. Although most of these arguments express valid intuitions, the first four are insufficient – or deficient – as they stand. Even where they offer good reasons for preferring the deliberative ideal of democracy, they require help from the fifth argument if they are to be fully convincing.

My discussion of deliberative democracy aims to show why the first four arguments are incomplete or unsatisfactory, requiring help from the fifth if they are to form part of a convincing defence of deliberative democracy. To this extent its concern is methodological. However, methodology is not purely a matter of abstract academic interest. In debates about deliberative democracy methodological issues merit attention for at least two reasons. First, since deliberative democracy is a

normative conception that emphasizes public reasoning, it is particularly important that it can be defended publicly on the basis of good reasons. Second, we need arguments that can help us to choose rationally between the various deliberative models on offer today. For purposes of illustration in the final section I sketch how the fifth argumentative strategy enables us not only to justify the deliberative ideal of democracy but also to decide in a non-arbitrary way between two diverging interpretations of this ideal.

I opened with a preliminary specification of the main idea behind the deliberative conception of democracy. Clearly, this initial definition leaves many questions un-answered: questions about the kind of deliberation most appropriate for generating and testing laws, political principles and public policies, about the proper domain and concerns of such deliberation and about the social and institutional conditions that might facilitate it. Although some of these questions are touched on briefly in the course of my discussion, I make no attempt to treat them with the attention they deserve. Nor do I attempt a more adequate definition of deliberative democracy for to do so would require a fuller treatment of these questions. I do, however, wish to elaborate on what is meant by 'deliberation'. By 'deliberation' I understand an unconstrained exchange of arguments that involves practical reasoning and always potentially leads to a transformation of preferences. Although public deliberation in this sense *aims* at rational agreement, I freely acknowledge the likelihood that it will fail to result in consensus (cf. Cooke, 1997a). The related question of whether public deliberation has a cognitive dimension – whether it is designed to produce knowledge of some sort – is dealt with in the course of the discussion.

The Process of Public Deliberation has an *Educative* Power

This argument holds that deliberative democracy should be advocated primarily because of the beneficial educative effects it has on citizens. J. S. Mill and Hannah Arendt are often mentioned as proponents of the educative view. Despite some significant differences in their respective conceptions, both Mill and Arendt see participation in public affairs as good in itself, not merely as instrumental in bring-ing about, or implementing, qualitatively better political decisions and laws (Mill, 1972; Arendt, 1970). Furthermore, on this view, the benefits of participation in public affairs are primarily personal: participation improves the moral, practical or intellectual qualities of those who participate: it makes them not just better citizens – though clearly this is crucial – but also better individuals.

The educative argument is insufficient as a justification for deliberative democracy for at least three reasons. The first can be seen by posing the question: what is it about *deliberation* – as opposed to *participation* – that produces beneficial educative effects on individuals? If the argument from positive educative effects is to work as the main defence of deliberative democracy it has to show that participation in pub-lic deliberation produces benefits for the moral, practical or intellectual qualities of the participants that are *distinct from and superior to* the benefits resulting from non-deliberative participation in public affairs or, indeed, from non-participatory political action. *Distinguishing* the benefits of deliberative and non-deliberative participation seems relatively straightforward. A number of differences immediately spring to mind, for example, in the case of the former, learning how to present an argument

cogently and, in the case of the latter, the feeling of achievement derived from helping to set up a residents' association group. Showing the *superiority* of deliberative participation is not so easy. The main difficulty here is that there is no uncontroversial independent vantage point from which such superiority might be measured. This undermines the usefulness of the educative argument as a principal strategy of justification and suggests that it is most convincing in conjunction with other arguments.

There is a second respect in which the educative argument is incomplete as a justification for deliberative democracy. The problem here is that the beneficial effects of participation in public deliberation cannot be the *point* of the deliberative ideal of democracy. It makes no sense to advocate participation in public deliberation solely for the sake of its beneficial effects on the moral character, practical abilities or reasoning powers of the individuals who participate. The beneficial effects can accrue only if the individuals concerned take part in deliberation for *other* reasons, for instance, in order to find out more about possible options, to reach a fair or a rational decision, or because they already uphold a particular ideal of citizenship. In short, the educative effects of participation in public deliberation are at best side-effects, they cannot be the main point of, or provide the sole justification for, such deliberation.

Finally, the educative argument is insufficient in a third respect for it leaves open the question of what counts as improving the moral, practical or intellectual powers of the individuals who participate in deliberative politics. Not all changes are for the better. The educative argument presupposes the availability of some independent standard for evaluating the individual's moral, practical or intellectual development. For this reason, too, it requires support from other arguments if it is to work as a justification of deliberative democracy.

The Process of Public Deliberation has a Community-Generating Power

This justification is found most frequently among those who favour 'communitarian' versions of deliberative democracy, for example, the versions proposed by Benjamin Barber or Charles Taylor (Barber, 1984; Taylor, 1989). The communitarian emphasis on the common good is often accompanied by the argument that the individual can become aware of, and consolidate, her co-membership in a collective form of life only by way of practices of public reasoning with others who owe their identities to the same values and traditions.

However, emphasis on the community-creating (or consolidating) power of public deliberation can also be found in 'liberal' versions of deliberative democracy, for example, in the version proposed by Joshua Cohen. Cohen claims that by requiring justification on terms acceptable to others, deliberative democracy achieves one important element of the ideal of community, for it 'expresses the equal membership of all in the sovereign body responsible for authorizing the exercise of that power' (Cohen, 1996, p. 102).

The community-generating power of public deliberation is also an ingredient in 'discursive' versions of deliberative democracy, such as those proposed by Jürgen Habermas and Seyla Benhabib. These theorists conceive deliberation as a process

of 'ideal role-taking' in which participants are forced to think of what could count as a good reason for all others involved in, or affected by, the decisions under discussion. On this view, not only does the discursive production of intersubjectively shared reasons have a motivating force, generating what Hannah Arendt calls 'communicative power'; the 'enlarged mentality' required for this operation is *itself* a form of solidarity (Habermas, 1996, pp. 147–8; Benhabib, 1996, pp. 71–2).

Like the educative argument for deliberative democracy, the argument that the process of public deliberation generates a sense of community or solidarity is insufficient. Moreover, it is insufficient for the same reasons. The community-generating argument runs up against the problems, first, of how to show that deliberative participation in public affairs is *superior* (in its community-generating effects) to non-deliberative participation; second, that the generation of a sense of community cannot be the *point* of participation in public deliberation but only, at most, a beneficial by-product; and third, that not all communities are equally desirable and that some independent standard for evaluating communities has to be available. Thus, this argument too requires the support of other arguments if it is to form part of a convincing defence of deliberative democracy.

This brings us to the third and fourth arguments. Unlike the first two, these direct our attention not only towards the *process* of public deliberation but also towards its *outcome*.

The *Procedure* of Public Deliberation Improves the Fairness of Democratic Outcomes

This argument can be summarized as the view that the procedure of public deliberation improves the outcomes of the democratic process by making them more just, in the sense of more fair. In contrast to the fourth argument, which as we shall see posits non-procedural *epistemic* standards, the third argument advances a strictly proceduralist view. Contemporary examples of this argument can be found in the democratic theories of Seyla Benhabib and of Joshua Cohen. The crucial point about strict proceduralism is that there are no non-procedural standards of fairness, the only permissible standards of adjudication are internal to the procedure itself. In other words, if the procedure is fair, the outcome is fair. Most of us are familiar with a basic version of this view of fairness: the position that democratic decisions are fair (and, on this view, also legitimate) insofar as they are produced by the fair procedure of majority rule. As advocates of deliberative democracy, Cohen and Benhabib upgrade the basic version to include deliberation. For them, democratic decisions are fair or legitimate insofar as they are produced by a fair deliberative procedure. Cohen, for example, writes that 'democratic procedures are the source of legitimacy' (Cohen, 1997, p. 73). Benhabib, too, seems to share this view. She bases the practical rationality of the conclusions resulting from public deliberations on observance of the specified rational procedures of decision-making, and not on some standard of justice or fairness independent of the actual procedure (Benhabib, 1996, p. 70, p. 72; cf. Cooke, 1993, pp. 260–4). It is important to note that neither Cohen nor Benhabib reduces fairness to what *actually happens* in democratic deliberative procedures. Both hold normative conceptions of fairness, what Cohen describes as an ideal deliberative procedure (Cohen, 1997,

pp. 73–5) and Benhabib as a general moral theory based on a discursive model of validity (Benhabib, 1996, p. 70). However, in both cases ideal fairness provides a standard for assessing only the procedure, that is, the formal conditions of participation and argumentative exchange operating in actual deliberative procedures (for instance, whether everyone potentially affected by the outcome is equally entitled to participate or whether force other than that of the better argument is exerted). It provides no additional standards for assessing the quality of the results of deliberation.

As a justification of the deliberative ideal of democracy, the proceduralist argument, too, is incomplete. As it stands, it is insufficient in at least two respects. The first is a feature of proceduralist conceptions of fairness in general. David Estlund highlights the difficulty here by means of a coin flip example: 'A problem for [what he calls the fair proceduralist] approach is that, while democratic procedures may indeed be fair, the epitome of fairness among people who have different preferences over two alternatives is to flip a coin. Nothing could be fairer. Insofar as we think this is an inappropriate way to decide some question, we are going beyond fairness' (Estlund, 1997, p. 176). I take Estlund's point to be that the popular view, that the decisions resulting from majority rule are fair because the democratic procedure used to arrive at them is fair, implicitly appeals to some standard that is *external* to the democratic decision-making procedure. Otherwise why not simply flip a coin? This seems correct. However, Estlund's criticism is not straightforwardly applicable to Cohen and Benhabib for, as we know, they both explicitly appeal to normative conceptions of (procedural) fairness. Nonetheless, his criticism does draw attention to a fundamental difficulty. Like the popular view that majority rule is fair, Cohen and Benhabib make use of a conception of fairness that goes beyond a *strictly procedural* conception of impartiality (e.g. flipping a coin). A more precise formulation of their respective positions would be that fair procedures produce fair outcomes because the procedure is in some normative sense fairer than other procedures. To show this, however, they require additional arguments to explain why we should prefer the particular normative conceptions of fairness on which their theories rely. Both Cohen and Benhabib do hint at such arguments (Cohen, 1997, p. 68; Benhabib, 1996, pp. 68–9); however, this part of their respective accounts of democratic legitimacy is not well developed.

There is a further respect in which the third argument requires help from other arguments. Without such help, the deliberative proceduralist view can assign only a restricted role to democratic deliberation. We can see this in the case of Cohen and Benhabib. Insofar as they are strict proceduralists Cohen and Benhabib can coherently argue only that public deliberation makes the procedure itself more fair: they have to confine the normative value of democratic public deliberation to the conditions governing participation in, and the conduct of the processes of, such deliberation. Although far from redundant, this is clearly a very restricted view of democratic deliberation. Equally clearly, Cohen and Benhabib hold a less restricted view. Cohen explicitly states that deliberation is concerned with the interests, aims and ideals that comprise the common good (Cohen, 1997, p. 77). Indeed, at times he appears to advance a version of epistemic proceduralism. This is apparent, for example, in his clear implication that the results of voting will be qualitatively better – more just or fair in some epistemic sense – if voting takes place subsequent

to public deliberation on the issues involved (Cohen, 1997, p. 75); or again, when he writes that 'outcomes are democratically legitimate if and only if they could be the object of free and reasoned agreement among equals' (Cohen, 1997, p. 73). Benhabib, too, seems to swing between strict (deliberative) proceduralism and epistemic (deliberative) proceduralism. For example, she gives three reasons as to why deliberative processes are essential to the practical rationality of collective decision-making processes: (a) deliberative processes impart new information (b) deliberative processes help individuals to order their preferences coherently, and (c) deliberative processes impose a certain reflexivity on individual preferences and opinions, forcing participants to adopt an 'enlarged mentality' (Benhabib, 1996, pp. 71–2). However, despite her explicit rejection of non-procedural epistemic standards and consequent apparent commitment to strict proceduralism, it is evident that these reasons pertain not to the fairness of the procedure but to the quality of the outcome as judged by non-procedural epistemic standards.

But Cohen and Benhabib cannot have it both ways. They must *either* confine the role of democratic deliberation to improvement of the fairness of democratic procedures *or* they must provide a better explanation of how deliberation contributes constructively to the epistemic quality of democratic outcomes. We can now turn to the fourth argument, for it is precisely the constructive epistemic role of deliberation that is at issue here.

Public Deliberation Contributes Constructively to the Practical Rationality of Democratic Outcomes

In contrast to the third argument, which derives the quality of democratic outcomes from the *procedure* of public deliberation, the fourth argument distinguishes between the fairness of the procedure and the rationality of the outcome. It thus posits independent epistemic standards for assessing the quality of the results of deliberation. Some theories of democracy posit such epistemic standards of rationality *without* asserting any connection between public deliberation and the epistemic quality of decisions and laws. An example here is Estlund's epistemic proceduralism (Estlund, 1997). The fourth argument, by contrast, is distinguished by its claim that public deliberation contributes constructively to the quality of democratic outcomes (to be assessed according to epistemic standards of rationality). This argument forms part of Habermas's theory of deliberative democracy.

According to this theory – which Habermas is now careful to distinguish from his theory of moral validity (discourse ethics) – public deliberations have a cognitive dimension: they are concerned with finding the best way of regulating matters of public concern, whereby the 'best way' is judged according to standards of rationality that have a certain objectivity (Habermas, 1996, pp. 147, 151). Often, of course, compromises are necessary. Compromises can be submitted to a fairness test only from the point of view of *how* they are reached, not from the point of view of their *content* – in other words, only from the point of view of procedural standards of fairness. On Habermas's view, however, public deliberation does not *aim* at compromises, it merely accepts them in situations in which agreement is not forthcoming; its aim is to produce results that are objectively rational.

Furthermore, public deliberation in some way constructively contributes towards the rationality of democratic laws and policies, and their implementation.

I see two main problems with Habermas's argument. The first is that it appeals to an epistemic standard of rationality whose basis is quite unclear. The second is that it does not explain how public deliberation contributes constructively to the rationality of outcomes.

One way of presenting these problems is to contrast Habermas's theory of democratic legitimacy with his theory of moral validity. For our present purposes, there are two important asymmetries between these theories. The first has to do with the *epistemic* status of the outcomes of democratic and moral discourses respectively. The second has to do with the role of *deliberation*.

1. Habermas conceives moral claims in analogy with truth claims. In his view both truth claims and moral claims are cognitive claims that, if vindicated, have an objective, epistemic status. The epistemic quality of moral norms depends on three elements: (a) the procedure of discourse, which has to be conducted in accordance with exacting standards of fairness; (b) the principle of universalizability which functions as a rule of argumentation requiring participants to check the equal general acceptability of their individual interests; and (c) the discursively achieved consensus that the disputed norm or principle is equally in the interests of all affected. Thus, participation in moral discourse (public deliberation on moral matters) contributes constructively to the validity of moral norms and principles. By contrast, the legitimacy of democratic laws depends on only two ingredients: (a) the procedure of discourse, which has to be conducted according to exacting standards of fairness, and (b) a discursively achieved consensus that the laws are acceptable to all affected. In the case of moral discourses, the epistemic status of the outcome depends on whether the norms and principles in question are genuinely universalizable: the discursive procedure is designed to ensure this. In the case of democratic discourses, by contrast, the epistemic status of the laws that emerge is not a function of their genuine universalizability but of the fact that they are generally acceptable (Habermas, 1996, pp. 124–5, 154–7, 450–4). However, de facto general acceptability cannot be the criterion of epistemic quality: if generally acceptable laws are to lay claim to any kind of objective epistemic status, some means of distinguishing between valid and invalid claims to general acceptability has to be available. In contrast to moral claims, where the universalizability principle acts as a test of objective validity, legitimate laws are not subject to this test. The only other independent test of the validity of laws consonant with Habermas's theory is whether or not they result from a fair procedure: this view of legitimacy would be what I have described as a strict proceduralist one, and would, as such, make the element of consensus redundant. But this is clearly not Habermas's position. If it was, his distinction between fair bargaining processes, which result in fair compromises, and legal discourses, would make no sense (Habermas, 1996, pp. 166–8). Similarly, his remarks on majority rule, in particular his claim that it retains an internal relation to the search for truth, would be unintelligible (Habermas, 1996, p. 179).

2. The second of the above-mentioned asymmetries between moral and legal norms has to do with the role of deliberation. As we have seen, in the case of moral norms, public deliberation, which has the function of testing the universalizability of interests, contributes *constructively* to their validity. But since the universalizability test is not a *criterion* of the validity of legal norms, it is unclear why public deliberation is necessary. If general acceptability alone is required, voting (or indeed a coin flip) would be sufficient. In short, either Habermas must clarify how public deliberation contributes constructively to the epistemic quality of democratic outcomes or he must provide some other kind of justification of the value of democratic deliberation.

Once again, the insufficiency of the argument here points to the need for an additional argument – or perhaps an alternative strategy. The fifth argument pursues such a strategy, one that could be described as anti-foundationalist and contextualist. As I understand it, an anti-foundationalist, contextualist approach to justification has three main aspects: (a) it disputes the authority of timeless, objective truths as a non-controvertible foundation for science, law, political principles, morality and so on; (b) it acknowledges the inescapable contextualization of reason and of validity in general, and (c) it recognizes the fallibility of all claims to knowledge, including those of strictly philosophical inquiry. For reasons I cannot develop here, I regard this kind of anti-foundationalist, contextualist approach to justification as the most viable option for us today in the wake of the subjectivist and linguistic turns of Western modernity (cf. Cooke, 2000). This brings me to the fifth argument.

Deliberative Democracy Elucidates an Ideal of Democracy that is most Congruent with 'whom we are'

The strength of this argument is that it relies on an anti-foundationalist, contextualist strategy. Of course, this in itself is not sufficient: the argument must also be convincing. Below I mention some reasons in support of it.

Some version of the fifth argumentative strategy can be found in accounts of deliberative democracy as divergent as those of Rawls (1980, 1993), Habermas (1996), Benhabib (1996, pp. 68–9) and Cohen (1997, p. 67). The list could be extended: it clearly includes, for example, Richard Rorty (1996), and probably Ronald Dworkin (1986). It posits the ideal of democracy as a fundamental principle that is in a sense uncircumventable for inhabitants of modern Western modernity and deliberative democracy as the elucidation of this ideal that is most congruent with 'whom we are'.

The argument that deliberative democracy elucidates the ideal of democracy most congruent with 'whom we are' thus has two main elements: (a) that there are certain key normative conceptions of knowledge, of the self and of the good life that are so central to modern Western history and traditions that rejecting them is not a matter of simple decision but would require a fundamental reorientation in our thinking, and (b) that a deliberative model of democracy makes best sense of these normative conceptions.

The following four examples could be mentioned in support of the claim that for us, the inhabitants of Western modernity, certain normative conceptions of

knowledge, of the self and of the good life are not simply a matter of choice but are constitutive of our self-understandings:

(a) the view that there are no authoritative standards independent of history and cultural context that could adjudicate claims to epistemic validity, particularly in the areas of science, law, politics and morality, and that knowledge in these areas should be construed fallibilistically;

(b) the view that autonomous reasoning is a valuable part of human agency;

(c) the view that publicity is important, especially in the realms of law and politics;

(d) the view that everyone is in principle deserving of equal respect as an autonomous moral agent with a distinct point of view.

The ideal of deliberative democracy fits well with these normative conceptions. If there are no authoritative standards of scientific, legal, political or moral validity independent of history and cultural context, and if knowledge is still deemed possible in these areas, then some alternative means for deciding between rival justifications has to be found. If, in addition, knowledge in these areas is construed fallibilistically, that is, if it is seen as never final and conclusive but always open to challenge and revision in light of new evidence and arguments, unconstrained rational argumentation seems the most appropriate forum for adjudicating rival claims. This 'desacralized' view of knowledge, which goes hand in hand with a secularization of authority and which is acknowledged to be one of the defining characteristics of Western modernity (cf. Habermas, 1987, pp. 43–111), helps to explain the value attached to autonomous reasoning, in particular to two of its main ingredients, rational accountability and objectivity of judgement. By 'rational accountability' I mean the individual's readiness to accept responsibility for her (self)-interpretations and judgements as expressed in a willingness and ability to provide reasons in support of her claims to validity and to enter into unconstrained discussion of these reasons, if necessary. By 'objectivity of judgement' I mean the individual's ability to engage in a critically detached, informed, perceptive and flexible way with her surroundings, with other persons and with her own (self)-interpretations and life-history (Cooke, 1999a). The desacralization of knowledge also helps to explain the value attached to publicity, both in the weaker sense that rational outcomes must be capable of being made public and in the stronger sense that justifications themselves should be public. However, for a more adequate account of the value attached to publicity in the latter, stronger sense, we need to draw on a further principle: the principle of equal respect for citizens as autonomous moral agents with a distinct point of view. Equal respect in this sense means that *everyone* is deemed capable (in principle) of making an informed and insightful judgement on moral matters, more precisely, that no-one's argument should be discounted on grounds of race, sex, class and so on. This implies that in rational discussions in which moral arguments are advanced (and such arguments are always in principle relevant in discussions of laws, political principles and public policies), every citizen's contribution must be seen as worthy of consideration. We may note that this in turn suggests a conception of political autonomy in terms of an ideal of self-authorship: citizens are held to be politically autonomous insofar as

they can see themselves as authors as well as subjects of the law (political principles, public policies and so on). If combined with the desacralization of knowledge it suggests, in addition, a deliberative interpretation of self-authorship. For, if there are no timeless, authoritative standards of legal, political or moral validity, then in order for citizens to be able to see themselves as authors in this sense, they must be able to see the law, political principles and public policies as the outcome of a process of public deliberation whose aim is the best possible justification of the proposals under discussion. These four elements of our modern Western self-understanding – the view that claims to validity are a matter for unconstrained rational discussion, the value attached to autonomous reasoning and to publicity and the principle of equal respect for citizens as autonomous moral agents with a distinct point of view – can be combined to provide a strong argument in favour of deliberative democracy, for they imply the need for an environment in which all citizens have an equal opportunity, and are equally encouraged, to contribute to public deliberation on matters of common concern. Furthermore, since one central purpose of such deliberation is to discuss the merits of arguments with the aim of producing outcomes that have the best possible justification, no restriction may be placed on the kinds of reasons deemed permissible in a given case nor may the outcome of deliberation be determined in advance; deliberation so conceived is thus unbounded in principle and has an in-built transformatory potential.

With these brief remarks I have indicated some reasons supporting the fifth argument. However, this argument must not only be tenable, it should also be useful. Even if accepted as correct, the fifth argument runs up against the objection that its underlying strategy is too weak to be helpful, for it appears to be compatible with a variety of widely diverging models of deliberative democracy. Indeed, I myself have claimed that some version of the argument can be found in the models proposed by Rawls, Cohen, Benhabib and Habermas – models that clearly diverge in significant respects. Since of the foregoing the two that diverge most widely are proposed by Rawls and Habermas, I focus on them in dealing with this objection. To meet the objection fully it is necessary to show that the fifth argumentative strategy permits a rational decision in favour of one or other of these models, of some combination of the two, or against both of them. I argue that it provides good reasons for preferring Habermas's model to Rawls's.

One possible explanation of the differences between Rawls and Habermas with respect to deliberative democracy is that each gives different and equally convincing interpretations of – or, at least, different weightings to – the key elements of our history and traditions with which the deliberative ideal is supposed to be congruent. Such an explanation would undermine the usefulness of the fifth argumentative strategy, for it would make it too weak to be helpful in deciding between the various deliberative models on offer today. Fortunately, therefore, I disagree with such an explanation.

An alternative explanation seems to me both more plausible and more promising. This explanation acknowledges the significant overlap between Rawls's and Habermas's respective evaluation of our history and traditions, and, furthermore, explains the differences between their conceptions in terms that allow us to choose between them in a non-arbitrary way.

For our present purposes, it is important to note that Rawls and Habermas are in agreement regarding the centrality of the four elements of our history and traditions I have mentioned above. My contention in the following is that Rawls's interpretation of these elements is less convincing than Habermas's. Furthermore, that a sympathetic reading of Rawls's theory of deliberative democracy – one that attempted to remedy its main deficiencies – would produce a theory that closely resembled Habermas's, at least with respect to its deliberative components.

Both Rawls and Habermas are in agreement on the following points:

(a) both acknowledge the absence of authoritative standards for adjudicating legal and political validity claims independently of cultural context and history, while recognizing the need for alternative epistemic standards;

(b) both emphasize a principle of equal respect for citizens as moral agents with a distinct point of view;

(c) both require an ideal of personal autonomy according to which rational account-ability is a valuable part of human agency (Rawls disputes that his conception is committed to any such ideal: I shall come back to this);

(d) both stress the importance of publicity in the realms of law and politics and uphold an ideal of political autonomy as self-authorship.

Corresponding to these four points of agreement I see four (interconnected) respects in which Rawls's model of deliberative democracy is less convincing than Habermas's model (to which I refer principally only for purposes of contrast in the following). In all four respects the arguments that I bring to bear against Rawls's model either appeal directly to the fifth argument or are consonant with its anti-foundationalist, contextualist strategy.

The four respects in which Rawls's model of deliberative democracy is less convincing than Habermas's are:

(a) It makes use of a normative conception of deliberation to which it fails to do justice. Furthermore, this normative conception of deliberation *should* be central to a theory of deliberative democracy for it fits best with 'whom we are'.

(b) Rawls's demarcation of the public from the non-public gives rise to problems within his theory. Furthermore, this demarcation is connected with a conten-tious postulate of the irreconcilability of ethical differences that produces, in turn, a contentious interpretation of 'the fact of reasonable pluralism' and a conception of tolerance that fails to fit with 'whom we are'.

(c) Rawls's conception of deliberative politics requires a conception of personal autonomy that he explicitly rejects as an acceptable basis for his political conception of justice. Furthermore, this conception of autonomy *should* be central to a theory of deliberative democracy for it is a key element of 'whom we are'.

(d) Rawls proposes a normative conception of political autonomy that is too limited and insufficiently deliberative from the point of view of a deliberative ideal of democracy congruent with 'whom we are'.

In conclusion I want to deal briefly with each of these points.

(a) Not only is Rawls's political theory of liberalism usually included in the broad family of normative models of deliberative democracy, he himself now explicitly identifies it as a member (Rawls, 1997b). Claiming that his political theory of liberalism is concerned with well-ordered constitutional democracies understood also as deliberative democracies, he clearly implies that his idea of public reason subscribes to the deliberative ideal. Nonetheless, closer inspection reveals that its deliberative features are not obvious. The idea of public reason requires of citizens to consider what kinds of reasons they may reasonably give one another when fundamental political questions are at stake (Rawls, 1997b, p. 766). However, only one of its aspects makes any reference to public *reasoning*. This is the aspect of reciprocity: the citizens must check the compatibility of the principles of political justice they advocate and vote for with the comprehensive doctrines of all other citizens. The condition of reciprocity ties in with the duty of civility, which requires citizens to be able to explain to one another on fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason. It can be seen from this that the Rawlsian 'condition of reciprocity' and 'duty of civility' outline a conception of public reasoning that is not deliberative in the sense of 'deliberation' I introduced initially (that is, deliberation as the free exchange of arguments involving practical reasoning and always potentially leading to a transformation of preferences). By contrast with this conception of deliberation, public reasoning is presented by Rawls as an essentially '*monological*' or *private* process in which citizens work out for themselves whether the advocated political principles are reasonable in the sense of capable of being reasonably accepted by all. What is missing from the Rawlsian conception of public reasoning is its dynamic, transformatory dimension: for Rawls, public reason is not a dynamic process of reasoning that *generates* normative agreement through the transformation of preferences but an idea imposing a *constraint* on publicly acceptable political principles (cf. Benhabib, 1996, p. 76). Given this depiction of public reason as a process that can in principle be carried out privately, Rawls's explicit comparison of his conception with Rousseau's is not surprising. But Rousseau, as is well-known, proposes a model of democratic politics that *rejects* public deliberation (Rousseau, 1973, p. 185). For this reason it can be argued that Rawls's non-deliberative interpretation of the idea of public reason fails to do justice to its own commitment to a deliberative ideal of democracy.

Rawls himself seems implicitly to have acknowledged this deficiency. In his most recent work there is evidence of a shift towards a more transformatory conception of deliberation. Rawls now specifies what he calls the wide view of public reason, which allows that reasonable comprehensive doctrines may be introduced in public political discussion at any time, provided that in due course proper political reasons – and not ones solely supported by comprehensive doctrines – are presented sufficient to support whatever the comprehensive doctrines are introduced to support (Rawls, 1997b, pp. 783–7). The wide view of public reason is less 'monological' than his original one, because it opens the way for the parties in a dispute to explain to one another how their views do indeed support their basic values. However, although it moves in the direction of the normative conception of deliberation referred to in the foregoing, the transformatory dimension of public

reason is still underplayed. The main purpose of introducing comprehensive doctrines into public political discussion appears to be *reassurance*: political opponents reassure each other of their respective allegiance to basic constitutional and political values; they do not anticipate, or even hope for, modification of their own or of their opponents' views (Rawls, 1997b, pp. 785–6).

Rawls's – still inadequate – shift away from a 'monologically' construed conception of deliberation towards a more transformatory one supports my general thesis in these pages: that the fifth argument gives us non-arbitrary grounds for preferring a more extensively and vibrantly deliberative model to a more restricted and cautious one. As I have already suggested, some of the key normative conceptions shared by inhabitants of Western modernity concerning knowledge, the self and the good life provide the basis for maximizing unconstrained public deliberation that has an in-built transformatory potential. Thus, insofar as Habermas's model of deliberative politics can be said to promote such unconstrained, transformatory public deliberation, it may claim to be more in tune with 'whom we are' and in this respect superior to Rawls's model.

A transformatory potential is a central element of Habermas's twin-track theory of democracy. This twin-track theory is designed to allow for the dynamic interplay between particular needs and concerns and general laws and policies (Habermas, 1996, pp. 312–4). On his view, public deliberation is important both in the formally organized processes of political decision making and legislation, and in the 'anarchic' processes of will-formation in the public sphere; he also insists on the need for constant interpenetration of the two dimensions: prevailing laws and policies must constantly be open to challenge (on grounds of their probable ethical bias) by objections formulated in 'anarchic' processes of will-formation (Habermas, 1993, pp. 132–3; Habermas, 1996, pp. 418–27). In addition, he emphasizes that no topic is immune to thematization and critical scrutiny in public deliberation (Habermas, 1996, pp. 312–3). In short, citizens engaged in public deliberation along both tracks of democratic decision making and will-formation should be prepared to discuss *any* of their preferences, and to modify them as a result of valid objections. Admittedly, Habermas's deliberative model of democracy does not quite live up to its own promise. In particular, its account of (ethical-) political discourses is inadequate and misleading. However, its shortcomings are not so much structural as problems of execution and, as I have argued elsewhere, can be remedied fairly easily (Cooke, 1997a, pp. 9–16).

(b) Rawls's demarcation of the public from the non-public both gives rise to problems within his theory and opens it to objections from the fifth argument.

Rawls insists that the idea of public reason applies only to the basic structure of society. By this he means a society's main political, social and economic institutions and how they fit together into one unified system of social co-operation from one generation to the next (Rawls, 1993, pp. 11–15). He usually specifies the subject of public reason as 'constitutional essentials' and 'matters of basic justice', emphasizing that its principles do not apply to the 'background culture', understood as the many associations of civil society – churches and universities, scientific societies, professional groups and so on (Rawls, 1993, p. 220; Rawls, 1997b, pp. 767–8). However, he also insists that the idea of public reason is not a view about specific

political institutions or policies but rather a view about the *kinds of reasons* on which citizens are to rest their political cases in making their political justifications to one another (Rawls, 1997b, p. 795).

I see two main problems with Rawls's position here. First, his claim that public reason does not apply to the 'background culture' is unsustainable. This is evident from some of his own examples, for instance, his recent remarks on the family as part of the basic structure (Rawls, 1997b, pp. 787–94). Rawls rejects as a misconception the critical objection that, since the family is an association within civil society, it is not subject to the principles of public reason and is thus a potential site of injustice, especially for women and children. While reiterating his position that the principles of political justice do not apply to the internal life of such associations (thus, like churches, families do not have to be democratic), he claims that they do impose certain constraints. Specifically, they guarantee the basic rights and liberties, and the freedom and opportunities, of all family members. Rawls also formulates his position in this regard as the need to distinguish between the point of view of people as citizens and their point of view as members of families and other associations. However, this distinction ultimately is unsustainable. Tellingly, Rawls ends his argument with an approving reference to Mill's critical comment on the family: Mill claimed that the family in his day was a school for male despotism, inculcating habits of thought and ways of feeling and conduct incompatible with democracy. Rawls draws from this the conclusion that the principles of justice can plainly be invoked to reform the family (Rawls, 1997b, p. 788). But is hard to see how they could be invoked in this way *without* applying directly to the internal life of the family – which is precisely what Rawls denies (Rawls, 1997b, pp. 789–90). Furthermore, if the principles of justice are applicable to the internal life of the family on the grounds that families inculcate the political virtues required of citizens in a viable democratic society, then people must also be able to invoke them in order to reform the churches, universities and other associations of civil society wherever these inculcate habits of thought and ways of feeling and conduct incompatible with democratic values. And again, it is very difficult to see how this could be done without profoundly affecting the internal life of the churches, universities and other associations. It seems clear, therefore, that – contrary to what Rawls himself claims (Rawls, 1997b, p. 789) – the principles of political justice *do* require families, churches and so on to be democratic in significant ways for otherwise they could not promote habits of thought and ways of feeling and conduct that are compatible with democratic values.

The second problem has to do with the psychological burdens the demarcation of the public from the non-public imposes on citizens. Rawls's citizens are expected to be divided selves, offering different kinds of reasons in support of their convictions in official forums, in which constitutional essentials and matters of basic justice are under discussion, than they may offer in discussions within the many associations that are part of the background culture. In the former case, they may offer only reasons that they might reasonably expect others, as free and equal citizens, reasonably to accept; in the latter case, they may also offer reasons rooted in their particular comprehensive doctrines. Thomas McCarthy puts his finger on the difficulty here: '[on Rawls's conception] political discussion would have to be radically transformed whenever the venue changed in relevant ways, even if the very same

people were discussing the very same issues. [...] The conceptual, psychological, cultural and institutional problems this avoidance strategy raises are formidable' (McCarthy, 1994, p. 52). Moreover, these problems are not solved by Rawls's recent specification of the wide view of public reason for, as we know, citizens may only introduce reasons rooted in their comprehensive doctrines where these in due course can be shown to be compatible with political reasons. It is easy to think of cases, such as political discussions of policies on abortion or treatment of animals or the environment, where the deep convictions held by some citizens provide them with strong reasons to reject the proposed policy – reasons, however, that they could not reasonably expect other citizens to accept. In such discussions, therefore, the citizens concerned would have to impose a considerable check on their deepest convictions. The psychological difficulties here give rise to further problems, for example, moral problems concerning the appropriate treatment in a given case of those obliged to accept political reasons that override their deepest convictions. This problem is compounded by the fact that in any society with a diversity of comprehensive doctrines, the psychological burdens are unlikely to be distributed evenly. For, given the fit between the idea of public reason and certain 'liberal' conceptions of the self and the good life (in particular, as I argue below, an ideal of autonomous agency), the psychological burden will be lightest for those whose deepest convictions are fundamentally compatible with these 'liberal' conceptions (cf. Cooke, 1997b). This is not to deny that Rawls may be right to grant priority to publicly acceptable reasons when it comes to laws and public policies: the point is that his conception as it stands fails to take sufficiently seriously the psychological burdens that this prioritization may impose on citizens, and the moral and other kinds of problems that may arise from this.

Rawls's demarcation of the public from the non-public is connected with a contentious interpretation of the 'fact of reasonable pluralism'. As is well known, the distinguishing feature of Rawls's political conception of liberalism is that it is freestanding: it is presented as independent of, and as not derived from, any of the comprehensive doctrines subscribed to by the citizens who find it reasonable. Rawls uses the image of a module: the political conception is a module that fits into and can be supported by various reasonable comprehensive doctrines in the society regulated by it (Rawls, 1993, p. 12). On its own this freestanding character is not problematic; it becomes so only in conjunction with his peculiarly *static* interpretation of the 'fact of reasonable pluralism'. Rawls takes this to mean that differences between comprehensive views are irreconcilable (Rawls, 1997b, p. 766, pp. 804–5). Accordingly, his conception calls for a kind of tolerance of ethical differences that accepts them unquestioningly as incapable of resolution, exempting them from public deliberation rather than attempting to overcome them productively.

The fifth argument offers at least two reasons for rejecting Rawls's interpretation of 'the fact of reasonable pluralism'. The first is that Rawls's postulate that ethical differences are irreconcilable in principle is not in itself a key normative element of modern Western history and traditions, nor does it evidently emerge from any other such element. The most likely candidate in this regard would be the principle of tolerance, for this is indeed a central normative conception formative of the modern Western self-understanding. But the principle of tolerance merely enjoins us to live peacefully alongside those whose comprehensive doctrines are unacceptable

and distasteful to us. It does not advocate the withdrawal of comprehensive doctrines from the hermeneutic endeavours – or indeed the critical objections – of others, nor tell us that normative convergence between currently opposed comprehensive doctrines is in principle impossible. Indeed, it seems not only possible but desirable to combine the principle of tolerance with a plea for hermeneutic openness and for unconstrained critical exchange between mutually opposing comprehensive doctrines since, for reasons already indicated, such a deliberative (in the sense of transformatory) interpretation of the principle of tolerance fits well with 'whom we are'.

A second reason for rejecting Rawls's interpretation of the 'fact of reasonable pluralism' (together with its accompanying conception of tolerance), is that it is at odds with the ideal of personal autonomy which, in turn, is a key normative element of 'whom we are'. The value of personal autonomy is sometimes disputed by communitarian and by feminist thinkers. In my view, however, their criticisms apply only to certain *interpretations* of the ideal of autonomy and offer no compelling reasons for rejecting it as an ideal. Elsewhere I have argued for a reconceptualization of personal autonomy that takes on board the valid objections raised by feminists and others (Cooke, 1999b). Most importantly for our present purposes, personal autonomy on my proposal involves an orientation towards evaluative conceptions of the good. Through its connection with 'strong evaluation' (cf. Taylor, 1985) autonomy is given an intersubjectivist interpretation: it calls for rational accountability concerning personally held conceptions of the good life. The individual agent who aspires towards autonomy must be willing and able to give a rational account to others of her subjectively held strong evaluations. In doing so she appeals to a conception of validity that cannot be understood in a purely subjectivist manner but has a context-transcendent, or 'objective', moment. However, under conditions of modernity ascertaining the 'objectivity' of strong evaluations is considerably complicated by the absence of timeless, universally acknowledged standards for adjudicating validity. 'Objectivity', if it is possible at all, now has to be construed in an anti-foundationalist and contextualist way. This entails recognition of the contexualized and essentially fallible character of reason and suggests the need for critical engagement with all relevant arguments advanced in unconstrained intersubjective processes of rational deliberation. Thus, by virtue of its connection with strong evaluation, personal autonomy has an inherent intersubjective dimension that enjoins individuals to open their subjectively held evaluative conceptions to rational challenge by others. This aspect of personal autonomy calls, in turn, for a conception of privacy as a space that is essentially permeable (Cooke, 1999a). Rawls's demarcation of the public and the non-public, which grants protection against uninvited criticism to comprehensive doctrines, thus undermines the intersubjective aspects of ethical agency and as a result does not fit well with a notion of personal autonomy that is key normative element of 'whom we are'.

For reasons mentioned in the last section, Habermas's model is superior to Rawls's in its interpretation of the 'fact of reasonable pluralism' for it allows for the productive interchange between, and possible modification of, opposing ethical views. For the same reason it also fits better with the intersubjective aspect of ethical autonomy, which opens up comprehensive doctrines to challenge on the basis of

good reasons and allows for a conception of privacy that immunizes no topics against thematization in public debate.

(c) Rawls requires a conception of personal autonomy that he explicitly rejects as an acceptable basis for his political conception of justice. Rawls equips his citizens with two moral powers, a capacity for a sense of justice and a capacity for a conception of the good (Rawls, 1993, pp. 18–20, 103–4). Correspondingly, they are both reasonable and rational: they are reasonable agents who desire for its own sake a social world in which they, as free and equal, can co-operate with others on terms all can accept and who, moreover, are ready to discuss the fair terms that others propose; they are also rational agents who have the capacity to form, to revise and rationally to pursue a conception of their rational advantage or good (Rawls, 1993, pp. 49–52). According to Rawls, however, such agents are not personally autonomous. He insists that his political conception relies only on an idea of *political* autonomy. It does not affirm the moral value of personal autonomy for to do so would undermine the constraint of reciprocity (Rawls, 1993, pp. 98–9; Rawls, 1997b, p. 778). This is because 'many citizens of faith reject [the moral value of personal] autonomy as part of their way of life' and thus could not reasonably accept it as part of a political conception of justice (Rawls, 1997a, 132–3).

It is not easy to make sense of Rawls's objection to affirming the moral value of personal autonomy as part of his political conception of justice. In particular, it is not easy to understand his statement that many 'citizens of faith' reject it. This statement is puzzling for it is clear that the ideal of personal autonomy is incompatible only with *certain kinds* of religious faith. More specifically, it is incompatible only with doctrines that deny that divine authority has to pass through the filter of human reason, that human beings are unique moral agents capable of reasoning, and that all human beings are equal in this respect. It is hard to imagine how reasonable and rational agents as defined by Rawls could deny any of these principles; consequently, it is hard to understand why reasonable and rational agents who are also 'citizens of faith' could find the ideal of personal autonomy unacceptable. This difficulty is compounded by the fact that religious conviction per se is not seen by Rawls as an impediment to accepting his political principles. Indeed, one of the main points of his political liberalism is to show that there need be no conflict between religious faith and the political principles of justice, provided only that the religious doctrines in question are reasonable (Rawls, 1997b, pp. 780–3). He is also clear as to what this entails. This can be seen from his 'perfect example of an overlapping consensus', in which he distinguishes between 'reasonable' and 'unreasonable' religious convictions: drawing on the work of Abdullahi Ahmed An-Na'im, Rawls shows how an Islamic justification for constitutionalism can overlap with secular and other justifications to endorse a constitutional regime (Rawls, 1997b, pp. 782–3, note 46). Here, the main point he takes from An-Na'im's argument is that only Muhammad's early Mecca teachings, and not the later Medina teachings, are compatible with arguments endorsing a reasonable constitutional democracy, for only the former support equality of men and women and complete freedom of choice in matters of faith and religion. This is an unambiguous example of how some religious comprehensive doctrines can be regarded as reasonable whereas others cannot.

Most interesting for our present purposes is that Rawls here seems to acknow-
ledge the *psychological* importance of consistency between citizens' comprehensive
doctrines and the political principles of justice. Otherwise his insistence that an
overlapping consensus is possible only between those who hold reasonable com-
prehensive doctrines would make no sense (Rawls, 1997b, pp. 800–3). We would
therefore expect him to recognize a similar psychological need for consistency
between the normative ideal of agency underlying his conception of political
autonomy and the various normative ideals of agency affirmed by citizens in their
'non-public' lives. Since he does not, we must seek some explanation.

One possibility is that Rawls does not perceive any lack of consistency. His position
might be that the attributes of agency presupposed by the notion of political
autonomy are sufficiently consistent with the attributes of agency his citizens
affirm in their non-public lives. There would thus be no gap or discrepancy of the
kind indicated and thus no significant psychological problems. However, Rawls's
explicit statements to the effect that his citizens are not required to value personal
autonomy seem to rule out this interpretation. Nor can the problem be dismissed
as a quibble about the meaning of personal autonomy. Although there are many
interpretations of this ideal, there are certain core convictions common to all
conceptions of autonomy (Cooke, 1999b). One of the least controversial of these is
the conviction that human beings themselves must be able to endorse their con-
ceptions of the good, which means: have good reasons for affirming them. (I have
argued that under conditions of modernity, this conviction becomes what I have
called rational accountability: a readiness to supply reasons in support of one's
claims, if challenged.) We may note that Rawls offers a formulation of *political*
autonomy that appeals to the need for rational justification (though not to the
requirement of rational accountability): political autonomy requires citizens to be
able fully to endorse the constitution and the laws to which they are subject
(Rawls, 1995, p. 155). In other words, when his citizens don their political caps and
assume their roles as public reasoners, they are guided by the normative idea of
reasonableness – by the view that being able rationally to justify the validity of the
laws that govern their lives is important. However, Rawls is quite clear that this
normative idea need not be operative in their non-public lives. When citizens doff
their political caps and revert to their various roles in non-public life, they are
required only to be rational (in his sense). Admittedly, they are expected to possess
a *capacity* for reasonableness but this, presumably, may lie dormant in non-public
life. We will recall that 'rationality' as defined by Rawls does not require agents to
justify their validity claims to anyone – not even to themselves. Indeed, we have
seen that, on his account, rational and reasonable agents may even have moral (for
example, religious) reasons for *rejecting* the normative idea of rational justification
with respect to the conceptions of validity they hold in their non-public lives.

From the foregoing it is evident that Rawls allows for a possible gap between the
attributes of agency valued by citizens when acting or reasoning publicly and those
valued when they act or reason non-publicly. Moreover, he seems unperturbed by
it. In my view he is wrong to be unconcerned. In the previous section I criticized
his failure to take seriously the psychological difficulties (and attendant moral
and other problems) that arise when citizens are required to offer different kinds
of reasons as public reasoners than they may wish to give as non-public ones.

A similar criticism can be made here. Insofar as Rawls's citizens affirm the value of political autonomy while conceivably rejecting the parallel non-public value, they will be 'divided selves' with the psychological and other problems entailed thereby. Against this, Rawls could argue that no serious psychological difficulties arise from the 'division'. But such an argument would be undermined by the fact that he elsewhere appears to acknowledge the need for psychological consistency: the very idea of an overlapping consensus is premised on the need for citizens to perceive a compatibility between political principles and their comprehensive doctrines.

In short, Rawls runs into problems if he does not attribute a commitment to personal autonomy to his citizens, whereas no obvious problems ensue if he does so. For, as we know, Rawls sees no conflict in principle between religious faith and political principles. Moreover, the objection that it would make his political conception of justice unnecessarily exclusionary is unconvincing, for it seems to disregard the fact that Rawls's conception *already* excludes those who are not reasonable. Indeed, it seems to imply that a non-exclusionary conception of political justice is possible. But against this it can be argued that *all* political systems are exclusionary to some degree. If this argument is correct, then it is more important to address the moral and other kinds of problems arising as a result of political and social exclusion than to bemoan a given conception's failure to live up to an impossible ideal (Cooke, 1997b). In short, Rawls's political conception of justice could only benefit from an explicit acknowledgement that citizens must recognize the value of personal as well as political autonomy. This does not, of course, mean that they have to embrace an interpretation of autonomy that relies on an atomistic, voluntaristic, or otherwise discredited, picture of human agency (cf. Cooke, 1999b).

Habermas's conception is superior to Rawls's also in this third respect. In his theory there is no tension between citizens' commitment to the ideal of political autonomy and their normative conceptions of human agency. He defines political autonomy in terms of citizens' capacity 'to view themselves jointly as authors of laws to which they are subject as individual addressees' (Habermas, 1995, p. 130). Political autonomy as self-authorship is then presented as co-original with, and as presupposed by, a conception of private autonomy, at the core of which is a normative notion of human agency as rationally accountable (Habermas, 1995, pp. 126–31; Habermas, 1996, pp. 127–31; cf. Cooke, 1992).

There are, in addition, reasons external to Rawls's theory for acknowledging the connection between deliberative democracy and personal autonomy. In the last section, I mentioned an independent reason for preferring a model of democracy that is guided by a normative conception of human agency as personally autonomous. It is preferable because such a conception of agency is a key normative element of modern Western traditions and history and the conceptions of self and of the good life that have emerged from them. As Habermas puts it, it is the 'dogmatic' core of the deliberative paradigm (Habermas, 1996, pp. 445–50). We may note that with this formulation Habermas explicitly draws on the fifth argumentative strategy: his explanation for why such dogmatism is harmless is that it merely expresses the idea that autonomy is not a matter of choice for us who have developed our identities in particular socio-cultural forms of life.

(d) In addressing the third respect in which Rawls's model of deliberative demo-
cracy is less preferable than Habermas's, I have already touched on the fourth one.
This has to do with the ideal of political autonomy. I contend that Rawls's model
produces a conception of political autonomy that is less congruent with 'whom we
are' in two main respects. First, insofar as it limits the exercise of political auton-
omy to matters pertaining to the 'basic structure', that is, to constitutional
essentials and matter of basic justice. Second, insofar as it is in principle 'mono-
logical', that is, not internally dependent on the process of public deliberation.
Since these two objections reiterate arguments advanced in the foregoing with
regard to other aspects of Rawls's theory, there is no need to say much about them
here. For the sake of clarity, however, I briefly set out the main points of criticism,
once again by contrast with Habermas's conception.

Rawls and Habermas share an interpretation of political autonomy as self-
authorship. Citizens are politically autonomous when they are able to see them-
selves jointly as authors of laws to which they are subject as individual addressees.
Although the metaphor of self-authorship is encountered more frequently in
Habermas's writings, it is also suggested by Rawls's various formulations of political
autonomy, for example, where he defines citizens as politically autonomous when
they fully endorse the constitution and the laws to which they are subject;
moreover, Rawls appears to accept the metaphor of self-authorship when com-
paring his conception of political autonomy to Habermas's (Habermas, 1995, p. 130;
Habermas, 1996, p. 126; Rawls, 1995, pp. 153–5). Despite this apparent agreement,
however, there are two significant differences between their conceptions. In each
case, Habermas's conception can be said to be preferable in that it is more
congruent with the normative conceptions of knowledge, the self and the good life
that are part of the evaluative horizons of Western modernity.

First, Rawls's conception accords a more limited place to political self-authorship.
Citizens are deemed politically autonomous if they are able to express their interest
in self-authorship with regard to constitutional essentials and matters of basic
justice. Self-authorship in other areas of social life (for instance, in the area of
public policy making or informal public opinion formation, not to mention the
many associations of civil society) is seen as irrelevant. By contrast, Habermas
extends the interest in self-authorship to *all* areas of democratic decision making
and opinion formation – to matters under discussion in the informally organized
domains of the public sphere as well as in the more formal organs of government.
If, as I have argued, the ideal of autonomy with its core value of rational
accountability is a key normative conception within Western modernity, then a
model of politics that places value on its maximal exercise in all areas of social life
fits best with 'whom we are'. This constitutes one reason for preferring Habermas's
conception of political autonomy to Rawls's.

Second, Rawls's conception of political autonomy has no explicitly deliberative
component. As we have seen, the normative ideal of self-authorship requires
citizens to be able to endorse the reasonableness of a law or political proposal. On
Rawls's account, however, such endorsement does not have to be the result of a
public process of deliberation but can take place 'monologically', that is, by each
citizen privately. By contrast, at least on the reading of it I favour, Habermas's

conception of political autonomy is directly tied to the actual process of public deliberation. To be sure, at least two different interpretations of Habermas's conception are possible here: one that ties political autonomy to the (epistemic) rationality of democratic *outcomes* and one that ties it to the *process* of public deliberation. In section four I discussed some problems arising from Habermas's view that deliberative procedures contribute constructively to the epistemic rationality of the results of democratic deliberation. Such problems will be encountered by any interpretation of political autonomy that ties it conceptually to the epistemic validity of democratic outcomes. For this reason I wish to avoid a reading of Habermas's conception of political autonomy that defines it in such terms. On an alternative reading, political autonomy is defined in terms of *participation* in actual processes of legislation and political decision-making. The ideal of self-authorship requires citizens to be able to accept laws and policies as valid for reasons they themselves can accept as valid. We might say: political autonomy as conceived by Habermas aims for the closest possible convergence of legitimacy with justification (cf. Rawls, 1995, pp. 175–6). Public deliberation is necessary in order to maximize such convergence for it is an attempt to find the laws, principles and public policies that can be justified as most appropriate. Given the absence of authoritative standards for adjudicating such justifications, citizens have no way of knowing whether or not the laws, principles and policies that are eventually agreed on – by voting or by some other mechanism – are epistemically valid. Nonetheless, public deliberation *aims* to ascertain what is objectively right in the given context (even if there is no way of knowing whether this has been achieved) and is necessary for the kinds of reasons mentioned by Benhabib: to facilitate the exchange of information, for the coherent ordering of preferences and for the enlargement of mentality. This is the sense in which public deliberation is a cognitive process. Citizens engage in this cognitive exercise because they have an interest in political self-authorship, that is, in minimizing the gap between legitimacy and justification. However, it is the *process* and not the outcomes of public deliberation that is the locus of political autonomy. Thus, in contrast to what Benhabib herself implies, the cognitive dimension of public deliberation cannot be explained in terms of democratic procedures (nor, indeed, as she sometimes, with Habermas, suggests, in terms of democratic outcomes): it becomes intelligible only through reference to the *process* of democratic deliberation. Connected with this is a normative conception of political autonomy that calls on citizens to look for the best justifications for the laws, principles and policies that govern their lives and to seek these justifications through processes of public deliberation. The desire for public processes of reasoned justification – for what I have called rational accountability – thus constitutes the heart of deliberative democracy. If, as I have argued, the deliberative ideal of democracy fits best with 'whom we are', it is because of this emphasis on rational accountability – and not because it offers a vision of perfect ethical harmony which holds out hope that ethical disagreements could, someday, finally be overcome.

Conclusion

My discussion in the foregoing has had two main aims: First, to show that even strong arguments in favour of deliberative democracy (such as, for example, the

'educative' and 'community-generating' ones) depend, in the end, on a fifth argument – the argument that the principles of deliberative democracy incorporate normative conceptions of knowledge, the self and the good life that are most congruent with 'whom we are'. With respect to this first aim, I see three further tasks as particularly important: (a) to defend more adequately the centrality of the normative conceptions of knowledge, the self and the good life that I have identified by offering a convincing explanation of why they have often been disregarded in the history of Western modernity, most notably in the last century by National Socialism and fascism; (b) to explain how a contexualist strategy of the kind I have proposed can avoid reducing normative standards of validity to mere cultural preferences (Cooke, 2000); and (c) to defend more adequately the deliberative ideal of democracy by showing that the dangers to which it is prey – in particular, manipulation of public processes of deliberation for sectional strategic purposes – do not undermine its basic principles but rather can be accounted for, and responded to, within the deliberative conception itself.

My second main aim was to show how the fifth argumentative strategy can be used to argue for the superiority of certain models of deliberative democracy and to expose the weaknesses in others. Although in these pages I have confined myself to discussion of the respective merits of just two of the conceptions of deliberative democracy currently on offer, my thesis, of course, goes further. In my view, the fifth argumentative strategy can be used as a basis for critically examining all other contemporary conceptions of deliberative democracy and for deciding between them, if necessary. It provides a basis, for example, for rejecting certain 'communitarian' conceptions on the grounds that they reject the value of personal autonomy or for rejecting certain 'liberal' models on the grounds that they postulate individual liberties that are conceived not as political rights but rather as antecedent to, and forever removed from, the process of political deliberation. As such it is not just the best available defence of deliberative democracy, it can be put to good use in contemporary debates on the merits of diverging interpretations of the deliberative ideal.

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