



**Cultivating Autonomy:
A Case For Deliberative And
Associational Democracy**

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SUMMARY

The thesis aims to justify liberal democracy on the cultivation of autonomy amongst its citizens. The potential of deliberative democracy and associational democracy to achieve this cultivation are then critically evaluated. It is suggested that autonomy has intrinsic value and an intrinsic connection to democracy, particularly in Western democracies.

Deliberative democracy is justified as the most suitable model of decision-making to cultivate autonomy due to its enhancement of public reason, speaker and hearer autonomy. All three factors therefore encourage reflective preference transformation, which is the defining mark of deliberative democracy.

A perfectionist case of deliberative democracy is further presented and associations in civil society are evaluated as a location of deliberative democracy. It is argued that the associations can achieve this by fulfilling four functions: they can be venues for subsidiarity; provide information and representation; be schools of democracy; and locations for governance. The fulfilment of these functions enables the institutionalisation of deliberative democracy to overcome some of the threats of complexity, pluralism, size and inequality. However, not all associations can achieve all four functions and in order to do so, they must be internally democratic.

The associations also need to pursue a dualist strategy in relation to the state. This involves a critical public sphere with informal networks of communication based upon the norms of deliberative democracy. The public sphere should then set the agenda for legislation through the 'outside access model'. The second strand of the dualist strategy is to gain access to legislative arenas. Associational mediating forums with power devolved from the state, again based on the norms of deliberative democracy, are advocated as a suitable method by which to achieve this.

This associational model differs from the neo-pluralist model of interest groups because it is based upon the norms of deliberative democracy and can therefore promote the common good and avoid the 'mischief of factionalism'.

Finally, a case study of the Stanage Forum is considered. I suggest that it approximates the associational mediating forums and highlights where trade-offs between the ideal and practice need to be, can be, should be and will be made.

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INTRODUCTION

Over the last ten to fifteen years, deliberative democracy has become an increasingly dominant strand of democratic theory (Dryzek, 2000, p. 1). This thesis intends to add to this literature on both justification and institutionalisation. The justification is that it is the most suitable model of democratic decision-making to cultivate citizens' autonomy. In terms of institutionalisation, voluntary associations in civil society are analysed as suitable locations for deliberative democracy. This then links the current literature on deliberative democracy with the recently rejuvenated ideas of civil society, often termed neo-tocquevillianism or the second wave of civil society. This popularity is not restricted to political theory although Lester Salamon and Anheier inform us that the world is undergoing 'a major reappraisal of the whole state' (Salamon and Anheier, 1996, p. 1) and that this is being countered by 'a global associational revolution' (Salamon and Anheier, 1996, p. 81). The most dominant stream of the thesis however is how to cultivate autonomy, and the thesis investigates to what extent deliberative and associational democracy can achieve this. The approach is predominantly theoretical and normative, and the thesis should be seen as an attempt to contribute to three areas of literature on autonomy, deliberative democracy and associationalism. In doing so, the thesis tries to address and add substance to several key issues that the present literature on these areas has failed to consider in explicit detail.

The analysis of these topics can also be seen as a series of suggestions for democratic deepening. According to John Dryzek there are three dimensions through which democracy can be deepened. The first is the expansion of the franchise where more people participate in collective decision; the second is scope, where more issues and topics are opened to democratic decision-making; and the third is 'authenticity of control', which requires 'the effective participation of autonomous and competent actors (Dryzek, 2000, p. 29). It is this third method that the thesis focuses upon; arguing that deliberative democracy can lead to more authentic preferences, and believing more autonomous preferences are more authentic. For Dryzek authenticity is 'the degree to which democratic control is engaged through communication that encourages reflection upon preferences without coercion' (Dryzek, 2000, p. 8).

Chapter One presents the case that the cultivation of the value of autonomy is the normative core of democracy. It is suggested that autonomy and democracy both aim to make their agents self-determining and so the relationship between them is implicit. I argue that autonomy is an intrinsic value for its own sake, especially in western liberal democracies, as both the theory and practice of liberal democracy have assumed its citizens to be autonomous. However, the argument here is that autonomous citizens cannot be assumed, because the right conditions need to be in place to cultivate this autonomy. I outline the core elements of autonomy as free choice based upon rationally formed preferences and then defend the possibility of autonomy as defined against several challenges that maintain the impossibility of justifying democracy upon autonomy. These are that it is not a political value, that people are determined so cannot be autonomous, that autonomy inevitably leads to perfectionism or paternalism and that autonomy is incompatible with authority. Although there is already a vast literature on autonomy, which I use as the basis of my arguments, the thesis maintains key elements of originality as the chapter looks specifically at cultivating autonomy in decision-making.

In Chapter Two, I argue that the model of deliberative democracy is the best decision-making method to cultivate the autonomy of all participants equally. This argument accepts Robert Dahl's argument, that 'democracy cannot be justified merely as a system for translating the raw, uninformed will of a popular majority into public policy' (Dahl, 1994, p. 30). For preferences to be authentic, they must be enlightened, and as Dahl asserts this requires education, discussion and public debate (Dahl, 1994, p. 31). From this Dahl concludes that 'alternative procedures for making decisions ought to be evaluated according to the opportunities they furnish citizens for acquiring an understanding of means and ends, of one's interests and the expected consequences of policies for interests, not only for oneself but for all other relevant persons as well' (Dahl, 1994, p. 31). A comparison of purely aggregative mechanisms of decision-making highlights the three reasons why deliberative democracy is particularly suitable to cultivate participants' autonomy: it generates public reason, information is increased and therefore hearer autonomy is enhanced, and finally that it ensures speaker autonomy by ensuring participants have control over the expression of their preferences. Three popular challenges to these justifications for deliberative democracy are also considered and refuted: the social choice critique that a popular will cannot be identified; a

challenge from difference democracy that deliberative democracy is inevitably biased against historically disadvantaged groups; and finally that deliberative democracy requires special obligations among citizens that it cannot itself ground. Again this chapter builds on well-established arguments, but is distinctive in the manner that it explicitly justifies deliberative democracy by its potential to cultivate autonomy.

The remaining chapters can be seen as an attempt to address 'the problem of bringing democratic theory down to earth, of giving it practical import, of making it something real' (Blaug, 1996, p. 49). They also accept John Rawls' argument that normative theory must engage with 'the art of the possible', and so must be 'feasible' and 'realistic' (Rawls, 1993, pp. xv-xviii). Although the thesis is normative, it attempts to ensure that the normative vision can be 'reconciled with the institutional requirements of modern society' (Cohen and Arato, 1992, p. 8). In this sense the thesis attempts to avoid the criticism of the public choice theorists that normative political theory lacks analytical reasoning and that feasibility is absent. However, this does not mean that I accept public choice theorists' suggestion that their approach is 'political science properly understood', and that normative theory has nothing to add (Brennan and Lomasky, 1993, p. 6). This thesis accepts this 'new realism' and therefore the institutional discussion will be centred within the present institutional structures of liberal democracy. As American activist Brian O'Connell, has argued, civil society should be seen as a supplement and not replacement of current representative institutions (www.democraticdialogue.org/report2/report21.htm, (19/03/2003), p. 2). Consequently, the arguments here, for an associational democracy, should be taken in this context. As Young has appreciated 'alternative institutions cannot be made out of air. Both imagining and external alternative institutions must begin with some elements of existing social life' (Young, 1995, p. 207). However, an associational democracy fits these requirements because as Jean Cohen and Andrew Arato have famously argued 'the concept of civil society indicates a terrain in the West that is endangered by the logic of administrative and economic mechanisms but is also the primary locus for the potential expansion of democracy under "really existing" liberal regimes' (Cohen and Arato, 1992, p. viii).

With an intent to achieve this, the third chapter follows William Nelson, in the sense that it accepts that such a theory must demonstrate why democracy is desirable and it

should define its democratic institutions, and how they should function, and how they will function (Nelson, 2000, p. 181) and therefore attempts to do exactly this. It is furthermore an attempt to address another key challenge levelled against deliberative democracy, as Seyla Benhabib notes, that it is irrelevantly utopian, because it cannot be institutionalised (Benhabib, 1996, p. 84; see also Blakeley, 2000, p. 2). The chapter therefore tries to expand upon and provide greater detail to the already existing literature that connects the ideal of deliberative democracy with voluntary associations because as James Fearon suggests a call for widespread democratic deliberation 'is simply meaningless without specific recommendations about how the broader discussion would be institutionally structured and an analysis of how these institutions would condition the discussion that resulted' (Fearon, 1998, p. 64; see also Johnson, 1998, p. 175). The argument is then based upon an initial premise of John Dryzek, that the present institutional framework of liberal democracy is inappropriate for the effective institutionalisation of deliberative democracy (Dryzek, 2000, p. 3). It is argued that associations can aid in the cultivation of autonomy and the institutionalisation of deliberative democracy because they provide venues for subsidiarity, provide information and representation, are schools for democracy which can provide grounding for deliberative obligations and act as locations for governance. All these aspects also help overcome the threats of complexity, namely size, pluralism and inequality. Social policy is taken as a specific example to highlight these normative claims.

James Johnson argues that the current work connecting associational democracy and deliberatively democratic decision-making is incomplete in two main ways. Firstly, it lacks detail on the form and operation these associations would take in respect to state institutions. Secondly, there needs to be a clearer account of how deliberative procedures will operate in these associations and in 'more formal political institutions' (Johnson, 1998, pp. 175-176). Chapters Four and Five will attempt to build upon the present literature that links deliberative democracy with associations by providing more detail about these two key aspects.

The fourth chapter reinforces claims made in Chapter Three, that in order to fulfil its potential democratic functions, associations in an associational democracy must themselves be internally democratic. The desirability of this is defended against two claims, that where costs of exit are low the internal structure of the association is

irrelevant and that it would undermine the essential liberal democratic right to freedom of association. The possibility of it is defended against Michels' famous 'iron law of oligarchy' and the empirical restrictions of size, geographic dispersion and time (Michels, 1959).

Michael Saward contends that 'further enlightenment on the issue of the appropriate siting of deliberation awaits the blending of aggregative, statist understandings of democracy and the insights of the deliberative 'model' within a larger realist theory of democracy that takes inevitable trade-offs and dilutions of democratic practice fully on board' (Saward, 1998, p. 526). Chapter Five tries to provide some enlightenment on these issues by reviewing the potential relationship between associations and the state. It advocates a dualist strategy for associations and particularly focuses on the public sphere and its networks and their potential to foster deliberative communication between associations and between associations and the state. Mediating forums with devolved powers where representatives from associations would gather to make decisions based on the norms of deliberative democracy. It accepts however, that this is dependent upon the state devolving territorial and functional powers to these forums. This involves a consideration of the relationship between representation and deliberative democracy. The chapter also makes some tentative considerations on the potential role of the state in moving liberal democracies towards this dualist model.

Chapter Six defends associational democracy against one of its most famous criticisms, Madison's 'mischief of factionalism' (Madison, 1966). The chapter suggests that a truly democratic conception of the common good must be formed through deliberative democracy. However, it further distinguishes between the consensus and agonistic models of deliberative democracy. I argue in favour of the agonistic model as a common good cannot always be presumed, difference is an essential resource so should not always be eliminated and a focus upon the common good can allow dominant social groups to disguise their particular arguments. Finally I demonstrate how the associational model of deliberative democracy outlined differs comprehensively from neo-pluralist interest groups.

The seventh and final chapter is a further attempt to ground the normative claims of the thesis with practical reality. A case study of the Stanage Forum is used, and

experiences from empirical research into this case have informed the theoretical claims made throughout the thesis. It is argued that the Stanage Forum is an approximation of the deliberatively democratic mediating forums advocated and hence from the investigation into it some light can be shed on to where the necessary trade-offs between the theory and practice of deliberative democracy need to be made.

Despite the attempt of the thesis to provide some detail to the discussions on the institutionalisation of deliberative democracy in associations, I acknowledge the importance of ensuring that a blue-print for institutionalisation is not put forward and hope that this has been avoided. However, 'the critique of deliberative democracy as blueprint does place the onus on defenders of deliberative democracy to demonstrate how and to what extent deliberative democracy ... might be successfully institutionalised' (Eckersley, 2000, pp. 123-124). The thesis firstly defends deliberative democracy upon the value of autonomy and then seeks to present one possibility of how this institutionalisation might be achieved.

CHAPTER ONE: AUTONOMY: THE NORMATIVE CORE OF DEMOCRACY

1.0 Introduction

There are many alternative justifications of democracy, most of which are egalitarian justifications. Democracy is therefore justified because it promotes equal dignity, it promotes the happiness of all equally and it is essential to ensure and develop humanity equally. In this first chapter, however, I will consider the value of autonomy as a justification of democracy and present the case that the best justification of democracy is that it cultivates autonomy more equally than any other form of government. In particular I will argue that it is autonomy that has been the prime theoretical and practical aim of liberal democracy, and therefore it is fair to judge liberal democracies by how well they enhance their citizens' autonomy. In order to completely establish autonomy as the normative core of democracy, it would be necessary to directly compare it with the alternative justifications, and demonstrate that it captures this normative core, more accurately than these other justifications. However, this would entail a thesis in itself. As the assertion that autonomy is the normative core of democracy, is just the first stage in my argument to justify deliberative democracy, and consider the possibility of institutionalising it as associational democracy, I will instead try to present as convincing a case as possible, for the argument that the cultivation of autonomy is the best justification of democracy.

Democracy is a form of political organisation through which collective decisions are made, and it is the form of decision-making that is my concern here, not the extent or scope of decisions (although this is undoubtedly a vital concern to autonomy), because this is a connected, but distinct issue to the one I am concerned with; which is that of how decisions are made, and how democratic decisions need to be co-ordinated and organised in order to enhance the autonomy of the participants. To highlight the problems and indicate the solutions of how to enhance autonomy in decision-making, I will use a hypothetical example of five friends, Andrea, Bob, Chris, Diane and Emily, therefore forming an easily identifiable constituency, and needing to make a decision about going out. Although there are, broadly, only two things that need to be decided upon i.e. when to go out and where, there are a plurality of possibilities involved in both of these, as well as practical implications such as how to get there, cost etc. The distinct yet important factor here, which will make it similar to decisions made in a democratic

arrangement is that the decision will be a coercive and obligatory one, meaning that all will have to go out where and when the group decide.¹

In section 1.1, following the discussion of the connection between autonomy and democracy and autonomy and liberal democracy in section 1.2, I will consider the challenge of Giovanni Sartori that autonomy is not a political value. In section 1.3, I will then suggest autonomy is important because it is an intrinsic value. The next step, in section 1.4, will be to define autonomy (and all its facets) and consider the implications of a political system that aims at achieving equal autonomy for all. My conception of autonomy will be a rationalistic one based upon revisions of Kant's theory of autonomy. These will be considered with regard to the essential aspects of autonomy, which I will argue are free choice and rationality; this argument will have to be defended from communitarian critics who argue that autonomy is impossible because people are not atomistic, but embedded, so that choice and rationality are impossible. After establishing what it is to be autonomous I will address the tensions between autonomy and authority that is present in all democracies in section 1.5. This will include considering how minorities can ever be autonomous and whether paternalism and perfectionism can ever be justified.

1.1. Autonomy and Democracy

The concept of autonomy has a long political lineage. In ancient times it manifested itself in 'autarchy', which is the sovereignty of the city-state. In the medieval period it was used to distinguish between the 'sovereignty' of the church and state. However, it is in modern times, at least since the emergence of nineteenth-century imperialism, with the emergence of liberal democracy that it has been applied to individuals (Clarke, 1999, p. 2; Young, 1986, p. 6; Wall, 1998, p. 131; Lakoff,² 1996, p. 99).

¹ Brian Darry, (1991, pp. 29-31), provides a comparable hypothetical example of passengers in an isolated train carriage, having to decide if smoking should be permitted. The key difference with my example is that there is only one issue under consideration here, with only two alternatives to choose from i.e. smoking or non-smoking. However, he develops the example, to suggest that the passengers might also want to decide whether to permit the use of transistor radios.

² Sanford Lakoff (1996) distinguishes between three differing conceptions of autonomy: Communal autonomy, which derives from the original use of the word, where it applied to the Greek city-state. A city was considered autonomous when its citizens made the laws, and they were not made by an external power. Plural autonomy, the requirement for all social groups to have equal political power and is a remnant of Roman Republicanism. However, it is the third sense of individual autonomy that will be of central concern here.

Autonomy is a vastly contested concept however. Originally 'autos' meant self, and 'nomos' meant rule (Lakoff, 1996, p. 37; Young, 1986, p. 5). In this simple sense autonomy means 'to be self-governing', and can be applied to any single unit i.e. church, state, city, region, nation, organisation or person. When applied to the individual person, the essential idea behind the principle of autonomy is that the individual should, at least to a certain extent, be in control of their own life, that they should make their own choices and their own decisions in all areas of their life i.e. home, work, social life and in society, and all definitions of autonomy need to incorporate this (Clarke, 1999, p. 210). However, it is not that simple as there are many different ideas on what it means to be self-governing, how we can be self-governing and to what extent we can be self-governing, as we shall see.

A classic example of the modern individualist definition of autonomy is supplied by Steven Lukes, in his discussion on Individualism (1973). It encompasses two important levels. The first is that of the individual and self-determination over beliefs and desires, the second level involves the individual having control over the norms and laws, which control her life:

'The notion of autonomy, or self-direction, according to which an individual's thought and action is his own, and not determined by agencies or causes outside his control. In particular, an individual is autonomous (at the social level) to the degree to which he subjects the pressures and norms with which he is confronted to conscious and critical evaluation, and forms intentions and reaches practical decisions as the result of independent and rational reflection' (Lukes, 1973, p. 52).³ Raz provides a similar conception (Raz, 1986, p. 369, 370 and 408).

Laws form authority, because law is the authorisation of coercion, it sets the standards and conditions for legitimate coercion. However, Jurgen Habermas in his modern classic, Between Facts and Norms (1996), appreciates the fact that 'morally motivated obedience to the law, cannot be brought about by coercion' (Habermas, 1996a, p. 29). For law to be obeyed due to moral responsibility and not coercion, it seems that it must be viewed as legitimate by those it is to coerce, and according to David Held in Democracy and the Global Order, (1995), autonomy and legitimacy have a necessary connection: 'The principle of autonomy seeks to articulate the basis on which public power can be justified; it should be thought of as a principle of political legitimacy' (Held, 1995, p. 153). In this sense political power is legitimate to the extent that it

³ It is important to note here the importance Lukes places on rational and critical reflection on values, laws and norms in terms of the agent being autonomous. This connection will be explored in more detail later in the chapter.

derives from the collective autonomous choices of citizens, or enhances citizen autonomy.

Held's 'principle of autonomy' incorporates the person's having control over their controlling conditions and the idea that everyone's autonomy is equally important:

'Persons should enjoy equal rights and accordingly equal obligations in the specification of the political framework which generates and limits the opportunities available to them; that is, they should be free and equal in the determination of the conditions of their own lives, so long as they do not deploy this framework to negate the rights of others' (Held, 1995, p. 147; See also Dodson, 1997, p. 100).

There are three main themes within this principle. Firstly we see that people should participate in the process to determine the laws, which demarcate the structure of power and the limits of behaviour. The second idea is that the collective power of the people should be limited to guarantee the freedom and autonomy of all. The third idea is that autonomy and democracy are compatible, if and only if the autonomy of each is viewed equally (Warren, 2001, p. 62).

John Dunn believes that 'the power and appeal of democracy comes from the idea of autonomy, of choosing freely for oneself' (Dunn in Lakoff, 1996, p. 33). Democracy is the only political arrangement that gains its power and legitimacy from the rule of the people. Central to the very idea of democracy then is the principle that members of an association should be able to determine the conditions of that association, through free choices:

'If democracy means 'rule by the people', the determination of public decision-making by equally free members of the political community, then the basis of its justification lies in the promotion and enhancement of autonomy, both for individuals as citizens and for the collectivity' (Held, 1995, pp. 145-46).

If this is the case then autonomy is the fundamental democratic idea because they implicitly aim for the same thing, the promotion of self-determination (Warren, 2001, pp. 60-69; Dahl, 1989, Chapter 7; Lakoff, 1996, p. 64; Graham, 1986, p. 3; Habermas, 1996a). It seems that democracy preserves autonomy by ensuring all have an equal opportunity to participate in the decision-making process, and therefore equal power to determine the laws of society. We see these aspects in David Beetham's definition of democracy in 'Liberal Democracy and the Limits of Democratisation' (1993):

'Democracy is a model of decision-making about collectively binding rules and policies over which people exercise control, and the most democratic arrangement to be that where all members of the collectivity enjoy effective equal rights to take part in such decision-making directly' (Beetham, 1993, p. 40).⁴

If we consider other forms of political organisation then it is apparent that no other aims at, nor can achieve, the 'equal' right to take part in decision-making directly. Autocracies by their very nature only have person making the decisions, and certainly do not allow all to participate in making laws. Totalitarian regimes destroy the opportunities for autonomous action even further as not only do they not allow people to participate in making decisions, but they have no restriction of state power whereby an individual might be free from the state to make private decisions. Referring to our example, these systems would be the equivalent of Andrea appointing herself to make the decisions of where and when to go out and then imposing this decision upon the others through the threat or use of force/ sanctions. In this situation only Andrea is in any sense self-determining. In contrast a democratic arrangement would be where all five participate in some way in making the decision, the most democratic being where they each exercised equal control, hence all of them are as self-determining as the others. Hence Noberto Bobbio argues that it is the preservation of autonomy that is the primary justification of democracy:

'Democratic forms of government are those in which the laws are made by the same people to whom they apply (and for that reason they are autonomous norms), while in autocratic forms of government the law-makers are different from those to whom the laws are addressed (and are therefore heteronomous norms)' (Bobbio in Post, 1993, p. 659).

If people are not autonomous when ruled by others, then they must rule themselves collectively and so become 'both law givers and law-obeyers', then they can combine 'the benefits of government with the blessings of freedom' (Wolff, 1976, p. 21). It seems then that democracy, as a social order where people have the power, is the only mechanism to reconcile autonomy with authority. However, as Robert Post appreciates in 'Managing Deliberation' (1993), 'what it means for laws to be "made" by the "same people to whom they apply" is not easy to understand' (Post, 1993, p. 659). This chapter will consider what this does involve, but following Beetham's definition of democracy, we can make some preliminary assertions.

⁴ Warren (2001, p. 60) provides a similar definition.

For democracy to achieve its aim of cultivating autonomy, citizen participation is seen as an essential and hence representative government is a move away from the principle of self-government:

'Participation in this legislative activity is an essential element involved with membership in the realm of ends, as it is a requirement of moral autonomy. In the absence of such participation, one is reduced to a state of heteronomy, subject to laws that are not of one's own making' (Dodson 1997 p. 98; See also Lakoff, 1996 p. 327; Kelsen, 1949, p. 285).

Such considerations led Jean-Jacques Rousseau in the classic Social Contract (1968, first published in 1762) to make many now famous assertions on the necessity of participatory democracy including: 'A people since it is subject to laws, ought to be the author of them.'; 'Legislative power belongs and can only belong to the people.'; 'Sovereignty cannot be represented' (Rousseau, 1968, p. 83, 101 & 141). Participation is defined in general terms by Geraint Parry, G Moyser and N Day in Political Participation and Democracy in Britain (1992), as, 'taking part in the process of formulation, passage and implementation of public policies' (Parry, Moyser and Day, 1992, p.16). However, in modern complex societies it is assumed that representative government is essential (Lakoff, 1996, p. 176). I agree that some level of representation is necessary, which raises a problem for the preservation of autonomy:

'The requirements for participation and for authority in political life appear to stand in contradiction with each other. Participation requires the full exercise of the agency of each of the participants in making decisions, whereas authority seems to connote that some individuals have the right to exercise power over others and to make decisions for them, to these others are bound' (Gould, 1988, p. 215).

There is then always a tension between the agency of the represented and the authority of the representatives, and how this authority can be made compatible with equal autonomy. However, Andrew Dobson, in 'Representative Democracy and the Environment' (1996), argues that direct participation and representation still share the same commitment in principle to autonomous decision-making. It is more 'nuanced' in representative democracy, but citizens can still autonomously select their representative (Dobson, 1996, p.127).⁵

It seems evident that having, and using, an opportunity to participate will ensure that I am more autonomous than if I did not have this opportunity, providing my participation

⁵ This is only the case to a certain extent, for example there might be a lack of choice of representatives from which to choose. The connection between representation and autonomy will be explored in greater detail in Chapter Five.

affects at least one decision. Furthermore, I have autonomy over my participation providing I get to choose the nature of the participation and the ends I hope to achieve. However, it is not evident that the act of participation is a protection of my autonomy, because it still does not ensure that the decision will reflect my decision in any way, particularly as the results of the decisions may actually turn out to restrict my autonomy by reducing my legal scope of action. This problem will be taken up again in section 1.5.3. Next though I shall consider a criticism of the above argument which claims that autonomy is not a political value and so cannot be the justification of democracy.

1.1.1. Is Autonomy a Political Value?

In The Theory of Democracy Revisited (1987), Giovanni Sartori is sceptical that autonomy is a political value, and therefore is critical of any political justification based on it. Sartori's conception of 'freedom to' has three interpretations: I may, as in 'one has consented to'; I can as in 'I have the capability'; and 'I have the power to', which as Sartori correctly notes, includes having the necessary conditions and resources (Sartori, 1987, p. 300). According to Sartori's analysis 'I may' corresponds to the 'external sphere' and 'I can' to the 'internal sphere of freedom': 'When we are interested in the externalisation of liberty, that is in free action, freedom takes the form of permission. When on the other hand the problem is not of external freedom, then we are concerned with freedom as ability' (Sartori, 1987, p. 301). He associates 'I may' with Berlin's sense of negative liberty, claiming it is 'independence' or 'protection'. 'I can' is associated with autonomy as it is referred to as 'self realisation' or 'will'. Armed with this distinction, and borrowing from Bobbio the idea that freedom in the negative sense denotes the area of action, whereas autonomy has to do with will, Sartori argues that autonomy is not a political concept, as political freedom is associated with action not will. Therefore autonomy is not a good concept to base a political system around, but alternatively negative liberty is. Consequently he defines political freedom as 'freedom from not freedom to i.e. negative, defensive or protective freedom...', this is not freedom from all restrictions but, 'protection against arbitrary and limitless (absolute) power' (Sartori, 1987, pp. 301-302). Sartori tries to demonstrate this to us further by looking at the opposites of liberty and autonomy. The contrary of liberty is claimed to be coercion. The contrary to autonomy is said to be heteronomy ('passivity, characterlessness'), which also deals with the 'inner-directed responsible self'. Essentially this means that, 'liberty from and freedom as autonomy cannot be

substituted for each other nor is autonomy positive liberty because it is not a political freedom at all' (Sartori, 1987, p. 320).

There are many faults with Sartori's argument, the most vital being his definition of autonomy as simply internal will.⁶ Autonomy is a complicated concept, as the discussion so far should have indicated, and although it is certainly connected with internal will, it involves much more beside. Heteronomy is the contrary of autonomy, but heteronomy means being ruled by or subject to an external law. Autonomy means being ruled by laws that have come from one-self. This involves forming an independent will away from manipulation, but also the opportunity to have one's will put into action. Autonomy then is certainly a political concept and does deal with action. Providing conditions for people to be autonomous is promoting a value, but this is inevitable. Those who do not value autonomy cannot be forced to do so, because we value autonomy; however, we must provide them with the opportunities to be autonomous whether they use them or not. It is no contradiction though to say people need opportunities to be autonomous in order to choose what style of heteronomous life they want. Being autonomous is to be self-governing and is therefore a political value that can be used to justify democracy, but we need to establish what is involved in this. The next stage of my argument is to establish a particularly strong link between liberal democracy and autonomy.

1.2. Liberal Democracy and Autonomy

The concept of autonomy is central to liberal thought and to its conceptions of democracy, freedom, and the individual self.⁷ William Galston has argued in 'Two Concepts of Liberalism' (1995) that there are principally two dominant strands of liberal thought. One aims at the promotion of individual autonomy, the other is tolerance of diversity. Robert Young in Personal Autonomy (1986) takes a stronger line and argues that any adequate defence of liberal democracy requires a conception of autonomy (Young, 1986, p. 3). Despite thinking that autonomy is impossible because it

⁶ It will be demonstrated in section 1.4. that Sartori has made a conceptually false use of the distinction between negative and positive liberty.

⁷ Despite the arguments made here, many thinkers dispute this claim. For example, C.B Macpherson argues that the aim of liberal democracy is the same as the communist and third world forms of democracy which is the provision of the 'conditions for the full and free development and the essential human capacities of all the members of the society' (Macpherson, 1966, pp.36-37). This argument could

presupposes people have a will of their own, which is impossible,⁸ Erich Fromm, in The Sane Society (1955) does argue that liberal democracy is based upon the idea of autonomous individuals (Fromm, 1955, p. 185). Robyn Eckersley in Greening Liberal Democracy (1996) likewise proposes that liberal democracy is based upon the, 'fundamental respect for the inherent dignity and autonomy of each and every individual' (Eckersley, 1996, p. 222). I suggest that the connection between autonomy and liberal democracy can be demonstrated by a review of some key thinkers in the liberal tradition and by observing actions in civil society that have fought for institutional change in liberal societies.

Liberal democracy has always aimed to create the appropriate circumstances for individuals to select their own actions and goals. As Lukes asserts, 'Autonomy is a value that has always been central to liberalism' (Lukes, 1973, p. 56). This aim has orientated itself through two processes, choosing between political alternatives, and the limitation of scope and degree of political power. We can see this in the theories of John Locke in his classical statement Two Treatises of Government (1988, first published 1690).⁹ He proposed that individuals could and should determine and justify their own actions, and enter into self-determined relations. He also advocated the necessity of autonomous spheres of action, which include religious, social, political and economic affairs, to ensure individual autonomy and freedom. In all these spheres, people must be free from arbitrary power in order to choose and form opinions, and regulate and co-ordinate their own actions. For Locke the source of political obligation lies in individual consent, express or tacit. Political authority therefore is to be distinguished from paternalism, by being derived from the people. This is to be achieved through the rule of law, to prevent the arbitrary use of power (Locke, 1988).

Another classic thinker from the liberal tradition, J.S. Mill also thought it essential to base legitimate state authority upon a concept of individual autonomy. He was reluctant

be countered by arguing that it is autonomy that is the essential human capacity, but this is not Macpherson's argument.

⁸ This argument will be considered later in its communitarian variant.

⁹ Whether Locke is considered a liberal theorist or not is dependent upon one's view as to when liberalism first emerged as an ideology. The two most popular theories on this are that liberalism emerged as an ideology following the French Revolution of 1789 or alternatively that this process began in 17th century England. In this latter thesis Locke would be considered one of the first primary liberal thinkers. In the former theory Locke pre-dates the emergence of the liberal ideology, but would still be considered a significant precursor to the liberal ideology. See Macpherson (1962).

to use the term autonomy in his most famous work On Liberty (1993, first published in 1859), but his work is still closely associated with the concept to the extent that Young refers to this essay as, 'one of the most powerful defences of the value of individual autonomy' (Young, 1986, p. 44). Mill argued that individuals should be 'sovereign' and free from state interference when choosing and pursuing their own ends, providing they did not harm others and limit their autonomy. The individual can legitimately limit the sovereignty of the state providing it goes against their own will e.g. conscientious objectors. In turn the state must have good reason to interfere with individuals, and for Mill interference could only be permitted to prevent the individual limiting another's autonomy. Despite accepting that it is 'common-place' to assume Mill thought it the role of the state to promote autonomy, Brian Barry in Culture and Equality (2001) uses Mill's arguments against state intervention to argue that 'it is clearly a travesty of Mill's position to identify him with any such view of the role of the state' (Barry, 2001, p. 120). This is not to say that liberalism cannot be justified by reference to the value of autonomy, but that it is not the role of the state to ensure it. He further suggests that liberal values and institutions can be defended upon other concepts other than autonomy and his favoured conception is equal freedom (Barry, 2001, pp. 121-122). Despite his disagreement with it Barry does accept that 'autonomy-promoting liberalism' is a 'bona fide form of liberalism' (Barry, 2001, p. 123).

A commitment to autonomy is also evident in more modern liberal thinkers such as Joseph Raz in The Morality of Freedom (1986). He argues that state authority is morally justified if it is based on the autonomous consent of individuals. Therefore the state has a moral duty to create the necessary conditions for autonomy (Raz, 1986, p. 425). This is because the cultivation of autonomy will not arrive 'naturally', as the goals available for individuals to pursue are dependent upon social forms i.e. 'on forms of behaviour which are in fact widely practised in his society' and institutions within society (Raz, 1986, p. 308). In modern Western liberal societies the social forms i.e. the social, economic and political institutions require individuals to be autonomous. For those who have been socialised and raised in Western liberal democracies, the value of autonomy is undeniable, they can abandon the value only by incurring social and personal costs as Joseph Raz explains: 'Since we live in a society whose social forms are to a considerable extent based on individual choice, and since our options are limited by what is available in our society, we can prosper only if we can be successfully

autonomous' (Raz, 1986, p. 394). Bhikhu Parekh in his discussion of Raz in Rethinking Multiculturalism (2000) rightly recognises that even in Western societies not all people do value autonomy, but this is not Raz's point, he only claims that the social forms of Western liberal democracies require it. A more poignant point made by Parekh is that just because people in Western societies do value autonomy does not mean that they should continue to do so, if it is possible for them to reject it (Parekh, 2000, p. 92-93).¹⁰

Steven Wall in Liberalism, Perfectionism and Restraint (1998) provides some detail to Raz's claims about modern Western societies. He outlines six features of Western societies that distinguish it from others and make autonomy an essential value in these societies:

Geographic, familial and social mobility, Technological and economic innovation: The greater mobility in Western societies means that citizens in such societies need to be able to form and revise their aims and make regular decisions about how their nature and talents can be best employed and to adjust to the continuous economic and technological changes.

Pluralism and secularisation: Due to pluralism and secularisation Western citizens cannot rely upon authoritatively enforced religions to act as guides for action. The pluralism of worldviews and religions encourages citizens to form ideas and beliefs of their own to follow and to choose between these competing views and religions.¹¹

Human Rights: The commitment to human rights in Western societies is based upon the idea of the individual and provides protections for the individual to be self-governing in many areas of life (Wall, 1998, pp. 166-169).

Parekh rejects the argument that autonomy is a functional requirement for Western societies, arguing that there are many Asian immigrants in Britain that do not value autonomy, but have achieved significant material success precisely because they do not value autonomy. Instead they, 'draw on the ample resources of a flourishing and tightly knit community with its readily available network of social support' (Parekh, 2000, p.93). I think Parekh's argument is mistaken as he has conflated autonomy with independence, which will be argued later is not what autonomy is. Consequently, there

¹⁰ We must then provide other reasons as to why they should continue to value autonomy and why it is better than a heteronomous life, something which will be undertaken in section 1.3.

¹¹ See also Berger, (1991) pp. 138-139.

is nothing necessarily inconsistent with drawing upon a network of social support and being autonomous. Moreover, Asian cultures in modern Western societies may have benefited from the presence of many of the social forms e.g. social mobility, pluralism, secularisation and human rights that not only encourage autonomy, but provide supporting conditions as well (Wall, 1998, p.171).

In Political Liberalism (1993), John Rawls labels autonomy a 'political not a metaphysical' concept, distinguishing it from the more 'comprehensive' ideal of autonomy formulated by Mill and Kant (Rawls, 1993, p. 10). For a concept to be political in Rawls's theory its justifications must be drawn from 'intuitive ideas' that are embedded in society in an 'overlapping consensus' that can involve a range of ideas from alternative philosophical, moral and religious doctrines. If a concept is derived from this consensus then it is a principle latent in political culture. If a concept is 'implicit' it tends to derive from the 'background culture of civil society' (Rawls, 1993, p. 14) and is found in the culture of everyday life of that society. Autonomy is then limited to the political sphere. Rawls' commitment to autonomy is clearly demonstrated when he asserts:

'Citizens' rational autonomy is modelled in the original position by the way the parties deliberate as their representatives. By contrast, citizens' full autonomy is modelled by the structural aspects of the original position, that is by how the parties are situated with respect to one another and by the limits of information to which their deliberations are subject' (Rawls, 1993, p. 77).

Held takes this idea of Rawls's to argue that autonomy is such a concept, and is embedded in the public political culture of Western liberal democratic societies. It is important to note that "embedded" connotes in this context that the principle has developed as part of, and has been constructed upon, the conceptual and institutional resources of Western democratic culture in a manner that could, in principle, be understood and fully acknowledged by all citizens' (Held, 1995, p. 148-149). To provide evidence of this, Held highlights the way in which it has been the pursuit for equal autonomy in society that has been the motor of which has 'reconstituted the shape of modern Western politics', (although he does not mention in which era this has occurred). This has been activated most prominently through social movements e.g. women, race, social class movements. These movements have won rights in liberal democracies; such as freedom of speech, expression, belief and association; freedom for

women in and beyond marriage, free and equal voting in elections and universal suffrage. These rights aid in the cultivation of autonomy for citizens in modern democracies by limiting the power of the state and providing citizens with equal powers of participation in the decision-making process (Held, 1995, pp. 149-150). Elsewhere in 'Citizenship and Autonomy' (1989), Held argues that 'the slow but progressive achievement of civil rights was a prerequisite to the secure establishment of the liberty of the subject' (Held, 1989, pp. 191-192). In his analysis of T.H Marshall, Held eulogises about how the organised working classes achieved welfare and social gains as rights. For Held this 'search for citizenship became the search for the conditions under which individuals could enjoy a sense of equal worth and equal opportunity' (Held, 1989, p. 192). By gaining these rights the labour movement gained more control of their life and their autonomy began to be recognised as of equal worth and worthy of equal respect as the capitalists: 'Accordingly, the study of rights can be thought of as the study of the domains in which citizens have sought to pursue their own activities within the constraints of community.' The early battles to establish citizenship centred around achieving autonomy, 'from the locale in which one was born' and within the workplace. Later it was seen as essential to have rights of freedom of speech, expression, belief and association to achieve autonomy. Women themselves realised that to achieve their autonomy specific rights both in the home and workplace were required (Held, 1989, p. 201). According to Jean Cohen and Andrew Arato in Civil Society and Political Theory (1992), it was the desire to achieve equal autonomy that encouraged the feminist movement to enter the 'cultural space' created by the New Left in 1968 and the abortion issue was seen to perfectly characterise the demands for autonomy as self-determination (Cohen and Arato, 1992, pp. 554-555).

Will Kymlicka, in both Liberalism, Community and Culture (1989) and Multicultural Citizenship: A Liberal Theory of Minority Rights (1995) argues that all human beings wish to be autonomous because it is essential to the good life. Kymlicka's conception of autonomy is grounding for liberal democracy because he argues that civil and personal rights, freedom of conscience, association, speech and constitutional government are necessary to ensure autonomy. For Kymlicka, the cultivation of autonomy is then the central liberal value (Kymlicka, 1995, p. 85).

From the discussion of liberal democracy, I have tried to demonstrate that autonomy has been a central concept to liberal thinkers throughout its history by discussing the ideas of Locke, Mill, Raz, Rawls and Kymlicka, and furthermore, that many of the social forms require autonomous citizens. However, there appears to be a presumption in liberal theory that all human beings have autonomy, certainly in relation to ethics, as people are seen to be responsible for their own moral choices and law as people are punished for failing to obey it and even success, as it is believed people deserve either their rewards or plight. However, this is a grand assumption. We have already established that autonomy requires certain conditions and how certain groups have had to fight for these conditions to achieve more autonomy. Furthermore, if you can have more or less autonomy it is not enough to presume autonomy for all, as it needs to be established the extent of people's autonomy, how equal autonomy is and if and how the autonomy could be increased for all. However, if we cannot presume autonomy, then this cannot be the foundation of liberal democratic government, but must be created by it. Paul Clarke in his enlightening study Autonomy Unbound (1999), claims such a conclusion 'is radical not to say revolutionary for it implies that this base or laissez faire liberalism is both incoherent and fails to meet its own goals. It can be done only by political action. Liberal governments are therefore, bound to intervene to produce their own conditions. Liberalism is not a self-contained text but must step outside itself and outside its own justifications in order to produce the conditions within which it can justify itself' (Clarke, 1999, p. 33). We can therefore judge liberal democracy and its institutional arrangements on its ability to guarantee autonomy for their citizens. Just because the cultivation of autonomy has been the principal concept behind the practice and theory of liberal democracy, does not mean that present liberal democracies meet the standard of ensuring that citizens are, 'free and equal in the determination of the conditions of their lives' (Held, 1987, p.271; Doyle, 1990, p. 81). Firstly, we need to establish in more detail why autonomy is desirable.

1.3. The Value of Autonomy

According to Roland Pennock in The Justification of Democracy (1989), people want to be autonomous because autonomy is an intrinsic good: 'An individual capable of autonomous behaviour and aware of that fact, possesses something of great intrinsic value. It is good in and of itself' (Pennock, 1989, p. 21; See also Hurka, 1987). This is to say that we value our own choices, decisions and will. We also value the opportunity

to act upon them pursuing our own goals and forming our own relations. People want to be acknowledged as the kind of people who are capable of being self-determining. In this sense, 'the autonomous person gives meaning to his life' (Dworkin, 1988, p. 31).

As Wall discusses, autonomy can be conceived as being intrinsic in two main ways. It can either be valuable 'in itself' or valued 'for its own sake'. This is based upon a distinction made by Christine Korsgaard in *The Sources of Normativity* (1996). In the former meaning autonomy would derive its value from itself and itself alone, and therefore is to do with the source of value. In the latter conception autonomy is valuable for its own sake and 'in virtue of its intrinsic properties' and not valuable because it leads to other valuable consequences, and so deals with the way in which it is valued (Korsgaard, 1996, p. 111).¹² I agree with Wall and Lindley that autonomy is an intrinsic good more in line with this latter conception. In this sense autonomy is not valuable as an end, but rather a condition we value (Wall, 1998, p. 145). If autonomy was to be an intrinsic value 'in itself', we would have to conclude following Moore that autonomy would be valuable even in complete isolation (Moore in Lindley, 1986, pp. 27-28).¹³ If we accepted this latter argument it would mean that autonomy would be valued without an agent to value it, and this seems an untenable idea. M. Beardsley, in 'Intrinsic Value' (1965, p. 11), thinks this problem can be avoided by appealing to a hypothetical and ideal observer, however, even in this conception there is an agent, all be it a hypothetical agent, to value autonomy.

The distinction between the two ways something can have intrinsic value is important in order to distinguish the position held here, from the libertarian perspective where autonomy is valued 'for its own sake' and therefore can be experienced in isolation. The libertarian position must be rejected because autonomy requires structures, as an agent needs to be autonomous in relation to something. By this Clarke means that autonomy is a social value, it must be exercised in a social setting. In this sense a pre-social

¹² In *The Republic I*, Plato thought that a just soul was intrinsically valuable, for its own sake.

¹³ There is a further issue as to whether it is necessary to experience autonomy in order to value it, or if it would be valued if it were to be experienced. This is essentially a debate between objectivism and subjectivism, which I do not think is necessary for me to resolve. However, for a discussion of these positions see Lindley (1986, p. 28-29). For an account of the subjectivist proposal see Von Wright. (1963). For a defence of the objectivist position see Brandt (1959).

individual could not be autonomous; autonomy then requires society if it is to be achieved and valued (Clarke 1999 p43).¹⁴

Gerald Dworkin, in The Theory and Practice of Autonomy (1988) realises that as well as intrinsic value, autonomy could also have instrumental value. When one is autonomous and chooses which values and goals to pursue and how to pursue them, it is more likely that such a life will be satisfying and bring about contentment than if others (even benevolent others) make these choices and decisions for them. Consequently people tend to resist and dislike external control, whether it is benign or not (Dworkin, 1988, p. 111).¹⁵ Mill, who perceived autonomy as necessary for happiness and Raz who suggests that, 'a person's well-being depends to a large extent on success in socially defined and determined pursuits and activities', shares such a view (Raz, 1986, p. 309). Although such instrumental claims about autonomy are most certainly true in most normal circumstances, what of circumstances where people are manipulated to be happy, and so are happy despite being heteronomous, such as in Aldous Huxley's Brave New World (1994)?¹⁶ Robert Nozick, in Anarchy, State and Utopia (1974, pp. 42-45), makes a similar point with reference to 'an experience machine', which would create a virtual reality and provide people with any experience that they wanted. Therefore I think it is important to establish autonomy as an intrinsic value. Intrinsic values focus upon 'agent evaluation' and instrumental values upon 'act evaluation' (Lindley, 1986, p. 21).

In order to establish 'autonomy' as an intrinsic good, Thomas Hurka realises in 'Why Value Autonomy' (1987), that it cannot be due to instrumental reasons. Although he does not deny that there is a connection in most cases, in some cases autonomy would not be required to achieve contentment because we can envisage circumstances when an agent may only have one choice, but it is the option she would select given ten good options. He concludes therefore that to prove autonomy as an intrinsic good it is

¹⁴ This argument will be explored further in section 1.4.3, where the communitarian critique of autonomy as a justification of democracy is considered.

¹⁵ Here again we see how it is autonomy that gives value to democracy, by enabling people to participate in setting their own laws and have control over their life people avoid external control.

¹⁶ Christman (1988, p. 120) points out that a sophisticated utilitarian might argue that happiness is satisfaction of autonomously formed goals, which exempts them from such Brave New World criticisms, of a manipulated feeling of happiness. Such an approach is employed by J.S. Mill (1993).

necessary to show that the latter circumstance is better than the former. For Hurka the answer is efficacy and agency:

'The ideal of agency is one of causal efficacy, of making a causal impact on the world and determining facts about it. And the autonomous agent, just in virtue of her autonomy, more fully realises this ideal. When she chooses among options she has two effects: realising some options and blocking others, and this gives her a larger efficacy than someone whose only effect is the first' (Hurka, 1987, p. 366).

Robert Young pursues such a line of thought and concludes the value of autonomy must be intrinsic and is due to the relation between human agency and self-esteem: 'Autonomy... is the means to our working out our projects in the world. In exercising it, in being self-directing we make our lives... our own, and this is conducive to self-esteem' (Young, 1986, p. 43; see also Lindley, 1986, p. 25, who invokes a very similar argument). By 'conducive' we must assume that Young means being autonomous is part (of the value of) having self-esteem. Hence autonomy is constitutive of self-esteem otherwise it is not an intrinsic value, but instrumental. This is certainly the case that Hurka presents.

Just because autonomy is an intrinsic good does not mean that it is all that is required for 'a good life' (Wall, 1988 p. 130). It is apparent that there are (other) things of value other than autonomy. Bruce Ackerman suggests that it is, 'not necessary for autonomy to be the only good thing; it suffices for it to be the best thing there is' (Ackerman in Sher, 1997, p. 58). George Sher, in his enlightening Beyond Neutrality (1997), proposes that there is an internal connection between autonomy and other values, which elevates autonomy as the most important value, although he neither attempts to endorse or criticise this perspective. It is essentially an existentialist argument and suggests that other values can only be realised if they are autonomously chosen:

'On this account, the values of family ties, culture, community, and the rest will not be competitors to autonomy, but rather will presuppose it; for lives involving close family ties, culture, and community will be valuable only when (or only to the extent that) they are adopted for the reasons provided by their value' (Sher, 1997, p. 58; See also Sartre, 1948, p. 32; Haworth, 1986, p. 208; Hurka, 1987, p. 378).¹⁷

Agents then make choices based upon a potential value, but that potentiality is only realised if then autonomously chosen. It is agency that makes autonomy an intrinsic value. Geoffrey Brennan and Lauren Lomasky in Democracy and Decisions (1993), make this suggestion with the example that someone may consider arranged marriages

¹⁷ Joshua Cohen (1998, pp. 215-217) locates a similar theory in Dworkin, (1989) and Locke, (1955) p. 34.

to be more successfully in the long-term, but still prefer that people choose their own mates due to a desire to be self-governing (Brennan and Lomasky, 1993, p. 168).

Whether or not autonomy is an important value in societies that do not value it is another matter and raises a question as to the universability of the arguments here. However, as already argued, autonomy is certainly valued in Western democratic societies.

Now because autonomy is an intrinsic value I think we need to maximise it in the sense of maximising the number of autonomous people and maximising the cultivation of autonomy in each individual compatible with equal autonomy for all. There will often be conflicts between these two maximising principles and where there is it should be the autonomy of the most people that should be maximised, rather than the autonomy of certain individuals that should be maximised. Wall criticises this argument claiming that not all people will want to maximise the development of their autonomy because autonomy is not the only thing with value (Wall, 1998, pp.184-185). I have accepted that there are other important values, but the mistake that Wall has made is to assume that autonomy is incompatible with these other values when this is not the case. Following Sher's argument I have argued quite the opposite that the potential value of other things can only be realised if autonomously chosen. The maximisation of autonomy will then potentially achieve a greater realisation of other values. We must now turn to a discussion on what is required to be autonomous.

1.4. The Requirements of Autonomy

Due to its link with agency outlined in the section above, autonomy requires an identifiable agent. Therefore agency is always linked with autonomy whether that individual is a person, state, group or organisation, but it is mainly the autonomy of the individual person that I will concentrate upon here (Clarke, 1999, p. 210). Once there is an agent to be autonomous I argue that two further conditions must be met for that agent to achieve autonomy:

1.4.1. Free choice

1.4.2. Rationality

These will be considered in turn.

1.4.1 Free choice

An essential condition necessary for autonomy is to be able to make free choices. Immanuel Kant argued that if people are responsible for their actions (which I believe it is assumed by most people they are) then they are metaphysically free, which in turn implies that they are capable of choosing between courses of action^{18, 19}. Robert Wolff's 'In Defence of Anarchism' (1976), much influenced by Kant, does not see autonomy just as a valuable principle but believes it is an obligation as well: 'Every man who possesses both free will and reason has an obligation to take responsibility for his actions.' This responsibility derives from 'his ability for choice' and as a result, 'he cannot give it up or put it aside. He can refuse to acknowledge it, however, either deliberately or by simply failing to recognise his moral condition' (Wolff, 1976, p. 13 and p. 14; Lindsay, 1929, p.11 makes a similar argument). This again is an existentialist point; the idea that people are responsible for themselves assumes that existence comes before essence, which is the central principle of existentialism. It also assumes that people are capable of choice, which is why people are responsible (Sartre, 1948, pp. 26-29). Lucas states that to be autonomous is to take responsibility for one's own actions: 'I, and I alone am ultimately responsible for the decisions I make, and am in that sense autonomous' (Lucas in Dworkin, 1988, p. 6). The key point is that without choice people are not responsible for their actions and therefore not autonomous. This is based upon the premise that people are thought responsible for their actions if they caused them. However, if it is thought that the person had little or no choice in the matter i.e. if it was unavoidable then this is thought of as a good reason for not blaming the person. Such excuses are often used in court. But the question does arise whether there is such a thing as a free and open choice, people are always constrained when choices are being made, often an agents' choice is constrained by previous choices they have made or choices that others have made. In such cases the person is in a structure that constrains their choices. Again such excuses are also made as defence for actions in court i.e. mitigating circumstances. But if this is the case then it raises a serious query over whether anyone can ever make an autonomous choice. Surely all agents' choices are

¹⁸ Political autonomy, which is our concern here, is distinct although related to the concept of moral autonomy. Moral autonomy was important for Kant, who believed people should form their own moral principles to pursue, but Kant believed these should be rationally constructed and universalisable. Political autonomy is simply the capacity to determine their own lives, and so is only a part of the doctrine of moral autonomy.

¹⁹ Clarke traces this notion of people taking responsibility for their own actions back to St. Paul and his concept of conscientia (Clarke, 1999, p. 84).

constrained by their previous choices and by others. What we need then is a theory of what is required for a choice to be an autonomous one. When choices are constrained through such factors as background and environment etc it is acknowledged that the agent's autonomy is restricted, but only partially. What it really does is indicate, is why a person made the decision they did. It demonstrates for what reasons they did the action, and therefore brings meaning. Therefore, constraints on choices do not show that autonomy is not possible, but rather helps interpret the context in which free will was exercised. It helps us to see to what extent the action or decision was an autonomous one.

As Raz suggests an autonomous choice requires two factors; firstly, the agent must have the mental capacities to be able to exercise a choice and secondly, the external structural requirements to be able to make a choice. Such structural requirements include the range of choice and the extent of possibilities to choose from. Clarke claims liberals like Raz put too much emphasis on the formal requirements of autonomy. These are the empirical circumstances necessary for people to make autonomous choices. The empirical conditions are right if the agent is free from external constraints and has a 'variety of acceptable options to choose from' and an awareness of these options. However, lacks of external restraints are necessary so a person's options are not reduced, and to ensure that peoples' formation of preferences and goals is not perverted (Raz, 1986, pp. 372-378). The connection between an acceptable range of choices and autonomy is apparent if we consider our friends deciding where to go for a night out. If the only options were restaurants then there would not be a sufficient variety of choices as none of the five may want to eat out. What they need are a plurality of options including restaurants, bars, cinema, theatre, clubs, gigs, bowling, snooker hall etc. Moreover, if the friends are unaware of these choices i.e. they were ignorant of the fact that there were any forthcoming gigs then this does not count as a choice. Knowledge about the options is therefore a further condition for autonomy (Hurka, 1987, p. 367).

Clarke argues that liberal theorists such as Raz do not place much emphasis on the enabling conditions, to enable people to be autonomous, but presume that all adults are capable of rational free choice and are therefore capable of autonomy. It is certainly the case that there is a gap between having the formal rights and conditions free from interference to make autonomous decisions, and being able to actually make use of

these opportunities and rights. Clarke attributes the concentration on formal autonomy within the liberal tradition to the disconnection between autonomy and self-realisation identified in Raz. He uses an example of a person being free to choose to live in a cardboard box just as a person is free to choose to live in a palace. There are no formal constraints to either, but this ignores the lack of substance in the freedom as the homeless person who inhabits the box is substantially unable to live in a palace:

‘It demonstrates that merely formal autonomy is not necessarily life enhancing, that there is a real difference between autonomy and substantive autonomy and that the disconnection between autonomy and self-realisation matters. Such a disconnection matters for it legitimates, or tends to legitimate, wide and established inequalities of opportunity for meaningful self-realisation. If autonomy and self-realisation are, as I have suggested, connected, this effectively restricts or limits autonomy’ (Clarke, 1999, p. 221).

This point, raised by Clarke is an important one, but this criticism cannot be directed at Raz as he demands an acceptable range of options, and if one has no resources and is forced to choose to live in a cardboard box, it seems apparent that there is not an acceptable range of options from which to choose. Nevertheless, the point still remains that the agent must be able to substantively act upon the range of available options for them to be considered ‘acceptable.’ If we again return to our friends planning a night out, it is not enough that there may be a range of choices of where to go out, but these must be realistic options. If the snooker hall were a hundred miles away, this is not an acceptable option. Likewise if Bob is unemployed, a theatre ticket for £30 would not be an acceptable choice for him. When making individual or collective decisions it is necessary that there is an ‘acceptable’ range of options and the decision-makers must be aware of them, otherwise the decision will not meet the standards of autonomy. However, this is a necessary, but not sufficient, condition as the choices made may be based upon coercion, seduction or manipulation.

For Jon Elster in Solomonic Judgements (1989), seduction, coercion and manipulation are ‘intrinsically morally objectionable’ because they inhibit an individual’s autonomy: ‘Coercion takes place when an individual prefers x over y, and continues to do so even when someone (physically) coerces him into doing y’ (Elster, 1989, p.82) i.e. being forced into taking an action we would otherwise not choose. Seduction occurs, ‘when an individual initially prefers x over y, but comes to prefer y over x once he has been coerced into doing y’ (Elster, 1989, p. 82) This is obviously not how the term is usually used, but again the important difference with coercion is the person changes their

perspectives having been forced into an action; an example of dissonance reduction. For Elster manipulation is similar to persuasion and occurs when, 'an individual is led by a sequence of short-term improvements into preferring y over x, even if initially he preferred x over y' (Elster, 1989, p. 83). In all these instances autonomy is violated because the agent is not in control over their preferences, and is not making their own rational choices but are being constrained by an outside force. Coercion diminishes autonomy by reducing the options available for pursuit by forcing people to take a certain option therefore taking away their control. Manipulation does not necessarily affect options available, but interferes in the choice of option a person will take. In the cases of coercion and manipulation the actions of the person have not derived from them completely, to a certain degree they are attributable to another. Sher accepts that preferences cannot be seduced or manipulated and still be autonomous. However, he does argue that an agent can be coerced and still be autonomous, so a person can be threatened with a mugging and 'autonomously' submit their money although he accepts that they are unfree. It appears that Sher only acknowledges positive freedom, and not negative freedom, as a requirement for autonomy (Sher, 1997, p. 50).^{20, 21}

Freedom and autonomy are inherently linked, but different values. S.I. Benn and W.L. Weinstein in 'Being a Free Act, and Being a Free Man' (1971), argue that, 'the concept of man presupposed by the concept of freedom of action is that of the free autonomous chooser. Not to have this freedom is to be defective' (Benn and Weinstein, 1971, p. 210; See also Sher, 1997, pp. 45-46). It has been traditionally thought that there are two senses of political freedom (which is what we are concerned with here in terms of free

²⁰ Schumpeter (1974) has argued that it is possible for individuals to be free from manipulation in the market place and in their private life, but thought it impossible in the political sphere. If this is the case then autonomy could not be the justification for democracy and the requirement for legitimate decisions. In fact no theory of legitimation would be required; as the political system would manufacture the conditions for its own legitimacy (Held, 1996, p. 182).

²¹ Sher, providing an argument in favour of perfectionism, points out that even when a government employs methods of coercion, seduction and manipulation to motivate citizens to adopt a certain way of life this is undoubtedly a violation of autonomy, but this does not rule out that the citizens will autonomously adopt this way of life later for good reasons, and therefore be autonomous (Sher, 1997, pp. 62-65). However, this is only the case if the citizens can still choose not to follow this way of life which would involve an absence of government coercion, seduction and manipulation, because there is no guarantee that citizens will autonomously go on to select this way of life. Sher does not seem to appreciate this, but that is probably because he does not think choice is necessary for autonomy, a claim that has been contended earlier. Moreover, Sher's argument does not support the perfectionism he aims at unless the government is not elitist or else seduction, coercion and manipulation would have to be ruled out, not on the grounds that it restricts the citizen's autonomy, but because it would promote the autonomy of government elites above that of citizens, because they will be making the decisions and citizens will be excluded and there seems no justification for this.

choice). Isaiah Berlin famously outlined 'Two Concepts of Liberty' (1984), which he believed to be 'in direct conflict together' because they have contrasting aims (Berlin, 1984, p. 23). In the negative sense of liberty, 'I am normally said to be free to the degree to which no man or body of men interferes with my activity. Political liberty in this sense is simply the area within which a man can act unobstructed by others' (Berlin, 1984, pp. 15-16):

'The "positive" sense of the word "liberty" derives from the wish on the part of the individual to be his own master. I wish my life and decisions to depend on myself, not on external forces whatever kind. I wish to be the instrument of my own, not of other men's acts of will' (Berlin, 1984, pp. 22-23).

Now on first consideration, it appears that it is positive liberty, which embodies autonomy the best as it appeals to principles of self-government,²² but negative liberty is vital as well.²³ To be autonomous involves both liberties, in order for actions and decisions to derive from the person positive liberty is necessary and to ensure the agent is not coerced, manipulated or seduced into actions or decisions negative liberty is required.²⁴ Does this mean that Berlin is wrong to claim that these two concepts of liberty are in direct conflict with each other?

Charles Taylor, in his excellent discussion 'What's Wrong With Negative Liberty?' (1997) understands positive liberty as an exercise concept and negative liberty as an opportunity concept (Taylor, 1997, p. 419). If being free is being able to pursue one's

²² Kant certainly interpreted autonomy and positive freedom in this way as does Young (Kant, 1964; Young, 1986, p. 6).

²³ Some interpretations of Kant's 'Groundwork' interpret negative and positive freedom as equivalent. For example see Beck (1960).

²⁴ This is in accordance with Gerald MacCallum's analysis of freedom in 'Negative and Positive Freedom' (1967). MacCallum feels that it is misleading to talk of positive and negative freedom, because the distinction between 'freedom from...' and 'freedom to...' is not a clear or useful one. MacCallum argues that every instance of freedom consists of a triadic relationship between the agent, the absence of constraining conditions and ability to become something. This is set out as "'X is (is not) free from Y to do (not do, become, not become) Z,'" X ranges over agents, Y ranges over such "preventing conditions" as constraints, restrictions, interferences and barriers and Z ranges over actions or conditions of character or circumstance' (MacCallum, 1967, p. 314). MacCallum acknowledges the use of freedom in the style of 'the sky is now free of clouds' or 'she is free from any vice' but this really means 'rid of' or 'without' (MacCallum, 1967, p. 315). To be free one should not be prevented from making ones own decisions and pursuing them in ones chosen way. It is also necessary that the agent directs ones own life and has the relevant opportunities to do so. As Carol Gould realises MacCallum's joining of the enabling conditions would be classified as 'what one is free from the absence or lack of.' And this is 'an oblique and strained way of referring to the positive conditions.' Furthermore this definition of freedom makes no distinction between lack of interference from others and the provision of enabling conditions: 'To ignore this distinction would be to conflate forbearance from action with action' (Gould, 1988, p. 381). We must then either accept Berlin's argument that the two conceptions of liberty are in conflict or find an alternative method of linking them to MacCallum's.

own goals without being constrained, William Connolly in The Terms of Political Discourse (1993), is right to observe that 'a person could increase his freedom simply by scaling down his desires to match the opportunities available to him' (Connolly, 1993, p. 148). Berlin is aware of and agrees with this view. This is an example of Elster's adaptive preferences (i.e. changes preferences to reduce dissonance) that he outlines in 'Sour Grapes' (1991). Now adaptive preference change is not an autonomous change, so the satisfaction of these preferences would not achieve freedom or autonomy. However, if I purposively change my preferences and desires so I can achieve more of them, then this is an autonomous change. Consequently Elster defines freedom as being 'free to do all the things that one autonomously wants to do' (Elster, 1991, p. 228). The question that immediately arises is; 'what are the conditions for autonomous wants', Elster does not have the answer to this, admitting he can only say what things make 'wants' heteronomous.²⁵

Connolly supports Elster, arguing correctly I think, that people can face constraints and coercion when formulating their goals, not just on the pursuit and realisation of them. As John Christman perceptively points out in 'Constructing the Inner Citadel' (1988), 'no matter how rich a conception of restraint one works out in this context (that one must be "free from" when one acts), it will always be a further question whether the desire a person is acting on is autonomous or not' (Christman, 1988, p. 111). A person can face no constraint while being motivated by heteronomous desires. A person acting upon such desires is, by Berlin's conception, free, but this surely shows the inadequacy of negative freedom as a concept if used alone. For example, in countries with state run media, people only receive limited perspectives and information, constraining their ability to form certain aims. For the same reasons brain washing or other forms of behavioural control prevent autonomous choices and the formation of autonomous values. Likewise commercial advertising is seen as a method for changing peoples' desires, but this does not always mean that they lead to autonomous desires and certain advertising methods e.g. subliminal clips are banned for this very reason. Choice is not autonomous if the preferences one bases their choices upon have been manipulated.

²⁵ Elster further notes that if you are free to do what you want to do then your desires are not shaped by the available options, so your preferences are not adaptive. This though depends on people being aware of this freedom, but moreover on there being no limits to freedom, or else how will we know that it is not dissonance reduction that has formed our wants. As having no restriction on freedom is impossible, then

Certain forms of conditioning can be objectionable in the sense of manipulating an agent's preferences. The classical example being a person forced into slavery for considerable time, is then offered the opportunity for freedom, but chooses to remain in servitude (Sher, 1997, p. 47). Autonomy is important to democratic theory because surely it is important to have an account of how the opinions and beliefs upon which people will be motivated to act and participate, have been formed. Autonomy indicates how authentic such beliefs will be to the person.

As Anthony Giddens argues, 'only if the individual is recognised as an autonomous agent does it become reasonable to regard that individual as politically responsible' (Giddens in Held, 1989, p. 192). For a collective to be self-determining it will be argued that it is important for the preferences to be authentic, and not just sufficient that the people make the decisions. Brennan and Lomasky use an example of an election where all citizens voted by pulling levers, and the more a lever was pulled the greatest chance that policy option would have of winning the election. However, if the voters were entirely ignorant of what lever stood for which option, such an arrangement would not be democratic because the preferences that motivated the vote would not be authentic (Brennan and Lomasky, 1993, p. 170). For John Dryzek in Deliberative Democracy and Beyond (2000), authenticity is 'the degree to which democratic control is engaged through communication that encourages reflection upon preferences without coercion' (Dryzek, 2000, p. 8).

The concept of negative liberty appears totally oblivious to the idea that someone's desires might have been manipulated or 'unduly' influenced by an outside source. Such an idea seriously discredits the concept of negative freedom because if I am not constrained and act upon desires that are not my own, how can it be said that I am free? I have not been restrained from doing the act, but I was still not in control of what I was doing. I was also unrestrained from doing other actions, but due to manipulation was unable to choose these. I really had no choice. The conditions of autonomy do require choice, and conditions to ensure people can act upon and exercise their decisions. However, choice is not enough. The right conditions need to be in place for people to

we cannot avoid facing the difficult question of what criteria is necessary to make preferences autonomous.

form autonomous preferences on which a choice will be made (Levine, 1993, p. 160). Freedom therefore, cannot just be an opportunity concept (Taylor, 1997, p. 419).

Taylor locates the view of negative liberty as nothing more than an opportunity concept from the Hobbesian and Benthamite traditions (Taylor, 1997). Supporters of such an entirely negative conception of freedom assume that people are already autonomous in this sense providing they are free from external influence. This is not true, and democratic society needs to ensure that the conditions for participation in decision-making processes develop autonomous preferences within its citizens: 'Thus a commitment to negative liberty, conceived as an absence of political or social interferences in the pursuit of one's ends, leads inexorably to a notion of autonomy, understood as the ability, again so far as this ability is socially conditioned, to set (achievable) ends before oneself' (Levine, 1993, p. 160). If one is coerced and manipulated then one is prevented from freely determining one's own will or one's goals and is therefore not autonomous. However, as Taylor acknowledges, we must be careful not to caricature the negative view of liberty, as those from the Millian tradition defend negative liberty as an exercise concept (Taylor, 1997, p. 419). Once an exercise justification of freedom is adopted, 'then 'being able to do what one wants can no longer be accepted as a sufficient condition of being free. For this view puts certain conditions of being free' (Taylor, 1997, p. 420).

Some constraints in society are inevitable and if one cannot participate in determining what these constraints are, then autonomy is impossible. Furthermore, if one does not have the conditions (e.g. knowledge, education and information) to rationally form and choose one's goals in allegiance with one's will, one is not autonomous. Both freedoms then are vital to achieving autonomy. Raz succinctly sums up this argument when he states that, 'positive freedom derives its value from its contribution to personal autonomy. Positive freedom is intrinsically valuable because it is an essential ingredient and a necessary condition of the autonomous life. It is a capacity whose value derives from its exercise. One's positive freedom is enhanced by whatever enhances one's ability to lead an autonomous life' (Raz, 1986, p. 409). Negative liberty, alone is therefore not sufficient because, 'negative freedom, freedom from coercive interferences, is valuable inasmuch as it serves positive freedom and autonomy. Coercing another may express contempt or at any rate disrespect for his autonomy...it

reduces his options and therefore may be to his disadvantage...In judging the value of negative freedom one should never forget that it derives from its contribution to autonomy' (Raz, 1986, p. 410; See also Young, 1986, pp. 8-9). Here we see evidence that Raz accepts that both positive and negative liberty, are essential to autonomy and so Berlin is wrong to define them as opposing values and Levine agrees with Raz (Levine, 1993, p. 160).

Consequently, the government should act to promote autonomy by providing conditions, which protect individual autonomy by protecting her from others and protecting her from excessive coercion from the state. Human and civil rights are usually used in modern democracies to ensure this individual, negative freedom. To promote positive freedom the government needs to provide enabling conditions so that everyone has the opportunities for education and access to information to be able to form rational claims and rational arguments to support these claims. Also required are opportunities of participation in the decision-making processes of the state, including rights of freedom of speech, conviction and association. We have seen then the conditions that are necessary for people to exercise autonomy in collective decisions, and they require free choice. A choice is free if there is an acceptable range of options, there is knowledge of these options, the choice is not coerced and the preferences this choice is based upon are not the result of manipulation and seduction. A free choice must be free in the negative and in the positive sense to be autonomous.

Free choice then is a necessary condition to be autonomous, but it is not enough as Benn appreciated: 'To be a chooser is not enough for autonomy, for a competent chooser may still be a slave to convention, choosing by standards he has accepted quite uncritically from his milieu' (Benn, S.L., 1976, p. 123). The critical input of rationality is therefore also required as a condition for autonomy.

1.4.2 Rationality

1.4.2.1 Between Kant and Hume

Benn distinguishes between 'autarchy' and 'autonomy'. The autarchical person being one who makes their own choices, but to be autonomous one must have reasons for a choice. One of the most prominent advocates of this type of relationship between autonomy and rationality is Immanuel Kant in Critique of Practical Reason (1993, first

published 1781), whose theory argued that to be autonomous was to live life in accordance with self imposed maxims, which have been developed through reason. He argued that people could be morally autonomous precisely because they are capable of reason (Lakoff, 1996, p. 157). Alternatively David Hume in the classic sentimentalist text A Treatise of Human Nature (1978, first published in 1740) believed ‘that reason alone can never be a motive to any action of the will...’ and ‘can never oppose passion in the direction of the will’ (Hume, 1978, p. 413). The central dispute here for the relevance for autonomy is whether preferences, desires and passions can be formed through reason and should play a part in our decision-making processes, Kant argues reason can and Hume says reason cannot. Bernard Williams, in ‘Internal and External Reasons’ (1981), differentiates between two forms of reasons. Internal reason being the Hume approach where an agent has a reason for an action, if they have a motive for that action, and the external approach follows Kant where an agent has a reason for action, even if they do not possess that motive. These two contrasting views and their implications for autonomy will be reviewed in turn.

Richard Lindley, in Autonomy (1986), warns against using Kant’s requirements for rationality. Kant insisted that the self-imposed maxims must be universalisable, and therefore are independent of context. Furthermore, Kant’s conception of rationality was to be divorced of all desire and inclination. Although rationality is antithetical to such traits, Lindley is right I think to claim that this is an excessively stringent requirement for rationality. Therefore Lindley argues in favour of, ‘active theoretical rationality’, which requires the agent deliberating over preferences, desires and beliefs (Lindley, 1986, pp. 21-70). The argument that the categorical imperative is context insensitive is based on the traditional Hegelian critique. Hegel believed consciousness was inter-subjectively developed. Hegel further suggested that Kant’s categorical imperative took no account of contextually based reason, but instead depended on pure reason. It is Kant’s concept of pure reason that is not context-sensitive, but interpreted as universal and applies to issues such as consistency in beliefs. However, Clarke defends Kant, discarding the Hegelian critique as a misreading of Kant. He argues that the Categorical Imperative should not be seen as a generator of action, but a test of actions to see if they meet the requirements of autonomy and morality. Consequently, it is always contextual, because it is dependent on the context in which the person wishes to test a possible action (Clarke, 1999, p. 181). Nevertheless, I would suggest that pure

rationality is too stringent a requirement for autonomy as it still requires agents to disregard their particular interests and desires, in this sense Kant's pure rationality is not sufficiently contextual especially for democratic decision-making between interested citizens.

Despite his defence of Kant, Clarke still remains critical of Kant's rationality requirements for autonomy. Clarke accepts that to be autonomous one requires a wide range of reasons (Clarke, 1999, p. 181). However, he thinks Kant's conception of 'autonomy' as an act motivated by reason is an oversimplification, due to the fact that it takes no account of the role of desire. This is in accord with Williams' critique of external reason statements, because 'no external reason statement could by itself offer an explanation of anyone's action (Williams, 1981, p. 100). For Clarke, acts that are motivated by desire and passion can still be autonomous. It is whimsy and wanton that must be avoided if autonomy is to be preserved. However, the standard Kantian argument disregards actions based on desire as heteronomous, because desires are subject to causal processes, which means actions are determined. The question remains as to what protocols an agent should invoke when rationally criticising their preferences. A proposal for the necessity for critical rational enquiry to ensure autonomous opinions came from J.S. Mill. As already established opinions, to be autonomous, must be based upon good reasons, but Mill appreciated that this process also involved the consideration of alternative opinions and their justificatory reasons. In contrast to Kant who claimed that rationality must be separated from inclinations to achieve autonomy, Mill claims that the inclinations should be based upon rational critique.

In contrast Hume, who preceded Kant, perceived reason to be purely instrumental in achieving goals dictated by preferences and desires, summed up in Hume's adage that 'Reason is, and ought only be the slave of the passions, and can never pretend to any other office than to serve and obey them' (Hume, 1978, p. 415). This means that it is passion that is the motivator of action, but requires rationality in order to achieve its goals, with the more intense the passion, the greater the reason for acting upon it. In this sense passion uses reason, rather than passion being subordinate to reason, as Kant perceived the relationship. Clarke is critical of the Humean view, favouring Kant's conception:

'Passion can use reason to serve its, ends but passion cannot judge itself. Passion is feeling, it is motive, it is a mover but it is not a final self-judge. That no one should be a judge in his own cause was an imperative invoked by Locke to justify the shift from a natural to a civil condition. And that passion should not be a judge in its own cause is an imperative that justifies the appropriate and reflective shift between reason and passion' (Clarke, 1999, p. 195).

The categorical imperative is a way of testing these passions, not of generating them, it subjects them to reason, to test the validity of these passions separate from the passion itself. Hume is right that passions, not reason are the motivator of action. He is also right to point out that the content of passion can be good or bad, moral or amoral etc, in other words passion has no objective content. From here though he concludes that preferences are not susceptible to rational critique unless they are based upon false supposition (Hume, 1978, p. 416). Hume did not explicitly refer to autonomy, but rather to liberty, which for him was the ability to choose and act upon that choice. Young argues that we can substitute liberty for autonomy to have a Humean view of autonomy (Young, 1986, p. 33). It is a very minimal conception of autonomy, but its strength over the Kantian view is that it accepts the connection between preferences and autonomy. However, its weakness is that an agent can be autonomous without having autonomous preferences. This seems to be based on an inadequate conception of the role of deliberation. The Humean view of internal reason only thinks that desires can be subtracted from the agent when proved false, but not added. However, I think Williams' approach to internal reason is more accurate when he asserts that through deliberation

'an agent can come to see that he has reason to do something which he did not see had reason to do at all. In this way, the deliberative process can add new actions for which there are internal reasons, just as it can also add new internal reasons for given actions' (Williams, 1981, p. 104).

We can accept this without having to align ourselves with a Kantian external approach to reason, which suggests an agent can gain a reason for action from a motivation that she does not have (Williams, 1981, p. 109).

I think though that it must be pointed out that passion can deflect from autonomy, by blinding people to reason if they are over passionate about something (Hurka, 1987, p. 367). As Sartre has argued, the existentialist believes people are responsible for their passions (Sartre, 1948, p. 34). Sartre provides an example to demonstrate this. He says that one may claim that they love a friend enough to give them a certain amount of money, but this is only proved if it is done. The measuring of the strength of a feeling

can only be judged if it is acted upon, but we cannot therefore justify an action upon this feeling without being drawn into a vicious circle. For Sartre and the existentialist position, feelings are formed by action rather than act as a guide to action (Sartre, 1948, p. 37).

Both Danny Scoccia in 'Paternalism and Respect for Autonomy' (1990) and Jon Elster claim 'economic rationality' is the most appropriate conception of rationality, and therefore follow in the Humean tradition. For Elster being rational brings about the desired ends, which requires selecting the most efficient method to achieve the end. For a choice to be 'economically rational' it must be, 'likely (in light of what the chooser does or can know at the time he makes it) to maximize (within the bounds permitted by his moral principles) the satisfaction of his presently held desires' (Scoccia, 1990, p. 320). Economic rationality is simply choosing the best method to achieve one's goal, but as already argued, the formation of these goals must be rational as well.²⁶ For example, if I did have the desire to cut off my ear, then through economic rationality I would be contemplating the best method to sever my ear from my head, and the best method would be dependent on my other desires like 'Do I want it done quickly?' 'Do I want it done the least painful way?' 'Did I want the severed ear whole?' There is no falsity of belief here so it is autonomous by Humean standards, but it seems apparent there is further reason required to justify the desire. However this takes no account of the fact that the desire to have my ear cut off is not a rational one and there are unlikely to be good reasons for wanting to do it. It is likely to be some strange desire possibly arising from anger or passion that I would come to regret later. In short the rationality required for autonomy requires more than just the satisfaction of whatever desires one may happen to have, but the efficient satisfaction of rationally formed desires. For goals to be minimally autonomous, they must have been 'critically scrutinised'. This means before a goal or value is selected it must have had its strengths and weaknesses evaluated and considered, which requires the consideration of available information about the options and their possible consequences.

Young provides a possible defence of the Humean view. He agrees that an agent's preferences, desires and passions can be irrational, and therefore they may have no good

²⁶ This conception of rationality also closely resembles Schumpeter's model of instrumental rationality (1974).

reason to act upon the desire to cut off their ear, but suggests that it is not irrational to have the desire as it is just a feeling, and so, 'when beliefs and decisions to act are stripped away from inclinations, there is nothing left about the inclination to be irrational' (Young, 1986, p. 39 & p. 41). If this is the case though, the Humean connection between desire, reason and action is broken. This is because as well as having reasons to do something, we can also have reasons not to do something and there are many good reasons why someone should not cut off their ear. They could have the desire to cut off their ear and not act upon it because they have good reasons not to. In this sense desires, preferences and passions can conflict, but the Humean conception of rationality never offers us an account of how this conflict should be resolved even if it is adapted to accept the existence of the irrationality of acting upon certain desires. If we follow Hume then we should simply act upon the strongest desires, but that is not always possible to determine, moreover the Humean view denies the possibility of the individual being able to distance themselves from desires and critically evaluate them (Young, 1986, p. 42).

The case being made here is that rationality provides the connection between 'will' and 'choice'. There is no objective set of rational preferences as Kant suggests, but it is the individual and their deliberation that provides the motivation of judgement behind rationality's critical appraisal, which then determines whether someone finds a reason convincing or not. Korsgaard appreciated this when she claimed 'autonomy is commanding yourself to do what you think it would be a good idea to do, but that in turn depends on who you think you are' (Korsgaard, 1996, p. 107). John Dewey certainly believed in the necessity of rational thought when choosing what goals to pursue and actions to take, if the chooser is to be free. As he states in Experience and Education (1950): 'Impulses and desires that are not ordered by intelligence are under the control of accidental circumstances. It may be a loss rather than a gain to escape from the control of another person only to find one's conduct dictated by immediate whim and caprice; that is at the mercy of impulses whose formation intelligent judgement has not entered. A person whose conduct is controlled in this way has at most only the illusion of freedom' (Dewey, 1950, pp. 75-6; See also Wolff, 1976, p. 12). This is congruent with Kant's analysis as he suggested that practical reason was necessary to influence one's will, which in turn would dictate behaviour instead of inclination, which is not rationally based (Young, 1986, p. 17).

Connolly (1993) borrows a useful example from Fyodor Dostoevski's The Brothers Karamazov (1945) to demonstrate the weakness in the Humean connection between autonomy and rationality. The character Father Zossima mocks the definition of freedom as, 'the multiplication and rapid satisfaction of desires...' It is not freedom to act and follow whatever 'senseless and foolish desires and habits and ridiculous fancies are fostered in them' (Dostoevski, 1945, pp. 328-329). This is a similar view to the one expressed by Socrates in Plato's 'Protagoras', who argued against hedonism being an act of freedom, but rather suggested that the hedonist is a slave to her pleasures. To be ruled by pleasure was ignorance, to be one's own master was wisdom (Plato, 1956, 353c-358c). An important distinction is made here, between freedom being 'doing whatever one pleases or desires' (the freedom of the hedonist), and freedom 'to do what one chooses through thought and reflection.' Benn and Weinstein seem to share this view as they maintain, 'it is apposite to discuss whether he is free to do it only if it is a possible object of reasonable choice; cutting off one's ears is not the sort of thing anyone in a standard range of conditions would reasonably do' (Benn and Weinstein, 1971, p. 195). The full weakness of the Humean view is captured if we refer back to Huxley's 'Brave New World'. The citizens here do choose and can employ instrumental rationality to achieve their preferences, but we would surely not want to term them autonomous as in no way have they contributed to the rational formation of these preferences. Hume's view of autonomy does not therefore encompass a proper conception of agency, which I have suggested is what makes autonomy an intrinsic value in the first place.

On consideration of two of the most dominant traditions in the connection between rationality and autonomy we must reject and accept elements of both Kant's and Hume's approach. From Kant we accept his argument that rationality and not inclination must be dominant to achieve autonomy. However, Kant goes too far and does not acknowledge the relevance of particular desires and interests. Hume rightly accepts the relevance of desire and preferences but does not think that these preferences can be rationally formed, therefore he thinks only instrumental reason is sufficient for autonomy.

1.4.2.2 Dworkin's Hierarchical Approval and Infinite Regress

Neither the Kantian nor Humean conception of rationality seems satisfactory to provide the connection to autonomy. The question still remains as to 'what form of rationality is required for people to form autonomous values and make autonomous choices?' One possible theory is provided by Gerald Dworkin in his influential The Theory and Practice of Autonomy (1988).

Dworkin states that the 'idea of autonomy is not merely an evaluative or reflective notion, but includes as well some ability both to alter one's preferences and to make them effective in one's actions and indeed to make them effective because one has reflected upon them and adopted as one's own' (Dworkin, 1988, p. 17). Later on he defines autonomy as, 'the capacity to reflect upon one's motivational structure and to make changes in that structure' and involves '...the ability to alter one's preferences and make them effective in action' (Dworkin, 1988, p.108). Dworkin calls these preferences 'second order preferences' because they have been formed through the critical scrutiny and reformation of 'first order preferences' in accordance with one's will. It seems that autonomy requires people to change their preferences in light of information and rational scrutiny. Christman is wary of Dworkin's requirement to alter preferences, as he says some preferences are too deeply 'entrenched' into his personality by previous methods of self-development, and he has accepted them as his own (Christman, 1991, p. 6). I do not think this contradicts Dworkin's requirements for autonomy. By 'altering one's preferences' Dworkin does not mean that all preferences a person holds must be changed, but that each preference has been critically scrutinised and evaluated in terms of internal will and compared to her preferences to ensure compatibility, and subsequently changed if they do not meet this standard.

Lower order desires are attributable to actions, for example the desire to smoke a cigarette. Higher order desires deal with lower order desires in this example, 'the desire to smoke a cigarette'. Dworkin expects an agent to 'identify' with some, but by no means all, lower order desires in an 'important way'. It is this identification from higher to lower order desires that is the key to autonomy for Dworkin. Identification occurs following a process of rational reflection, whereby the agent considers their lower order desires to be the sort of desires they want to have, and perceives them as being in accordance with their higher order beliefs and principles. In agreement with

Christman (1988, p.213), I think it is clear that Dworkin sees the process of identification as being one of endorsement and not just realisation. This means the agent is not just appreciating the fact that they have these desires and seeing them as part of them, but approving of them. If then we agree with Dworkin's suggestion that autonomy is identification of higher with lower desires then is it possible to have a desire that one disapproves of? What if a person lives a heteronomous life, but identifies with this?

In this sense we should also see that there are not just second order preferences, as there are no limits to the levels of preferences we might hold because you can have a third order preference about a second order preference and ad infinitum. This though is not a serious challenge to the theory of Dworkin because we can take Young's view that autonomy is determined by the highest order preference (Young, 1986, p. 66). A much more serious weakness is that Dworkin has overlooked the key fact that people are socialised and manipulated when forming higher order as well as lower order desires. Hence the higher order preferences may be as heteronomous as the lower order ones and therefore identification will occur, but the person is still being motivated by desires that are not rationally grounded. Consequently, Dworkin's argument descends into an infinite regress, which any model that links rationality and autonomy must address. Influenced by Thalberg, Christman summarises this problem: 'For either a desire descended to the agent without her awareness or approval (which seems a troublesome basis for the rationality of action), or the agent was able to judge whether or not this desire was acceptable. If the latter is the case (as must be on hierarchical approval models), then the judgement about the desire will have to be based on (other) desires of the agent. Then the question arises about these new desires of the agent and their being approved or not by the agent, from which flows the infinite regress of desires' (Christman, 1991, p. 8). This is not to say that Dworkin's distinction between higher and lower order preferences is useless and meaningless. It is quite possible to perceive that people do have different levels of preferences. People certainly have preferences about their preferences, and have overarching desires about their life. However, Dworkin has not said what conditions are required to ensure these higher order preferences are autonomous (Christman, 1988, p. 113-114).

Developing Dworkin's ideas, John Christman presents alternative requirements that must be met to be autonomous in 'Autonomy and Personal History' (1991). It is the process of preference formation that is key, but in Christman's case a preference is autonomous if the person is aware of and approves of the process whereby they form or accept a preference: 'The motivating idea behind the theory is that autonomy is achieved when an agent is in a position to be aware of the changes and development of her character and of why these changes come about' (Christman, 1991, p. 11).

Three conditions are required for this acceptance to be adequately achieved:

A - That the development of the preference was not resisted or would not be resisted. For this requirement to be met, 'all that must be true is that the agent would not resist- that is take action to counteract- the process, were she to understand it' (Christman, 1991, p.13).

B - That this lack of resistance was not due to factors that inhibited self-reflection.

C - That the self-reflection involved in 'A' was rationally motivated and did not involve self-deception (Christman, 1991, p. 11).

This model is able to avoid the regress, which infects Dworkin's model because it does not involve conditions of self-appraisal. Nevertheless, a choice is still involved when the agent is developing a desire, and a choice is motivated/ informed by other desires, we must then ask 'is this latter desire an autonomous one?' Christman's theory avoids this regress though by not depending upon any self-appraisal based on other preferences. Instead the agent appraises the process of desire formation, and providing this appraisal is rational and devoid of self-deception and manipulation, then the acceptance of the desire is autonomous. The regress is avoided because there is no other level of desire, which is used to evaluate the development of the new desire (Christman, 1991, p. 18-19). However, surely at some point people do need to re-evaluate already obtained desires and beliefs. Supposing I autonomously (i.e. do not reject the process by which I) gain a new belief in the benefits to my health that can be brought about by drinking red wine. This belief will then be used to evaluate other desires. It may mean I start to drink red wine more regularly and other drinks like white wine I may desire, and therefore consume, less. However, because the desire to have more red wine was autonomously gained when it is used to re-evaluate other desires on other beverages, I know that this will be an autonomous process. If people change their

preferences, we need to ask why this change has occurred, as it is not the case that any transformation in preferences automatically makes them more autonomous. Changes can be engineered through coercion and manipulation, habituation and resignation and through learning. For Elster it is informed preferences that are of most importance because they are 'grounded in experience' and have greater stability.

Preference changes will not meet Christman's criteria if they are adaptive preferences, as they do not meet the second criterion of being based upon self-reflection. Adaptive preferences change in accordance with two principal factors; the reduction of dissonance and adjustment to available possibilities. In 'Sour Grapes' (1991) Elster defines adaptive preference change as, 'a causal process taking place "behind my back", not the intentional shaping of desires advocated by the Stoic, Buddhist or Spinozistic philosophies, by psychological theories of self control or the economic theory of 'egonomics' (Elster, 1991, p. 224). He goes on to give a good example to demonstrate the difference between a deliberate and autonomous preference change and an adaptive one:

'The psychological state of wanting to do a great many things that you cannot possibly achieve is very hard to live with. If the escape from this tension takes place by some causal mechanism, such as Festinger's "reduction of cognitive dissonance", we may speak of adaptive preference change. The process then is regulated by something like a drive, not by a conscious want or desire. If, by contrast, I perceive or change my wants so as to be able to fulfil a larger part of them, I then act on a second-order desire, not on a drive' (Elster, 1991, p. 224).

Here we see that adaptive preference changes are not rationally motivated, but are in fact examples of self-deception. For preferences to be autonomous the process through which they are formed must then be conscious, rational and accepted by the agent in question. This though does still not tell us what type of rationality is required. Two types offer different solutions, internalist rationality and externalist rationality.

1.4.2.3 'Internalist Rationality' Versus 'Externalist Rationality'

As can already been seen, despite the extensive number of theorists who have made a connection between rationality and autonomy, the relationship is far from uniform and a variety of stipulations that must be met for the agent to be sufficiently rational have been proposed. Christman further distinguishes between 'internalist rationalists' who require an agent's preferences to be consistent (i.e. transitive) and 'externalist rationalists' who require the agent to have sufficient and objectively correct evidence

(Christman, 1991, p. 13-14). Christman personally believes the 'internal' requirements are most apt. If it were the case that external rationality was required, and the more information a person has the more autonomous they were, then 'the property of being autonomous would be open ended and vague.' It would be difficult to say when a person was sufficiently autonomous. In contrast the internalist approach argues that to be autonomous the person must have rationally consistent means to form desires and that the resulting desires must also be consistent. Therefore an autonomous person must not be, 'guided by manifestly inconsistent desires or beliefs' and that '...the final ends and purpose that an agent has must also be consistent with the rest of the judgements, values and beliefs to which she has committed herself' (Christman, 1991, p. 15).

Elster has also acknowledges the practical problems that arise from the externalist approach to rationality. He gives an example of a mushroom gatherer. She obviously needs to seek out a good place to pick mushrooms, but should not spend too much time comparing places as this will reduce the time available to pick mushrooms. She then does need information to make her decision more rational and autonomous in the sense she will increase her chances of achieving her end of picking lots of mushrooms, but it is hard to know how much information is enough. We could answer this only if we knew what the effect of the extra information would have on the mushroom picker's decision, but we do not know this until she receives this information. This is why Habermas warns us that all 'rational reconstructions' have only a 'hypothetical status', as people will change their decisions and beliefs in light of new information, or that they rest on falsities which deflect attention from 'correct intuitions', or based on generalisations from specific cases (Habermas, 1990, p. 32). Information is then always contingent and limited, but an agent can still attain available information. By 'available information' here I mean it in the weaker sense of people considering information that they can personally attain, which excludes information that others have and would provide given the chance. It is hard to define what is the minimum amount of available information required, as it will vary depending on the decision being made. However, what we can say is that the more relevant information considered the more autonomous the decision is likely to be, but as Elster realises there is inevitably a trade-off between gathering information to form preferences, and pursuing the fulfilment of the preferences. It is not clear, however, where this trade-off should be made.

Christman acknowledges, but fails to confront some of the serious implications that arise from rejecting the externalist requirement of rationality. A person could have consistent preferences, but have several or even all of these preferences based on misinformation and/or manipulation, whereby access to information is controlled and limited by another source. In fact the rejection of the externalist rationality requirement is inconsistent with his own proclamation that autonomy requires accepting the process by which one gains one's beliefs and desires. The person may accept the process by which they have formed their beliefs and desires, but be unaware that such manipulation has taken place. For I believe that most people would not accept their preferences if they were to learn that they had been based on limited information that could have been available. Surely they would want to know what that information was in case it did have an effect upon their preferences? The only way to find out if it would affect their preferences is for them to receive it. If told that their access to information has been manipulated, but the person is still happy with the method of forming their desires and beliefs, then that person has failed to meet Christman's first condition, as they cannot fully understand the manipulation, and therefore the preference formation process, without knowing what information they have been excluded from having. If they say they are, then surely there is an element of self-deception here which means Christman's second condition has not been met. By Christman's own definition, to avoid self-deception, one's motivating beliefs and desires must be transparent to the self: 'If the "self" doing the "governing" is dissociated, fragmented, or insufficiently transparent to itself, then the process of self-determination sought for in a concept of autonomy is absent or incomplete' (Christman, 1991, p. 17). This then is different from invoking someone else's acceptance or rejection of beliefs and preferences because the agent is still deciding for herself based upon her own analysis of that information. Just because she is exposed to the information or belief does not necessarily mean she will accept it, but the exposure will increase that chances of this acceptance.

Now what could be the motivating desire behind not wanting information that you know has been purposely kept from you? The two most likely thoughts involved in such a decision are that you feel you already have sufficient information, but surely there is a lack of self-awareness here as how can one know that they do not need this information and know that this information will not significantly affect their beliefs and desires?

The second reason might be that the person is simply not bothered about the issue and not bothered whether their preferences are autonomous. This is perfectly acceptable in most areas, but not when it comes to collective decision-making. As already argued, it is preferable that citizen's preferences are autonomous if they are to participate in decision-making, and for that participation to be authentic.

Furthermore the manipulation could be the very cause, which makes the person think that they have adequate information to form autonomous desires and beliefs. Christman himself notes that manipulating factors inhibit an agent's 'reflexive capabilities' of minimal rationality and self-awareness, which are necessary for autonomy. Manipulation will mean the person is less able to make judgements 'from her own point of view', meaning they are unable to autonomously appraise the acceptance of desires and beliefs. Christman's examples of such manipulation include hypnosis, drugs and certain educational techniques (Christman, 1991, p. 19). Now surely the latter is an example of manipulation because it can present the agent with one-sided information. One-sided information surely upsets an agent's capacity for rationality and self-awareness. If someone is prevented from reflecting upon a certain piece of information then, the less likely the persons resulting preferences are autonomous, even though they have not resisted the acceptance of these preferences. An example from Locke demonstrates someone can be free, but not autonomous as well as showing how lack of information affects peoples' preferences preventing them from attaining genuine control over their life: A prisoner is locked in a cell, but the gaoler has accidentally forgotten to lock one of the doors, meaning the prisoner could walk through the door, but he does not know the door is not locked. Consequently, his liberty has not been interfered with, but his autonomy has been since, he has been manipulated into thinking all the doors are locked, so will not try to leave (Dworkin, 1988, p. 105). In terms of manipulation's being ethically acceptable, Elster in 'Ulysses and the Sirens' (1976), believes that if a change in preferences is to be autonomous it must be the case 'that the individual - if rational - would have done the same himself given the same knowledge about the causal process underlying the preference change' (Elster, 1976, p. 500). The key point here is with the same knowledge, so surely external rational requirements are essential to autonomy, because we can rarely know what another person would decide given the same information, prior to the fact.

External requirements of rationality are vital to autonomy. These requirements are:

- 1) Conditions to develop the necessary cognitive capacities for rationality in humans e.g. judgement.
- 2) Absence of manipulation in the process of rationalisation.
- 3) Availability of relevant information. It is then the process that is key, and the process of preference formation must meet Christman's three requirements to be autonomous. However the acceptance of these factors means we must address to what extent they need to be present to achieve autonomy.

1.4.2.4 To what Extent should People be rational to be Autonomous?

Autonomy as we have defined it is in danger of being indeterminate as it becomes unclear what minimal standards of rationality an individual would have to display in order to be judged minimally autonomous. The first variable is how many of a person's preferences need to be rationally formed for that person to be considered autonomous. Lawrence Haworth in *An Essay in Philosophical Psychology and Ethics* (1986), argues that when forming preferences 'critical competence' is essential and should be used to find reasons which form these preferences. According to Haworth this process will lead one to achieve 'normal autonomy.' To achieve 'full rationality', one must expose all one's preferences, beliefs, goals and values to this critical appraisal (Haworth, 1986, p. 115).

The second variable is how much rationality must be invoked when testing a particular preference. Not all people will consider the options, arguments and information to equal degree. There will be the extremes, those who consider and deliberate carefully over everything, and those who act merely on impulse and do not take any time to consider reasons for actions other than what they feel like doing at that moment. However, as Scocchia informs us most of us fall between these extremes and will take time to deliberate on decisions such as buying a house or selecting a career, but take little consideration when choosing a flavour of ice-cream (Scocchia, 1990, p. 321). Benn correctly recognises that this is not necessary as, 'most of the autonomous man's actions would be appropriate but non- deliberate responses to situations falling into fairly standard, readily recognisable categories. Living according to principle does not demand continuous ratiocination' (Benn, 1976, p. 127). This is in accordance with how Wall distinguishes between two types of choices: Comprehensive options which are

fundamental to the formation of an agent's identity and peripheral options which are dictated by comprehensive options or are not related to comprehensive options (Wall, 1998, p. 140).

Scoccia also believes that it is possible for some people to be bad at deliberating and consequently to make more autonomous choices by acting on impulse as by doing so reflects their 'true self' and will more accurately. For example when choosing a car 'X' they may make a more autonomous choice if she impulsively buys a car because it is red and she likes the colour red rather than finding out about its mileage, fuel economy, safety credentials and deliberating over these factors. This may be true although I am not entirely convinced. Benn accepts that someone could act autonomously on impulse if they were compelled to for the type of reason Scoccia outlines, but not because, 'he acknowledges nothing as a reason for doing otherwise. Caring about nothing...' as this will mean 'he sees no point controlling the inclination of the moment' (Benn, 1976, p. 124). In this instance the person is not self-determining and therefore not autonomous. For some people variety and spontaneity is the life that best suits them, but this does not mean that they have not decided this rationally. However, most people's lives do involve long-term commitments and aims and spontaneity could be a barrier to achieving these (Wall, 1998, p. 133).

The third variable derives from an acceptance that an agent's desires are themselves important reasons for action (Sher, 1997, p. 52). If this is the case then there are many different reasons for action, but which reasons are the important reasons for acting in order to ensure autonomy. The first requirement is that these reasons must be relativised and contextualised so that it is reasons of which an agent is aware of in a given situation (Sher, 1997, p. 53). However, there are limits to the extent autonomy can be relativised in this manner. We cannot for instance say an agent acts autonomously if and only if they act on what they consider to be the strongest reasons for action at a specific time, as this would result in autonomy having no content at all, as any actions or reasons for action would appear autonomous even the insane. Moreover, the connection between acting autonomously and finding one's actual reasons for action would be lost (Sher, 1997, p. 54). In this sense an agent may not need to follow their 'strongest reasons' to be autonomous, but instead their actual reasons. For example our group may have met in the centre of town and all reached a consensus that they were

going to go out to eat at an Italian Restaurant for their evening out. Supposing there are two Italian restaurants in town, both exactly the same distance away and as easy to get to as each other. The entire group may opt for 'Lasagne Shed' because they love the lasagne they serve, it is inexpensive and the service is good. They may still think that the other restaurant also meets all these criteria, but these are still their actual reasons for opting for the restaurant they do. The point is that just because neither option has stronger reasons to be chosen does not mean a decision is not required. If this is accepted, Sher progresses from this to argue that a choice or action can be reason based even if there are stronger reasons to select an alternative option, and therefore still be autonomous. The basis of this argument is a distinction between rationality and full rationality. The conclusion is that 'an agent may qualify as autonomous whenever he acts in response to reasons provided by what he knows about his situation that are at least strong enough' (Sher, 1997, p. 55). 'Subjecting one's ends to scrutiny involves considering the reasons for and against doing what one prefers, and acting only on the preferences that survive. It also involves trying to modify any preferences that one finds good reason to abandon' (Sher, 1997, p. 47).

I think it is the case that all have the potential to be rational and reflect on information and factors and make choices and decisions based on this reflection, which will shape their life. In fact it is the capacity, which is distinct to humans and is part of their very essence. It is undeniable that some have a greater ability for this type of rationality than others and this could well mean that they will be more autonomous. However, it does not imply that when making collective decisions the autonomy of the more rational should be valued above the autonomy of the less rational. In Considerations On Representative Government (1993, first published 1861), Mill advocates a plural conception of voting, where citizens that are more rational and more autonomous should have more votes. This is necessary to ensure that the masses would not subject the entire political order to 'ignorance'. I would strongly oppose any suggestion that such an elitist conclusion should be drawn from the justification of democracy on autonomy, as outlined in this chapter. Firstly, I am very sceptical that a mechanism to accurately and fairly judge who the most autonomous citizens are, could be devised and implemented. I certainly would not agree with Mill that occupational status could be the guide to the allocation of votes. In the form autonomy is outlined here, a dustman could be more autonomous than a bank manager. Secondly, I would agree with Dworkin that what

matters is that all citizens have the capacity to be autonomous to a certain level, even though some will have the capacity well above this level, it does not justify a hierarchy. The fact that all are capable of this rational choice means all should have their chosen ends respected equally. Just because you are not as autonomous as some other citizens does not justify the abandonment of your autonomy altogether (Dworkin, 1988, pp. 31-32). What that certain level is, is very difficult to say and is essentially an empirical question which cannot be addressed here, despite the fact that it is of central importance.

To summarise, the conditions to be autonomous are free choice and rationality. A choice is free if there is an acceptable range of options, there is knowledge of these options, the choice is not coerced and the preferences this choice is based upon are not the result of manipulation and seduction. A free choice must be free in the negative and in the positive sense to be autonomous. The preferences upon which these choices are made must be rationally formed, but it is the acceptance of the process and not the content of the preference itself, which is key. Internalist rationality must be invoked to ensure that these preferences are consistent and externalist rationality is also necessary, this involves the consideration of information and reasons for and against the preference. Finally there are different extents of these variables; people can rationally form more or less of their preferences, use more or less rational consideration when forming a particular preference, and use good or the strongest reasons. However, despite the fact that some people may make more rational choices than another, it does not justify inequality providing all are capable of rational choices to a certain degree. Held's definition of autonomy incorporates all these aspects: 'Autonomy connotes the capacity of human beings to reason self-consciously, to be self-reflective and to be self-determining. It involves the ability to deliberate, judge, choose and act upon different possible courses of action in private as well as public life' (Held, 1996, p. 300). However, communitarians claim that it is impossible for anyone to make a free and rational choice because we are all embedded and not atomistic.

1.4.3 Autonomy Versus Embeddedness

One of the main accusations against autonomy is that it is not possible, because autonomy requires us to be self-determining and make choices, but communitarians argue this is not possible, as we are completely socially determined, and therefore unable to make these choices. Because all people are the product of their society, they

cannot make choices as choices are based upon values, and desires, but these have been constituted in the person by the society itself. In short, they are saying choices do not come from the agent, but are imposed upon the agent, so the agent cannot be autonomous. The claim is that claims to autonomy require the rejection of this embeddedness theory. This section will consider the communitarian critique of autonomy and existentialism, but will ultimately defend the conception of autonomy agreeing with Simon Caney's view, expressed in 'Liberalism and Communitarianism: a Misconceived Debate' (1992), that, 'this argument fails because it foists upon liberals an implausible conception of autonomy' (Caney, 1992, p. 277). The criticism also makes an assumption that liberal theory's conception of autonomy is necessarily atomistic (Levine, 1993, p. 160). However as Raz argues: 'The completely autonomous person is an impossibility. The ideal of the perfect existentialist with no fixed biological and social nature who creates himself as he goes along is an incoherent dream' (Raz, 1987, p. 155). The following discussion will hopefully lend support to Raz's argument, and show that the acceptance of the embedded individual does not mean a rejection of the liberal theory of autonomy if properly conceived.

Michael Sandel's arguments in 'Morality and the Liberal Ideal' (1984) and in Liberalism and the Limits of Justice (1982) are considered classic statements of this view. For Sandel, 'the notion of a subject prior to and independent of experience' is a '...a necessary presupposition of the possibility of freedom' (Sandel, 1984, p. 85). It is safe to assume, I think, that Sandel would feel it is equally necessary to have an 'unencumbered self' prior and separate from our goals and ends, to be autonomous. Consequently autonomy is impossible to achieve. Clarke succinctly sets out the core to the communitarian argument: 'The autonomous self, it is often argued, does not exist and if the self did exist it would, in any case, not be autonomous' (Clarke, 1999, p. 1). Communitarians claim that people are not self-determining, but socially constructed and, the idea and value of autonomy is a creation of Western society itself. Clarke understands that to be autonomous, 'includes both inner and outer components, a self of a certain kind and a world of a certain kind. The self must be capable of initiating action and the world must be capable of yielding to certain sorts of action' (Clarke, 1999, p. 3).

Sandel is sceptical of the existence of a 'freely choosing individual' because, individuals cannot conceive of themselves separately without consideration to their role and position within the community. This means one's ends or goals never define one's identity, but that each individual can assess these attachments as if they were separate to her (Sandel, 1984, p. 167). For Sandel such a conception is impossible, because people are constituted by and formed by the communities and environment that they grow up in and live in, hence we can never be separate from our ends. From this premise Sandel argues that, 'if we are partly defined by the communities we inhabit, then we must also be implicated in the purpose and ends characteristic of those communities' (Sandel, 1984, p. 167) Therefore the conclusion of the argument would be that we need to discover and live by these shared constitutive ends of our community, and not be given opportunities to choose new ends, because the individual does not choose ends. If we accept this argument there can be no such thing as an autonomous individual, selecting their goals and ends. Daniel Bell agrees, arguing: 'I don't choose to love my mother and father, to care about the neighbourhood in which I grew up, to have special feelings for the people of my country, and it is difficult to understand why anyone would think that I have chosen those attachments or that I ought to have done so' (Bell in Barry, 2001, p. 149).

To be an 'unencumbered self' is to be independent of one's own values, for them to be separate to the self in some important way is to suggest that there is 'some subject "me" standing behind them' (Sandel, 1984, p. 86). It is therefore not the ends and desires I have that constitute my identity, that define, but something else that is more important than any of these. It is this very idea that Sandel and other communitarians criticise; for them it is not possible to separate, from one's desires and goals, because these define the person, and without which it is impossible to critically evaluate anything, because what would motivate that evaluation? What would it be based on? 'To imagine a person incapable of constitutive attachments such as these (history, citizenship, family, community, nation) is not to conceive an ideally free and rational agent, but to imagine a person wholly without character, without moral depth' (Sandel, 1984, p. 86). To defend the idea of the self, Sandel requires two arguments. We must say how the self is separate from its ends and how the self is connected to its ends (Sandel, 1982, p. 54). If there is no such thing as the self, if people are entirely determined by society and its myriad of contingent factors, then there is no chooser making decisions forming desires

and goals in accordance with the sort of person they want to be. They are who they are and it is out of their control. Consequently autonomy is a myth. Clarke attempts to defend the idea of autonomy by arguing that just because something rises in 'contingently precise circumstances' does not mean it does not exist. Everything exists in 'contingently precise circumstances' including autonomous choices. Just because autonomy is exercised in such circumstances does not mean it is a pretence (Clarke, 1999, p. 136).

However, it does seem the case that if one's identity is predetermined by the social context then this devalues autonomy somewhat as part of the concept involves the agent forming and choosing their own identity:

'If the notion of self-determination is given a very strong definition- the unchosen chooser, the uninfluenced influencer- then it seems as if autonomy is impossible. We know that all individuals have a history. They develop socially and psychologically in a given environment by parents, peers and culture' (Dworkin, 1988, p. 12).

Iris Marion Young highlights the critique that has emanated from feminist theory, that requires people to be independent to be autonomous: 'Feminists (Gilligan and Friedman) have exposed this assumption as inappropriately individualistic and derived from a specifically male experience of social relations, which values competition and solitary achievement' (Young, 1990, p. 55).²⁷

Gutmann realises that the way the conflict between the atomistic and situated self has traditionally been conceived, invites us to see the moral universe in dualistic terms: 'either our identities are independent of our ends, leaving us totally free to choose our life plans, or they are constituted by community, leaving us totally encumbered by socially given ends' (Gutmann, 1985, pp. 316-317). This is a false dualism, because liberals need not and do not deny that people are socially constituted, and accept that there is no pre-social self. However, they need only to and do claim that there exists a self that can critically analyse the values and processes in society that has socialised the self. Nevertheless, Sandel maintains that this critical reflection, because it inevitably involves distancing oneself from what one is analysing, is always 'precarious' and 'provisional' because the 'point of reflection is never finally secured outside the history itself' (Sandel, 1984, p. 91, my emphasis). Taylor sums up the argument thus: 'The self which has arrived at freedom by setting aside all external obstacles and

²⁷ For more detail on this argument see Gilligan (1982) and Friedman (1985).

impingements is characterless, and hence without defined purpose, however much this is hidden by such seemingly positive terms as “rationality” or “creativity” (Taylor in Kymlicka, 1988, p. 186). Therefore a situationless person is incapable of autonomy. A person without any history, without any attachments, without any goals, desires and beliefs is difficult to imagine, and certainly such a person could never be autonomous. How could they ever make autonomous choices, when there is nothing to base the choice on? ‘The agent cannot choose, for there is nothing about her that would incline her to one option rather than another’ (Lipson, 1995, p. 2264).

Fortunately, there are several faults, which undermine Sandel’s argument. Firstly, as Will Kymlicka in ‘Liberalism and Communitarianism’ (1988) has realised, Sandel has misrepresented the liberal argument, and its idea of perception of the self: ‘What is central to the liberal view’ asserts Kymlicka, ‘is not that we can perceive a self prior to its ends, but that we understand ourselves to be prior to our ends, in the sense that no end or goal is exempt from re-examination’ (Kymlicka, 1988, p. 190). By this Kymlicka means the individual is capable of reviewing and revising their ends through rational thought and is able to change their mind and revise their goals in light of new information and different considerations. If this is the case then, ‘Our self is, in this sense, perceived prior to its ends, i.e. we can always envisage our self without its present ends’ (Kymlicka, 1988, p. 190). This does not mean is that the self can be envisaged without any ends at all, but is just a matter of changing ends, for without ends one could not even engage in rational analysis of various ends.

However, this does still not counter the communitarian argument that ends are not chosen, but discovered, as ‘constituents of our identity.’ Yet this claim seems to flout our natural instincts and understandings of ourselves. We do not see ourselves as bound for life to certain ends and commitments, but believe we can (and do) make choices in life that change its direction and make new commitments, which alter our identity. It is certainly not the case that all people do make such choices. Some people seem so embedded in a particular social practice, that they become blinkered, unable to review that practice in any meaningful sense. Nevertheless to deny that no-one or even most of us are not capable of reviewing at least some of our attachments go against both instinctive and empirical evidence.

Mark Warren, in his very impressive study of Democracy and Association (2001), provides two reasons to prove how it is possible for someone to gain the necessary 'critical distance' to 'subject some elements of one's social context to criticism'. The first is 'imagination'; people are able to think of and consider other alternatives and secondly they can furthermore, consider and express reasons for and against both these other alternatives and the present situation (Warren, 2001, p. 64).

Sandel himself appears to admit that identity is not just a question of 'discovery', but includes participation from the agent in forming that identity and the ends that 'impinge' upon it, in this sense, 'the bounds of the self (are) open and the identity of the subject (is) the product rather than the premise of its agency' (Sandel, 1982, p. 58). But if Sandel does accept this then surely he is accepting that people can reconstitute their identity and select new goals and ends at least in some form, in which case surely Kymlicka is correct to claim that, 'at this point it's not clear whether the whole distinction between the two views doesn't collapse entirely' (Kymlicka, 1988, p. 192; See also Walzer, 1989, p. 21; Caney, 1992). Communitarians assert that the distinction is that we can interpret the social relations that we find ourselves in, in different ways, but we cannot reject these relationships, because we are 'embedded' in them. Does this mean that someone who has been brought up as a Catholic can grow up and reject Catholicism in later life? Surely they can and have. Surely some people, brought up as atheists, re-evaluate their convictions to commit themselves to a religion? It does seem that people do critically evaluate goals and aims they 'discover', and in light of new information, perspectives and experiences reject or alter these goals, establishing new ones. In this sense the individual is prior to any particular aims, but not prior to aims in general. However, for our purposes it demonstrates that individuals can be a 'chooser', and can be autonomous. Yet this is not to say that they will be unless the conditions necessary for autonomous choice are present (Raz, 1986, p. 312).

People do change their minds; reflect upon their desires and alter them, make significant life style changes. In these cases it does appear that the self is able to reflect and review critically their desires, goals and even aspects of their personality and make significant changes. Such evidence does indicate that autonomy is possible. Clarke argues that what such critical reflection requires is for the "I" to be sufficiently localised within the self that it can be distinguished and identified as a component within the larger self'

(Clarke, 1999, p. 105, my emphasis). Clarke eloquently argues that even if an individual's life is not metaphysically free/ autonomous in the sense that every aspect of it has been established and chosen by the agent, it does not rule out autonomy. This is because he can still

'interpret it, if not in just any way I please, at least in a variety of possible ways that are uniquely my way of interpreting me. And this no one else is entitled to, or without force and/ or the distortion of me, able to do. Of course I might in making my self - assessment and my interpretation deceive myself about aspects of myself and my motives for acting and later I might change my mind or someone might do or say something to lead me to change my mind. But none of this matters to the centrality of the interpretations, for they are still mine' (Clarke, 1999, p. 111).²⁸

All Sandel has proven then, is Thomas Nagel's criticism that Rawls is wrong to talk of a 'view from nowhere', as an unencumbered self does not exist. There is no original position, there are no people not formed and framed by their environment. This does not mean that within this framework choice becomes impossible, or that they are completely passive. It does not mean that people cannot critically review their attachments, reflect upon their desires and then make active choices and decisions about them. Clarke distinguishes between 'the social and contingent self', which is determined by environment, and the 'conditions of selfhood', which is not:

'The former provides the content of identity, the latter provides the sense that the identity is mine. The former provides the sense of the social 'me', the latter provides the sense of the slightly less social 'I' that lies within the 'me'. The former, therefore, appears more the product of happenstance while the latter provides the sense that happenstance, or not, it is still 'I' that is subject to the happenstance. The former appears passive while the latter appears to be able to make some admittedly limited choices within the passive presentations of experience' (Clarke, 1999, p. 151).

Just because choice is limited, does not mean the choice is determined, or that the will is not free when making those decisions, which would indicate that autonomy, although restricted is possible, and provides important meaning to that life. If we do not accept this counter to Sandel's case then we must be led to conclude that only God could be autonomous, as only a God can be truly self-governing and self-determining in the sense that it forms its own nature, conditions and principles upon which to act. But this is a very strong requirement to be autonomous, as it essentially means equating autonomy with omnipotence (Clarke, 1999, p. 42).

²⁸ This is of course unless 'the someone' causes him to change his mind through coercion, seduction or manipulation, as discussed earlier.

The notion that individuals are embedded should not just be acknowledged in the sense that individuals are embedded in communities with other individuals, but also the broader ecological environment. As Eckersley argues the acceptance of the embedded individual acknowledges 'that the well being of individuals is indissolubly linked with the well being of the broader social and/or ecological communities of which they are part' (Eckersley, 1996, p. 226). Unfortunately Eckersley takes a problematic ecocentric stance and attributes the possibility of autonomy to non-humans and ecosystems. As should be clear the way that autonomy has been presented here would eliminate non-humans and ecosystems from being autonomous, as they do not have the cognitive capacities for choice and rationality. However, as Ian Atkinson has realised in his discussion of autonomy and sustainability, in accepting that individuals are socially and ecologically embedded and acknowledging the effects this will have on autonomy does not mean we have to accept Eckersley's ecocentric stance (Atkinson, 2002, p. 87).

Swindler sees the values and ideas that are induced in people through socialisation and culture not as a straightjacket, but as a resource of 'symbols, stories, rituals and world-views, which people can draw upon to solve various problems' (Swindler in Santoro, 1993, p. 137). Taylor concurs; because there is no objective content to being autonomous, it 'cannot specify any content to our action outside of a situation which sets goals for us, which thus imparts a shape to rationality and provides an inspiration for creativity' (Taylor in Kymlicka, 1988, p. 186; See also Taylor, 1985, pp. 190-191). What these ideas of social embeddedness show us is not that autonomy is impossible, but rather that any theory of autonomy must meet Dworkin's standard of empirical possibility, which demands that:

'There should be no empirically grounded or theoretically derived knowledge which makes it impossible or extremely unlikely that anybody ever has been, or could be, autonomous. Thus a theory which required as a condition of autonomy that an individual's values not be influenced by his parents, peers, or culture would violate this condition' (Dworkin, 1988, p. 6).

Choices are always contextual (as is reason): 'Autonomy is always bound, it is the binding that makes autonomy possible. Consequently some conditions, some prior aspects and features are required for its manifestation. Complete freedom in an otherwise empty universe is not autonomy: it is nothing' (Clarke, 1999, p. 174).

There are then cultural preconditions necessary for autonomous choice. Firstly to provide us with the rational capacities and secondly to ensure there is a plurality of choice (Caney, 1992, pp. 279-282; Wall, 1998, p. 140). The connection between pluralism and autonomy works in both directions as Wall has appreciated. Autonomy requires pluralism to ensure a varied choice of options and identities. However, pluralism also encourages people to be autonomous as the presence of a variety of differing lifestyles means people need to define themselves and be self-determining (Wall, 1998, p. 169). Walzer and Warren both argue that this plurality of choice is best provided by a diverse associational ecology (Warren, 2001; Walzer, 1989). However, this point does not alter our position as we have already accepted that autonomy requires the conditions of both negative and positive freedom. As Gould realises this means that we cannot control the choice of another agent, but can control the conditions that make this choice possible (Gould, 1988, p.109-110).

S.I. Benn's argument in 'Freedom, Autonomy and the Concept of a Person' (1976), also concurs with this view because without cultural resources there would be no criteria and no 'conceptual scheme' to base a choice upon. To be autonomous is, 'not to have a capacity for conjuring criteria out of nowhere' (Benn, 1976, p. 126). The fact that culture and community provide resources to make autonomous choice does not rule out the possibility of being autonomous providing these resources are critically evaluated themselves. Benn continues:

'Within this conception of a socialised individual, there is room to distinguish one who simply accepts the roles society thrusts on him, uncritically internalising the received mores, from someone committed to a critical and creative conscious search for coherence. The autonomous man does not rest on the unexamined if fashionable conventions of his sub-culture when they lead to palpable inconsistencies. He will appraise one aspect of his tradition by critical canons derived from another' (Benn, 1976, p. 126).²⁹

Habermas accepts that people are not able to 'choose' everything about their life due to the processes of cultural tradition, social integrating and socialisation. However, for him, the individual still has the ability to make autonomous decisions and form autonomous preferences, 'by appropriating traditions, belonging to social groups, and taking part in socialising interactions' (Habermas, 1990, p. 102). In one sense then the

²⁹ It is important to note the danger of circularity in this argument. We need some more criteria about how to distinguish between those who 'uncritically internalise the received mores' and the autonomous person in order to break this circle. Otherwise the autonomous man may not be autonomous at all as 'the critical canons derived from another tradition' may have been uncritically internalised. This problem is avoided providing the process of preference formation is accepted.

agent is a 'product' of the traditions of her community, but also an 'initiator' who controls situations through her own actions for which she then must be responsible. Habermas sees the lifeworld that provides the background to each individual, as a pool of resources that can be drawn upon when making interpretations of actions and forming beliefs and goals. Benjamin Barber, in Strong Democracy (1984) quotes Berger and Luckmann to explain simply and clearly how man inevitably and necessarily is a social creature, but can still be autonomous within that framework: 'Man is biologically predestined to construct and inhabit a world with others. This world becomes for him the dominant and definitive reality. Its limits are set by nature, but once constructed, this world acts back upon nature. In the dialectic between nature and the socially constructed world the human organism itself is transformed. In this same dialectic, man produces reality and thereby produces himself' (Berger and Luckmann in Barber, 1984, p. 215; See also Gould, 1988, p. 107). This agency of individuals is often collective, with individuals acting together to achieve common aims. Gould suggests that common activity is ontologically distinct to individual action, as it cannot be explained by reference to individual action by itself. She further warns that this activity may not be 'common' at all, but simply appear so due to subordination. Nevertheless, the important point remains that the collective can be a constituted entity providing the subordination does not eliminate the capacity to change these relations through choice and action (Gould, 1988, p. 108).

This idea of socially constructed people is taken too far by the communitarians and republicans and not taken seriously enough by the liberals. In this sense autonomy is contextual and dependent upon the prevailing social forms of society as Raz correctly conceived it as individuals are not entirely atomistic and cannot ever be separated from social norms, so there are only certain goals that can be valuable for a person within a given context: 'They can be valuable only if they can be his goals and they can be his goals only if they are founded in social forms' (Raz, 1986, p. 310). Without certain social practices an individual cannot pursue certain goals e.g. Without the social recognition of 'bird watching' one cannot be a 'bird watcher' because otherwise this would apply to anyone who sees birds.³⁰ Custom and tradition are then not

³⁰ Gould (1988, pp. 105-106) makes a similar point about the need for social relations to be recognised in order to exist, but also notes that individuals must exist and also want to pursue them or else they only

incompatible with autonomy as an agent can rationally review these connections and accept them. It is also unsurprising if they do as customs and traditions play a significant part in forming people's nature and rationality (Wall, 1998, p.138).

If societies are formed and changed through the actions of individuals and collectives then providing some of these actions and causes are intentional then it is possible for autonomous action to take place. In which case the task is to organise society to allow for all to have an equal role in making these collective decisions, which determine collective action, so that autonomy for all is equally cultivated. Such a situation is democracy. Surely then the idea that people are socially determined makes the idea of democracy even more essential as Robert Post in 'Managing Deliberation' (1993), explains: 'Through sophisticated forms of social engineering we manipulate the conditions of our environment, including the persons who inhabit it. We do not regard these government controls as fundamentally incompatible with the premises of democratic freedom because we conceive them to have been freely adopted by the citizens of a democratic state' (Post, 1993, p. 673).

This discussion of communitarianism should therefore show that we should not consider individuals as entirely atomistic and neither does the concept of autonomy properly conceived require us to do so. We can still therefore provide 'a coherent ontology in which individuality is given its full due but not at the cost of regarding individuals as isolated and abstract egos, standing in only external relations to each other' (Gould, 1988, p. 105). In this sense the autonomous free and rational chooser is possible providing the individual is not seen as a complete isolated being and that it is accepted that society and environment will form this individual, but the right environment will actually make the critical reflection and choice among ends possible and not impossible.

1.5. The Conflict Between Autonomy and Authority

It has already been alluded to that there is a conflict between 'being autonomous' and therefore self-determining and 'authority', being compelled to act or not act in certain ways. However democracy necessarily entails authority. Consequently I will explore

exist as an 'object of thought'. This means neither individuals nor social relations can exist independently of each other.

three tensions that can manifest themselves between authority and autonomy. There are perfectionism, paternalism and majority rule, and each will be considered in turn.

1.5.1 Perfectionism

Autonomy is a value, and if we argue (as I do) that rights are necessary to ensure autonomy, we cannot claim, as some Kantians do, neutrality towards values. Not all people would accept the value of autonomy, for example those guided by self-sacrifice or self-abnegation, or religious fundamentalists. Many others may not rank autonomy as such an important value. To devise a system that guarantees the autonomy of all, could therefore involve paternalistic interference towards these people, but would it be justified? Benn suggests that, 'someone who cared nothing for his ontological status as a natural person...need have no particular concern for autonomy', but what does this mean for autonomy as grounding for democracy, given democracies commitment to equality? John Gray argues that grounding liberal democracy on autonomy goes against pluralism as he suggests there are many good lives that are not autonomous, but should still be protected by liberal democracies (Gray in Wall, 1998, p. 163). Barry further argues that liberalism can provide the institutions to make autonomy possible, but cannot force people to do so, and those who do not wish to be autonomous should be free to be so (Barry, 2001, p. 121). 'The ideal of autonomy...' is for Barry 'a conception of the good life like any other' and if the state pursued it, it would be as guilty of perfectionism as if it pursued and promoted a specific religion (Barry, 2001, p. 123). The pluralist argument must accept that 'the realisation of autonomy is not a necessary component of a fully good life for people who live in modern Western societies' (Wall, 1998, p. 164).

Hopefully I have already established that there is and has been a connection between autonomy and justifications of liberal democracy. However, Gray's argument demonstrates that the view that the state should be neutral towards conceptions of the good life is also central to liberalism (Rawls, 1993; Nozick, 1974; Dworkin, 1985; Larmore, 1987; Nagel, 1991). 'Political decisions must be, so far as is possible, independent of any particular conception of the good life, or of what gives value to life' (Dworkin in Sher, 1997, p. 20).

In Culture and Equality (2001) Brian Barry argues that liberalism is not and never should have been considered a justification of neutralism: 'It would seem that for liberalism - or any other doctrine for that matter to be culturally neutral, there would have to be no existing (or possible?) world-view with which it conflicts. Since this is manifestly absurd, the assertion that liberalism is not culturally neutral asserts something that could not conceivably be denied' (Barry, 2001, p. 27). Consequently, for him liberalism is neutral to the extent that it is fair, with fairness conceived as 'equal treatment' (Barry, 2001, p. 28). Neutralists defend themselves by distinguishing between strong and weak neutrality. The strong version is consequentialist, and suggests that the state must not pass laws or policies which 'have the effect' of favouring any particular conception of the good life. The weaker conception of neutrality is deontological and means the state can be neutral providing it does not pass laws or policies 'in order' to favour a conception of the good life. Now Barry is right that the stronger version of neutrality is impossible, but his arguments do not rule out the weaker version (Sher, 1997, p. 4). Now if the only conceivable conception of neutrality is that the reason why a government may act should be neutral, therefore reasons that are non-neutral must be ruled out of democratic debate (Larmore, 1987, p. 44). Following this argument Sher provides a definition of the requirement of neutrality: 'A law, institution, or other political arrangement is neutrally justifiable if and only if at least one possible argument for it (1) has neutral normative premises, and (2) contains no implausible premises or obvious fallacies, and (3) provides justification of reasonable strength' (Sher, 1997, p. 26). However as both D'Entrèves and Sher realise what is reasonable, plausible and obvious are contentious issues themselves (D'Entrèves, 2002, p. 40; Sher, 1997, p. 26). Such a conception of neutrality will be unlikely to be achieved, as agreement on these factors is unlikely to be forthcoming.

As Sher argues, one of the most important justifications for the neutral state is that non-neutral laws and policies restrict autonomy, and many liberals including Mill, Kant, Rawls, Ackerman, Waldron and Dworkin have made such claims. The essential premise of these theories is that to be autonomous one needs to be self-determining, and so the individual agent must make their own decisions, but if the state promotes a conception of the good it, compels individuals to act in ways that they have not chosen. In this sense neutralism is justified on a particular conception of the good. Although this position appears inconsistent, it can be argued that the state must be neutral towards

the different beliefs, values and identities people can choose, but not just to autonomous choice itself. Now to hold this argument it is obviously essential to suggest why autonomy deserves this special treatment, but I have hopefully suggested why this is the case, at least in Western liberal democracies (Sher, 1997, pp. 14-15). However, this position only seems to acknowledge coercion as a method of government influence over choices and is therefore ignorant of the fact that government can influence the options that someone would want to select and pursue through manipulation and seduction of preferences and through what options for choice are made available (Sher, 1997, p. 36-37). This approach is often seen as perfectionist rather than neutral.

Maurizio Passerin D'Entrèves, in 'Political Legitimacy and Democratic Deliberation' (2002), comes from a Habermasian tradition to argue that justifications of democracy based upon autonomy e.g. Raz and Kymlicka, are guilty of perfectionism (D'Entrèves, 2002, pp. 41-3). The central criticism of perfectionism is that 'it will ultimately favour those individuals and groups whose conceptions of the good or well-being are predisposed to the value of autonomy' (D'Entrèves, 2002, p. 42). Therefore any perfectionist justification of democracy fails to be truly inclusive. However, D'Entrèves does accept that no model of democracy can be completely inclusive. Charles Taylor defends autonomy from such criticism by arguing that certain exclusions are inevitable, claiming that 'liberalism can't and shouldn't claim complete cultural neutrality. Liberalism is also a fighting creed' (Taylor in Cooke, 1997, p. 280). All political theories have certain doctrines that lie at its heart and cannot be transgressed. Therefore the best defence of rights is not to claim them as neutral, but to say that a framework of rights enhances a conception of the good, that people should be autonomous in selecting their own aims and goals. Amy Guttmann in 'Communitarian Critics of Liberalism' (1985), makes a similar point, arguing that 'we may accept the politics of rights not because justice is prior to the good, but because our search for the good requires society to protect our right to certain basic freedoms and welfare goods' (Guttman, 1985, p. 311). D'Entrèves also claims that this fact should not stop us seeking the most inclusive model of democracy possible (D'Entrèves, 2002, p. 43). This model is claimed to be the deliberative model of democracy, a point with which I am in complete agreement and this thesis is centred around, this model of democracy. However, D'Entrèves claims this is not a perfectionist model of democracy, as it contains no view of the 'good life' (D'Entrèves, 2002, p. 46). It does though seem to suggest certain aspects of

the good life e.g. political participation and rationality, which are surely not compatible with all conceptions of the good life. They are also key aspects of what it is to be autonomous, and in the following chapter I will argue that deliberative democracy is the model of democracy most likely to equally cultivate the autonomy of its citizens. In this sense even if deliberative democracy is not justified upon the value of autonomy it still seems to suffer from at least a mild perfectionism as D'Entrèves has conceived it. However, I accept D'Entrèves' point that justifying democracy on autonomy is perfectionist, all be it a mild, liberal perfectionism.

Wall defines liberal perfectionism as 'a perfectionist theory that holds personal autonomy as a central component of human flourishing' (Wall, 1998, p. 127). Hurka argues that by seeing autonomy as an intrinsic good, we 'embrace a mild perfectionism' (Hurka, 1987, p. 361). Wall outlines two types of perfectionism: In type (1) perfectionism governments can intentionally and actively promote the autonomy of its citizens. In type (2) perfectionism the government can actively and intentionally promote certain pursuits over others (Wall, 1998, p. 197).³¹ Wall's argument that type (2) perfectionism does not infringe upon autonomy, is based upon the argument, already accepted, that although autonomy is an intrinsic good it is not the only good.

As Wall notes, Kymlicka and Waldron accept type (1) perfectionism, but rejects type (2) perfectionism, as it can involve coercion and manipulation, which as already discussed, goes against proper respect for autonomy, because it promotes certain values above others, without the agent accepting these values. Wall terms this the 'non-discrimination argument' (Wall, 1998, p. 198). Essentially the main argument this non-discrimination argument is that it is impossible for the state to be neutral in respect of individual's autonomy. The state will always, it seems, coerce, manipulate and seduce, even if it tries not to, as these phenomena can manifest themselves as unintended consequences (Sher, 1997, p. 66). However, this seems legitimate if the justification and intention of the policies and laws is not to coerce, seduce and manipulate and restrict citizen's autonomy, unless it is an example of collective restriction, which I

³¹ Here we see a further weakness in D'Entrèves' argument, as he lumps both Kymlicka and Raz under the same perfection label. Although they are both perfectionists, D'Entrèves fails to distinguish between these two types of perfectionism. Kymlicka rejects type (2) perfectionism, so is only a type (1) perfectionist. In contrast Raz accepts both types.

suggested was consistent with autonomy. The best hope is that decisions are made democratically.

This leads to the pragmatic argument, accepted by Kymlicka, in Contemporary Political Philosophy (1990), that type (2) perfectionism should be allowed, but that it is not the role of the government to pursue it, but rather through the democratic participation of citizens in civil society (Kymlicka, 1990, p. 219). The argument is based on a presumption, which will be pursued in more detail in chapter three, that government officials are too distant from citizens to be able to democratically decide what is of value and what should be promoted. If the government does impose its perception of what is valuable then this will infringe on the autonomy of the citizens' as they will not be self-determining. In contrast voluntary associations in civil society are much closer to citizens and could therefore provide a more suitable location for governance. Chapter Three then proposes an associational democracy, grounded upon perfectionism, as collective self-compulsion is legitimate providing this compulsion is democratic. Sher, who admits his book is not about political authority, does not address the decision-making mechanisms to ensure that collective compulsion is democratic. He therefore assumes the current institutions and models of decision-making, present in liberal democracies, are compatible with democratic collective compulsion (Sher, 1997, p. 6). However, this assumption will be disputed in this thesis.

We do not have to accept Bruce Ackerman's claim that autonomy is the ultimate good in order to maintain that autonomy is the normative core of democracy (Ackerman in Sher, 1997). Instead we can take Warren's claim that autonomy 'is a fundamental political good.' In defending this claim Warren distinguishes between the demands of political and social relationships, with the latter being less conflictual (Warren, 2001, pp. 62-63). Or at the very least we can claim that if autonomy does have an intrinsic good, some autonomous decisions are more important than others as Hurka explains: 'It is more valuable to choose goals which organise and encompass many others subordinate to them in a means-end hierarchy' (Hurka, 1987, p. 373). In this sense autonomy in forming central goals to our life is more important than the achievement of a specific goal like eating a plate of spaghetti without making a mess. The former dictates what other specific goals we will adopt (Hurka, 1987, pp. 373-376). Political relations, being by their nature conflictual involves collective action and decisions to be

made which means that we must, 'place a premium on clarifying interests and seeking influence through argument, thus making the concept of autonomy essential to that of political self-rule' (Warren, 2001, p. 62).

In his social contract Rawls's citizens do not have private autonomy, but only political autonomy because he argues that citizens with religious faith would not accept private autonomy as part of political justice. However, as Maeve Cooke perceptively realises in 'Five Arguments For Deliberative Democracy' (2000), 'it is hard to see how citizens who did not affirm a conception of personal autonomy as self-authorship could be motivated to affirm the ideal of political autonomy presented by Rawls, or could coherently do so' (Cooke, 2000, p. 963). Neither is it clear why citizens would accept the importance and value of autonomy in public affairs, but reject it in private affairs despite religious beliefs. Surely though, if we do have a commitment to autonomy for all, we have a responsibility of recognising and incorporating into the decision-making process those who do not see autonomy as important. Cooke invokes such an argument against neutralism: 'The denial of equal political recognition to such groups poses a moral problem precisely because we hold such an ideal' (Cooke, 1997. p. 281). If we consult the hypothetical example of collective decision-making outlined earlier and suppose that Chris had no interest in the value of autonomy and for this reason did not want to participate or have the opportunity to participate in the decisions about going out. If the others were committed to autonomy and believed everyone's autonomy should be respected equally, then they should still consult Chris about the decision and ask for his opinion, therefore providing him with the opportunity to have equal control and autonomy. However, they cannot force him to participate, and the same applies to society. It seems neutrality is very hard if not impossible to achieve, therefore some level of perfectionism is then necessary. I have suggested that this is best achieved through democracy, where all have an opportunity to participate in deciding what decisions will be made. This should be based upon the intrinsic good of autonomy as potential of other goods will only be realised if autonomously chosen. However, not all citizens will be interested in autonomy, so it should only be collectively sought in the political sphere. This though will inevitably involve paternalism even though citizens can decide not to participate. However, is this paternalism consistent with the cultivation of equal autonomy of all?

1.5.2 Paternalism

Lindley rightly distinguishes between strong and weak paternalism. Strong paternalism is defined as ‘intervention to protect or benefit a person, despite that person’s informed and voluntary denial of consent to the paternalistic measures proposed.’ Weak paternalism, ‘involves interference where there is (or believed to be) a defect in the decision-making capacities of the person interfered with, or where it is necessary to ascertain whether the person’s behaviour is fully reflective’ (Lindley, 1986, p. 64). We must consider both types of paternalism to see if they are consistent with autonomy.

1.5.2.1 Weak Paternalism

Equality seems to be central to this question. It seems apparent that if autonomy requires rationality then the more rational a person is the more autonomous a person will be. Therefore, not all people can be autonomous as each other if capacities for rationality are not evenly distributed. If people are not equally autonomous then does this mean that people’s right to self determination (which I have been arguing derives from autonomy) is not equal either? In Christman’s words, ‘if respect for autonomy is the basis of a general anti-paternalism, then the “sliding scale” conception of autonomy would, strictly speaking, allow differing degrees of paternalistic intervention according to the level of competence a person displays in decision-making’ (Christman, 1988, p. 116). If this were the case then autonomy would be a poor basis on which to justify democracy, as equal power and rights are integral to the idea of democracy. Dworkin defines paternalism as, ‘interference with a person’s liberty of action justified by reasons referring exclusively to the welfare, good, happiness, needs, interests, or values of the person being coerced’ (Dworkin, 1988, p. 121). There are two main views to this problem. The first is autonomy should always be respected and therefore that any voluntary decision cannot be interfered with.³² The unifying theme behind the supporters of this view is that a decision can be voluntary and autonomous without being rational, and consequently that it is a violation of autonomy to interfere with such choices. I do not take this position, and have argued that rationality is a requirement of autonomy. Therefore, it is the second view that I will evaluate here. On this view autonomy is still a constraint, but if decisions made are irrational and therefore not autonomous is interference justifiable? The essential point is that an irrational decision

³² Scoccia (1990) informs us of those who hold this view. They include: Feinberg, (1971); Arneson (1980) and Van De Veer, Donald (1986).

is not an autonomous one, and therefore interfering with it is not a violation of autonomy.

Dworkin expresses this view when he provides the example of forcing people to wear crash helmets on motorbikes or seatbelts in cars. He believes such paternalistic intervention is justified because those who do not wear seatbelts or crash helmets are acting irrationally. As he describes it they either weight the inconvenience too negatively or underestimate the probability of needing them or the possible extent of injuries (Dworkin, 1988, p. 125). The argument goes that if all agents were rational then all would wear seat belts and crash helmets; those who do not, are acting irrationally and not autonomously, and can thus be made to do so for their own benefit.³³

Scoccia argues that there are three circumstances when paternalistic interference does not violate autonomy:

1. Failure in economic rationality- The person has autonomous goals, but chooses poor means to achieve these goals, and the person would agree to the interference if she were fully rational.
2. The individual has 'low autonomy desires' and lacks the capacity to form 'high autonomous desires' and the interference will maintain the individual's potential to form 'high autonomous desires' in the future.
3. Again the individual has low autonomous desires and the interference would increase the autonomy of their desires, and the person would not object to this interference if they were fully rational (Scoccia, 1990, pp. 330-331).

By Scoccia's analysis the government is justified in forcing people to wear crash helmets and seat belts for their own good.³⁴ However, such paternalistic actions still impose values on the person that they have not chosen, and may not reflect their true

³³ Dworkin does not mention whether Sikhs could autonomously decide not to wear crash helmets. It seems apparent that it is autonomous, as they could not wear a helmet and a turban, which is an important part of their religious beliefs. However, Dworkin does suggest that Jehovah's Witnesses should not be made to have a blood transfusion because this is based on evaluative differences, so Dworkin might well extend this view to Sikhs.

³⁴ Crash helmets for motorbike riders is a better example as it has been proven that by not wearing a seat belt one is more likely to hurt others involved in an accident especially fellow passengers. Therefore the government would be justified in forcing people to wear seat belts to ensure the safety of others and protect their freedom, and so it is not necessarily an example of paternalism.

will and therefore deny them the opportunity of being fully self-determinate. How do we know what interference they would consent to if 'they were fully rational'? It is an empirical impossibility. We only know what information and arguments will influence people and how it will influence them when it happens, we cannot presume such things. Such interference inevitably involves enforcing the values of one on to another, and therefore violating autonomy as the agent in question has not accepted the value or its process. What we must do is provide the circumstances to aid people to make rational decisions and make rational choices by providing them with the relevant information on such issues and giving them 'training' to develop their rational capacities. (In modern societies we do this through education when people are children and thought of as not being competent to make autonomous decisions. Voluntary education can then follow when people are adults).

The question is then, whether it is possible to anticipate consent. As has already been suggested people can be manipulated to consent to the manipulation and this could be the case with weak paternalism (Lindley, 1986, p. 67). Lindley further suggests that we can imagine an individual would not subsequently agree that the interference was justified. Dworkin's justification of paternalism is based upon the assumption that those who do not want to wear seatbelts and crash helmets would change their mind when presented with the facts of the risks they undertake, but what of people who are fully aware of the risks and still choose not to wear the seatbelt and crash helmet? In this sense Dworkin has to resort to saying the person is objectively wrong which is a case of strong and not weak paternalism (Lindley, 1986, pp. 68-70).

J.S. Mill raised a more complex question for the legitimacy of paternalism. Should we allow people to commit themselves to slavery? His answer was no as, 'by selling himself for a slave, he abdicates his liberty; he forgoes any future use of it beyond that single act....' I would agree with Mill, which does then open a window for paternalism providing it is motivated to ensure that autonomy is still preserved. It is legitimate to restrict autonomy at time a specific time to ensure the possibility of autonomy in the future. This is because the aim of autonomy is to be self-determining throughout ones life not just at any single moment (Lindley, 1986, pp. 72-73).³⁵ I would also argue that

³⁵ Whether this is as an example of weak or strong paternalism I am not sure as it is unclear whether the agent autonomously wish to be a slave. Lindley discusses this issue (Lindley, 1986, p. 73-74).

this applies to individuals and collectives, so just as it is legitimate to paternalistically restrict an individual from committing herself to slavery, so it is also legitimate to prevent a collective committing themselves to an authoritarian government. Basing democracy upon autonomy is therefore justifiable paternalism for citizens who have no interest in being autonomous because it ensures that they will have the opportunity in the future.

Elster quite rightly points out that many things that are mistaken for paternalism, are not, but just examples of the people (acting as a collective through democratic decisions) binding themselves, to avoid certain results occurring in the future. He gives the example of the ban on cigarette advertising, which marks an example of people ensuring they will not hear the voices of the Sirens and be compelled into taking an action they do not want (Elster, 1976, pp. 469-470). Such an example is an autonomous decision, and therefore not paternalistic. People can bind themselves autonomously, as this may well be done with the intention of bringing about the satisfaction of a different end. As Elster defines this: 'To bind oneself is to carry out a certain decision at time t_1 , in order to increase the probability of another decision being carried out at time t_2 ' (Elster, 1976, p. 470). However, it is only binding oneself if the decision at t_1 reduces the feasible set of options at t_2 , otherwise at t_2 the person is not actually bound by the t_1 decision. People can autonomously bind themselves, this works for both individuals and collectives, what is important is that the binding laws are democratic so people are actually binding themselves and not being bound by others for their own good. The former being compatible with autonomy, the latter being paternalism. Consequently, citizens can make a collective decision to bind themselves to wear seat belts and crash helmets, foreseeing that it will prevent them from not wearing them when in a rush or feeling temporarily rash etc and hence achieving what they see to be a rational aim.³⁶ There is still the problem as to whether such legislation is 'self' binding or not if the agent has not consented to it, and this will be discussed in section 1.5.3.

1.5.2.2 Strong Paternalism

If it is the case that to be autonomous I would have to act rationally then is it permissible to force people to obey what I see to be the laws and outcomes of

³⁶ This is not to say that the present laws insisting on seat belts and crash helmets have been made in this way and were not motivated by paternalism.

rationality? By doing this one is actually helping these people to be more autonomous. In short autonomy combined with rationality could actually be used to justify totalitarianism and authoritarianism, and as previously suggested such forms of political organisation go completely against the idea of self-government, which is the essence of autonomy.

Berlin, with his conception of positive liberty as being led by a rational conception of one's 'real' interests, or one's 'higher nature', demonstrates how positive liberty or autonomy as defined by rationality can justify coercive practices which are the antithesis to negative liberty. If rational desires designate our 'higher selves' then irrational impulses are our 'lower nature'. Rawls seems to hold such a view. According to Rawls, to be autonomous requires one to be motivated by 'higher interests' such as 'justice' and 'rightness' and not by 'selfish interests' and desires for money, wealth, power, food and drink; being motivated by such interests one would be heteronomous (Rawls, 1993, p. 76).³⁷ As each individual is part of a social whole then one's 'real' self is exemplified by the higher interests of all, which form an organic whole. However, as not all humans are equally rational (although it may be supposed that all have the potential to be rational) it is left to those who are the most rational, and who are aware of the 'real' interests of society, to 'force the others to be free' by conforming to laws set by the rational elite (which all would accept if they were fully rational) (At least this is what Berlin envisages as possible following the distinction of interests). Such a situation would elevate society to a higher freedom. The obvious examples of proponents of this view are idealists from a republican background for example Rousseau who believed conformity to a 'general will' was freedom and those who did not agree were simply mistaken as to what the general will was. This is obviously a very dangerous conception and can be used to justify forcing people to do or conform to an argument that they are against. In practice we have seen such a conception of freedom adhered to in the Soviet Union where the vanguard (supposedly rational and aware of the collective's 'real' interests) led the masses (irrational and unaware of their situation as an oppressed class) to revolution and supposed higher freedom. What followed was

³⁷ This point is undermined by Rawls's inclusion of food and drink as selfish interests. We can only presume he meant consumption of these in the excess. Nevertheless it is the credibility of the idea of 'higher' and 'selfish' interests that we consider here, not what higher or lower interests include.

coercion of the bourgeoisie and the proletariat by the 'vanguard'.³⁸ It is a clear example of 'the perils of using organic metaphors to justify the coercion of some men by others in order to raise them to a higher level of freedom' (Berlin, 1984, p. 24).

Can the concept of autonomy avoid such coercion if it requires a rational conception of interests? Such an idea is totally at odds with the essence of what we want to obtain through the concept of autonomy, which is the sense of people being the author of their own lives. So are we doomed to 'rational authoritarianism' if we consider autonomy or positive liberty as obedience to one's rational will? Connolly tries to defend positive liberty against Berlin's criticism by arguing, 'it is never in itself a sufficient argument against an idea to say that it can be misused. That is true of all ideas. The appropriate questions to pose are, how clear and important is the idea when it is properly used?' (Connolly, 1993, p. 144; See also Lukes, 1973, p. 56). This is not a sufficient defence though, as this conception of peoples' 'real' interests or of people having 'false consciousness' has been the source of justification for many undemocratic processes including limitation of suffrage and totalitarianism. It maybe not be because the idea has been misused, but due to faults embedded in the idea itself, so a more substantive defence is clearly needed. Such a defence comes from C.B. Macpherson who, in his excellent discussion of Berlin's essay in Democratic Theory (1973), realised that the outline of positive liberty presented by Berlin contains three different points (Macpherson, 1973, p. 108): A) The first is 'the desire...to participate in the process by which my life is to be controlled...' (Berlin, 1984, p. 22) B) In a fuller discussion of positive liberty, Berlin introduces the second point as the ability to be self-directing, to act and decide for oneself on conscious purposes and goals (Berlin, 1984, pp. 22-23) C) This second point leads to the third point that these goals should be rational and higher interests, which follows to positive liberty being conformity with the rational desires of all society.

Now Macpherson argues, correctly I feel, that 'B' (being self directed) is dependent on 'A' (having a share of sovereignty and participating in decisions): 'Without 'A' the man who cannot participate in the making of political decisions is governed by rules made entirely by others i.e. is directed entirely from outside himself, which is

³⁸ As Levine (1993, p.161) notes, Berlin does not advance this view, but comes 'perilously close'. However, this view can be found in Talmon, (1952) and Popper, (1962).

inconsistent with 'B' (Macpherson, 1973, p. 109, my emphasis). As such, the first two parts of Berlin's concept of positive liberty are mutually supporting and therefore make sense to come as a package. In contrast 'C' (conformity to objective rational standards) is at odds with negative liberty (as it allows for coercion); with 'A' as it allows elitist rule; and 'B' as it allows for some to decide for others (Macpherson, 1973, p. 110). In which case 'C' does not follow logically from 'B' as many have maintained and is therefore not a necessary nor a desirable part of the conception of positive liberty/autonomy.³⁹ Thus Dworkin defines the core notion of autonomy as, 'the ability of a person to effectuate his decisions in action' (Dworkin, 1988, p. 105). However, the process by which these decisions are formed must be conscious and rational.

The key aspect of the connection between rationality and autonomy is that the reasons supplied for motivation and justification are one's own and have been accepted and not resisted by one-self, that this lack of resistance was based upon self reflection that was rationally motivated and not due to self-deception. It is still possible that on further reflection later, these values and decisions will be rejected, but this is why values, beliefs and principles are the persons as Benn explains: 'They are his, because the outcome of a still-continuing process of criticism and re-evaluation' (Benn, 1976, p. 124). Cooke agrees arguing:

'The reason why the exercise of rational accountability promotes the specific identity of the individual is that the reasons she provides in defending her position, or in challenging that of others, must always be her reasons, in the sense that she must work them out for herself and no one may (without her consent) speak on her behalf' (Cooke, 1997, p. 274).

This means the claims are self-determined and represent her will, as the agent herself has formed her preferences (Kant, 1964, p. 116).

The rationality required for autonomy that was spoken of above is not some form of objective rationality, that can be decided by others for the person, but is the formation of goals for self-direction, that are consciously and rationally formed in light of available information. For aims, goals, preferences, values and desires to be autonomous the content is largely irrelevant, it is their process of formation which makes them autonomous if the motivation for the desire has come from the person and the options

³⁹ Macpherson (1973, p. 113) suggests that the idea of 'C' has arisen from both theoretical and practical solutions to the problem of impediments to maximisation of 'B' s' developmental power: 'Among those

and their implications have been critically scrutinised then they will be autonomous. There is no objective content to autonomous preferences, because, 'we can imagine cases where an agent would have good reason to have such a desire. Hence, we can also imagine that the person is autonomously guided by those good reasons in formulating that desire, and so by token we can imagine it as autonomously formed' (Christman, 1991, p. 23). It is then the process by which people form beliefs and make decisions, which depicts whether or not they are autonomous and not the content. There are no 'higher' or 'lower' interests as Rawls indicates, only more or less rationally formed goals dependent on the level of consideration and amount of relevant information available.

Strong paternalism is not then consistent with autonomy, but neither does the concept of rational autonomy suggest that it is and we would only be guilty of strong paternalism if we forced citizens to participate when they didn't want to. I now want to turn my attention to whether the autonomy of all can be preserved in collective decision-making.

1.5.3. Minorities in Collective Decisions

We have described how those in the majority are self-determining and therefore autonomous in democratic decision-making, and why those who are not interested in preserving their autonomy should still be ensured the opportunity to be autonomous in the future, however, what of those people who are involved in democratic collective decisions and want to preserve their autonomy, but are in the minority on these decisions. In what sense can they be autonomous if the majority, with whom they disagree, compels them? There have been many notable attempts to resolve this tension, three of which will be considered here. Firstly, Rousseau's general will, secondly Wolff's unanimous agreement both of which will be dismissed as will Graham's revision of Wolff (Graham, 1982). Finally, I shall argue that a normative conception of authority combined with a distinction between individual and collective autonomy provides the most promising route to a resolution between these concepts.

impediments are some men's lack of access to the means of life and labour. Failure to see this and to follow it up appears to be the cause, directly or indirectly, of the emergence of 'C' (My emphasis).

1.5.3.1. Rousseau and The General Will

Rousseau sums up the tension between autonomy and authority: ‘The fundamental problem’ to solve is to ‘find a form of association that defends and protects the person and goods of each associate with all the common force, and by means of which each one, uniting with all, nevertheless obeys only himself and remains as free as before’ (Rousseau, 1968, p.60). How can people gain the advantages of being in a collective and yet still maintain the autonomy one requires as an individual? For Rousseau the solution is for all to, ‘put his person and all his power in common under the supreme direction of the general will’ (Rousseau, 1968, pp.60-61).⁴⁰ In this conception, autonomy is only ensured when all citizens will the same thing, which is the general interest. It is then impossible for autonomous citizens to be in conflict. This is not to say that there will be complete agreement as to what the general interest is, but Rousseau presumed that the majority would be correct on this manner. Therefore the minority can be forced to comply with this general will and still be autonomous as they are being ruled by laws to which they would have agreed if they had interpreted the general interest correctly. Manin criticises the republican view of Rousseau for its lack of recognition of minority opinions because majority opinion is interpreted as the general will, because despite Rousseau’s suggestion that majority opinion represents the interests of all, Manin argues minority opinion is in no way incorporated into the will of the majority and so institutional design must ensure minorities can still register their opinions and arguments even if they are not accepted by the majority if autonomy is to be maintained (Manin, 1987, p. 360). Their participation in the decision- making process would be meaningless and no part of their lives would be protected from the majority will. As a result I have to agree with Michael Lessnoff, in *‘Social Contract’* (1986), that Rousseau’s general will, ‘does not adequately cope with the possibility that the individual may still be oppressed by the sovereign body operating by majority vote’ (Lessnoff, 1986, p. 82).

1.5.3.2. Wolff and Unanimous Agreement

Wolff describes the tension between autonomy and authority pertinently: ‘The defining mark of the state is authority, the right to rule. The primary obligation of man is

⁴⁰ It is essential to appreciate the difference between the ‘general will’ and the ‘will of all.’ The general will is a judgement upon the common good, while the will of all is the aggregation of private interests (Rousseau, 1968, pp. 72-75).

autonomy of the individual and the private authority of the state. Insofar as a man fulfils his obligation to make himself the author of his decisions, he will resist the state's claim to have authority over him' (Wolff, 1976, p. 18). It is undeniable that there is a conflict between autonomy and authority, but it is only because Wolff has such a strong conception of autonomy that he sees it as inconsistent with any type of authority, other than the utopia of unanimous direct democracy. Wolff following Kant believes autonomy is the 'primary obligation of man.' Dworkin criticises this, pointing out that such a strong conception of autonomy is also incompatible with promising and commitment and therefore, 'has no claim to be the supreme value' (Dworkin, 1988, p. 26). Consequently Dworkin claims that authority can be consistent with autonomy if we reject substantive independence and providing consent to the authority comes from the agent. For example, Wolff would consider an agent who decides to do whatever his mother tells him to do, heteronomous. In Contrast Dworkin argues just because we know what an agent's mother wants does not mean we can tell what he will do. We must appreciate that his conviction is to do what his mother wants first, and there is nothing to stop him changing this conviction. Also the decision to obey his mother could be a perfectly rational and autonomous decision. His main aim maybe to please his mother, or through his experience he may know that his mother's advice is very good. Either way he has chosen his own ends and is pursuing them, so how could such a decision not be autonomous? In the same manner a decision to join the army, or a monastery can be an autonomous decision if made freely and rationally. Likewise when we make a promise, have children, get married we limit our substantive independence, but these are still constraints that we can choose autonomously (Dworkin, 1988, pp. 21-23; see also Wall, 1998, p. 170).⁴¹ In light of this it seems that constraints are compatible with autonomy if the are constraints that are chosen, or consented to by the actor(s) in question after rational scrutiny of the available options.^{42 43}

⁴¹ It is important to note that it is not the case that all people who have got married, joined the army etc have chosen to do autonomously. It just means that it can be an autonomous choice.

⁴² Promising and other types of pre-commitment can therefore be perfectly compatible with self-government providing these commitments are autonomously made in the first instance.

⁴³ The famous example of Odysseus and the Sirens was considered earlier and showed how constraints can be autonomous. Knowing the dangers of the Sirens and not wanting to be lured by them to crash on to the rocks, Odysseus orders his men to tie him to the mast and ignore all subsequent orders to untie him. He is making a conscious and rational decision to limit his liberty in order to save himself and his men. When he hears the Sirens he desperately desires to go towards them and is not free to do so, but prior to this he was aware that this desire would not be a rationally formed one and did not represent his true will. He constrained himself to advance his autonomy. Likewise a collective can make a democratic decision

The only form of government that Wolff sees as being legitimate and preserving the autonomy of all is unanimous direct democracy, because only through such a system does, 'every member will freely every law which is actually passed' (Wolff, 1976, p. 23). As people who are ruled by laws they themselves have willed and consented to are autonomous, autonomy is reconciled with authority.⁴⁴ Wolff is therefore against majority rule because although the autonomy of the majority is maintained as they have willed and consented to the laws that have been passed, the of the autonomy of the minority is abandoned because they have not willed or consented to the law, but are still coerced to obey it. Wolff concludes that unanimous direct democracy is the only way to preserve autonomy. However, in modern plural societies reaching unanimous agreement seems too high a demand for authority to be legitimate as it is unlikely to ever happen (Waldron, 1993, p. 406). Moreover it will lead to the preservation of the status quo and will therefore tend to benefit established interests and dominant social groups (Mansbridge, 1996, p. 48).

As well as the practical problems of requiring unanimous agreement for collective decisions to be legitimate a commitment to the idea that a decision made must have unanimous support from the collective gives some members of the group more influence than others because the single dissenting voter can effectively veto the decision, they have equal weight to all the rest of the members put together. Emily has equal control to the other four combined. Ironically then Wolff's attempt to ensure that the autonomy of all citizens is equally cultivated by demanding unanimity, actually leads to the unequal cultivation of autonomy. Simmel argues that the majority rule shows a commitment to unity, and that demands for unanimity are based on possessive individualism as no decision can be made without the consent of all, while majority rule is a commitment to, 'the ideal that the unity of the whole must, under all circumstances remain master over the antagonism of convictions and interests' (Simmel in Mansbridge, 1980, p. 260; See also Gould, 1988, pp. 236-237). Barry is also in favour of what he terms 'the majority principle', because if unanimity impossible, it is hard to see why the decision should go in favour of the minority (Barry, 1991, p. 27).

to constrain themselves and enhance autonomy in the process e.g. The wearing of crash helmets or the banning of cigarette advertising (Dworkin, 1988, p. 106).

To have a realistic conception of legitimate authority we must abandon Wolff's idea of unanimous agreement, and form a conception that allows collective decisions to be made when not all have agreed. Without this requirement democracy could never be legitimate⁴⁵ because it seems there will always be minorities in decisions. How then can collective decisions be made and the autonomy of minorities be preserved?

In analysing Wolff's argument in 'Democracy and the Autonomous Moral Agent', Keith Graham (1982) argues that we must aim to maximise autonomy and that majority rule is the best way to achieve this, as we must treat all citizen's autonomy equally. This commitment to maximising autonomy is based upon Wolff's own claim that autonomy should be relinquished as little as possible, but that sometimes it is rational to relinquish it to some degree. If this is the case then Wolff, following in the Kantian tradition, must want to universalise the maximization of autonomy, and majority rule achieves this: 'If most decisions favour a certain state of affairs, less damage will be caused to the maximization of autonomy if that state of affairs is brought about rather than not. Or, to put it more simply, if you want to maximize autonomy where people disagree, accept majority votes' (Graham, 1982, p. 133).⁴⁶ I think Graham's argument for majority rule as the decision-making framework most compatible with the preservation of autonomy for all, is right, but there is still a key problem; in what sense is the autonomy of those in the minority preserved?

A necessary element to achieve this comes from Ross Harrison in his analysis of Democracy (1993). He suggests that it is important 'that any particular individual is as likely to be in the majority as any other, then through time this system will allow any individual to increase their choice or control' and consequently increase their autonomy (Harrison, 1993, p. 173). So the others are justified in making Emily go to the Italian restaurant because her autonomy should be treated equally to the others. Emily still has an opportunity of being in the majority on other decisions. For example what time to book the table, and may have been in the majority on the decision to go out on Tuesday.

⁴⁴ Such an idea is imbedded in the Roman maxim 'Quod omnes tangit ab omnibus tractari et approbari debet' (what touches all must be approved by all).

⁴⁵ At least in societies that strive to enhance the autonomy of all equally or in very homogenous societies.

⁴⁶ It is important to note that this principle of the maximisation of autonomy is based upon maximising the number of autonomous people rather than to maximise the autonomy of each and every member.

The claim here is that in a specific situation a minorities' autonomy is not cultivated, but this does not matter providing those who are in the minority on this decision are in the majority on others. A democracy cannot therefore operate with permanent minorities, because they would never be in the majority and so their autonomy would not be cultivated through any decision. For example, if a majority of people decided that all who drive motor bikes should wear helmets, they could force the minority, who were against this idea, to do so legitimately as those who do not want to wear a helmet will be as likely to be in the majority on other issues.^{47 48}

This argument is dependent upon autonomy not being an absolute:

'The block which autonomy seemed to provide to every sort of government, including democracy (except unanimous democracy), depended upon treating it as an absolute. Nothing at all was to be allowed that interfered in any way with this autonomy. So if anything was considered which would depend on no other will than the will of the individual in question, it was forbidden with their autonomy. Autonomy could not be compromised and any decisions affecting an individual had to flow only from the will of that individual and no-one else' (Harrison, 1993, p. 171).

Is autonomy 'an all or nothing affair?' Meaning that you are either autonomous or you are not, or does it make sense to talk of autonomy in degrees in the sense that you can be more or less autonomous? I think it is the latter. As Van Hees realises in 'Acting Autonomously Versus Acting Heteronomously' (2001), a person can therefore be more or less autonomous than another in two senses. Firstly, a person can make autonomous decisions and choices more often than another. Secondly, a person can, 'express more autonomy in her actions' (Van Hees, 2001, p. 3; See also Young, 1986, p. 51; Levine, 1993, p. 160). Morris Lipson disagrees and in 'Autonomy and Democracy' (1995) he suggests that, 'an agent who is under the influence of a demagogue...might not be autonomous if she is unable to make choices except insofar as the demagogue tells her what to "choose", because she is unable to base her choices on her own deliberations.

⁴⁷ To return to an earlier discussion, this would not necessarily be an act of paternalism because the majority may be convinced by the consideration that it should be compulsory to ensure that if they ever did use a motorbike they would not be tempted not to wear a helmet. It is likely that different people in the majority would be in favour of compulsory helmet wearing while riding a bike for different reasons and some may be motivated by paternalism.

⁴⁸ This is not necessarily the case in terms of Sikhs as they cannot wear a turban and a crash helmet at the same time, and the wearing of a turban is vital to their religious beliefs. In most Western societies Sikhs are a minority, and although they may well be in the majority on other decisions, in terms of the issue of crash helmets and motorbikes if they are in the minority their autonomy is compromised because they must choose between their religious beliefs or their desire to ride a motorbike, both of which can easily be considered autonomous choices. In such cases different rights are required to protect the autonomy of such minority groups. For a discussion of this see Bhikhu. For an opposing view see Barry (2001).

Either an agent has that power or she doesn't; it doesn't make sense to say that she possesses it to some degree or other' (Lipson, 1995, p. 2273). He tries to defend his position by distinguishing between personal autonomy and autonomous choice. According to this analysis, autonomous choice can come in degrees because it refers to the conditions that make it possible for choices to come from the agent. However, this does not mean that the agent makes all choices, or that the agent considers each choice to equal degree. Therefore, an agent's personal autonomy is irrelevant to the autonomy of their choices, which can come in degrees. This seems a peculiar position, as surely personal autonomy is dependent upon being able to make autonomous choices and decisions, and being able to determine the conditions under which one has to operate. Lipson is correct to claim choices can be more or less autonomous, and that this is determined by external and internal factors, but the extent to which someone makes autonomous choices is the extent to which they are autonomous. If they are not one and the same thing, they are certainly linear values. Furthermore, we have seen that people can be more or less rational and have more or less opportunities and options for choice, both of which are central to autonomy. Young compares this autonomy with the word 'bald', to be completely 'bald' would mean someone has no hair at all, but we still use the term to describe people who have lost a significant amount of hair. It is then a term of degree, like autonomy. To classify exactly how many or percentage of hairs a person needs to have lost to be classified 'bald' is both idle and impossible and the same is true for autonomy (Young, 1986, p. 70). What it is necessary to suggest is that autonomy is an essential value of democracy and that democratic arrangements and institutions should be judged to the extent that they cultivate the autonomy of all equally. The arrangement that best achieves this is the one that should be implemented.

Therefore it seems autonomy does come in degrees in a similar way that democracy does. It makes sense to say when comparing political arrangements, that one is more democratic than the other. The extent to which an arrangement is democratic depends on how great an opportunity there is for all citizens to participate and exercise popular sovereignty in collective decisions, and to the extent that citizens' rights of personal freedom are protected in line with Beetham's definition of democracy. For example, I think it is fair to say that most people would agree that Chile is less democratic than Sweden, but again most people would want to say that Chile, with its elected representatives, is democratic to a certain extent. Likewise then autonomy is

maintained in certain degree, depending on the opportunities people have for self-determination, so that they are the authors of their own arrangements. The door to the compatibility between minorities and the cultivation of their autonomy may be opened if autonomy is interpreted as not being an absolute however; this suggestion still requires further development.

1.5.3.3 A Normative Conception of Authority

Gould provides a solution by accepting Graham's majority rule principle, but rejecting his justification for it. For her, it is not the maximisation of autonomy that justifies majority rule, but equal agency. This means that majority rule should be accepted providing that all have equal opportunity to participate in making these decisions (Gould, 1988, p. 233). Equal agency is preserved because, 'no one has more right to effect his or her will in joint decision than has any other and that each one is bound to respect the equal dignity of each of the others' (Gould, 1988, p. 237). The decision does not then just originate from the majority, but the collective as a whole.

Nevertheless, even in a democracy where all have a chance to participate in making these decisions there will be a conflict between the resulting authority from that decision and individual autonomy. Thomas Christiano sums up the incompatibility that inevitably arises between autonomy and authority when making collective decisions in a democracy in his article on 'Freedom, Consensus, and Equality in Collective Decision-Making' (1990): 'I cannot be free to determine the course of an activity I share in common with others in a democracy. For whatever I want done must require the assent of some proportion of the other participants' (Christiano, 1990, p. 158). Despite the fact that I can participate in the decision-making process I do not have complete autonomy to make the decision. Christiano concludes therefore that democracy and self-rule are incompatible. Although there is no necessary reason why autonomous action and choices, and a process of self realisation should be incompatible with community interests in many cases, however this will not be the case all or even most the time in reality, especially if we consider modern plural societies. Conflict between the individual and community demands seem inevitable, and those who form a minority in democratic decisions will therefore lose their autonomy. A return to our hypothetical example will demonstrate this. Let us presume that all our friends have now rationally formed their preferences based upon available information, and had acceptable choices

to choose from when doing so. Let us also imagine they have all agreed to go out on Tuesday. Now if Andrea, Bob, Diane and Chris all agree that they should go out for an Italian meal at 'Lasagne Shed' but Emily wants to go to the pub quiz at the 'White Swan', Emily is the minority and is not in control of her life so how is she self-governing?

Consequently, Gould proposes a normative conception of authority, which is compatible with autonomy, and claims that democratic institutions should aim to approximate this normative conception. The basis for this normative view of authority is that it is compatible with equal agency of all citizens, and so authority should not be based upon hierarchical relations with some people imposing authority upon others. The normative view of authority that Gould outlines perceives, 'individuals as internally related in their pursuit of common aims as a condition for common action. Such a shared understanding implies an intentional relation both to the common purposes and to rules or procedures that are followed in their joint activity' (Gould, 1988, p. 222). In this sense the individuals act as a collective exercising authority over each other as a collective.

Therefore, Gould distinguishes between individual autonomy and collective autonomy.⁴⁹ She claims that, 'since the form of such common activity (making collective decisions) differs from individual activity, in which one makes decisions about one's own actions independently of others, the nature of decision-making in common activity must also differ' (Gould, 1988, p. 89). Collective autonomy is therefore different to individual autonomy. The latter is the formation and pursuit of a private goal, the former is a collection of individuals forming and pursuing shared goals. Now in collective action the autonomy of the individual can only be preserved through her free participation with the others in the determination of these collective goals and formation of means to achieve them. This can be construed as a sacrifice of autonomy only if autonomy is viewed in the narrow sense of having total sovereignty to pursue specifically personal goals. Arendt eloquently describes how this is not possible by comparing freedom with sovereignty, but the analysis works equally well if freedom

⁴⁹ Warren also distinguishes between the autonomy of the individual and the autonomy of the collective. Following Habermas (1996a), he terms collective autonomy 'political autonomy.' The same distinction is made by Doyle who classifies the difference as individual and social autonomy or negative and positive autonomy (Doyle, 1990, p. 82).

were replaced with autonomy. She argues that it is a mistake to think that autonomy can be unlimited or complete control as this confuses the term with sovereignty:

'If it were true that sovereignty and freedom are the same, then indeed no man could be free, because sovereignty, the ideal of uncompromising self-sufficiency and mastership, is contradictory to the very condition of plurality. No man can be sovereign because not one man, but men inhabit the earth' (Arendt, 1958, p. 234).

Implicit in this statement is the idea that because people share the earth with others, they must share sovereignty as well. Due to this fact and the fact that individuals wills are not the same, absolute personal autonomy cannot be achieved, but the equal autonomy of all can still be maintained if all have the chance to participate equally in collectively determining the goals of society.

The argument is that we should not conceive autonomy as an absolute. Autonomy in collective decisions differs from autonomy in individual decisions, as it aims to achieve we have an equal chance to determine these collective decisions to ensure that the intrinsic connection between agency and autonomy is preserved and each agents autonomy is respected equally. However, Warren has realised that it is not just equal participation that is necessary to achieve equal respect for autonomy, but the type of participation in collective decision-making also has an effect.

The necessary connection between autonomy and rationality has hopefully already been established, however, now we can see that collective decisions are different from individual decisions because they are public and political. Earlier I argued that individual opinions would be more autonomous if more relevant information is made available and hence externalist rationality was necessary. If opinion formation is undertaken publicly more information can be generated if citizens share information and provide justification for their opinions. If autonomy is to be preserved in collective decisions, it is necessary, but not sufficient for these individual opinions to be autonomous because collective decisions differ from individual ones as Warren explains: **'It is a distinct ideal because it involves modes of validity (and hence influence) that are not, shall we say, 'epistemological': the influence of political judgments does not derive from the relationship between mind and object (whether fact or norm), but rather from interactions among individuals who recognise the validity of a claim and thus its authority' (Warren, 2001, p. 65).** This means if individual decisions

needed to be based on a critical reflection of the available information, collective decisions need this critical reflection to be public. Reasons for opinions must therefore be provided and justified, by each individual who participates in the collective decision, to all the other participants: 'Unless the interests and commitments individuals express are their own, unless they can justify the positions they take with reasons and do so in situations free of coercion or economic dependency, unless they have access to adequate information, it is just as possible that their opinions are the result of unreflective beliefs, propaganda or other unreflective modes of influence, coercion, or forced collusive interest' (Warren, 2001, p. 64). Jeremy Waldron, in Liberal Rights (1993), holds a similar view arguing that 'respect is owed to minority opinions. They should be aired in debate, and be given an effective opportunity to win supporters' (Waldron, 1993, p. 425). Individual autonomy can still be enhanced when political autonomy is enhanced, because both political and individual autonomy require every individual to be included in the decision-making process (Warren, 2001, p. 67).

If democratic decision-making processes derive their legitimacy from maintaining autonomy of the citizens, it seems that a decision-making procedure increases autonomy, by allowing more participation from participants, and providing them with access to more relevant information and ensuring that the preferences which are incorporated into the decision-making processes are rationally formed and therefore allowing collective self-determination. Now because collective decision-making is different to individual decision-making, the process of rationally forming intentions and goals should be done collectively not privately. This means decision-making needs to involve collective process of rational preference formation. As with the individual, it is the process that is important for rational preference formation in the collective. Obviously each individual will still form their own preferences, but because of the differences between individual and collective autonomy, and correspondingly individual and collective decisions, this should not be done independently. Our five friends should make their decisions then as a collective, if collective autonomy is to be preserved, rather than already forming and making their decisions in private.

1.6. Conclusion

The aim of this chapter has been to argue that autonomy is the normative core of democracy, because there is an intrinsic link between them, as they are both essentially based upon the idea of self-government. This is definitely the case in Western liberal democracies where both the theory and practice of liberal democracy has sought the cultivation of autonomy. Furthermore, I have suggested that autonomy is an intrinsic good for its own sake, at least in Western societies, as it is constitutive of agency. However, we cannot assume that citizens are autonomous, as we require the right conditions to cultivate it, including an appropriate decision-making process.

In order for autonomy to be cultivated, there are two essential requirements. The first is free choice, with freedom being interpreted in both the positive and negative sense. There must also be an acceptable range of options and the agents in question must have knowledge of these options. Finally, this choice must not be coerced, manipulated or seduced. The second is rationality. For a decision to be autonomous it must be based upon rationally formed preferences, which means that the agent must consciously accept the process of preference change or formation. Now when making collective decisions we need to distinguish between individual and collective autonomy, and collective decisions should be based upon preferences that have also been collectively formed through the give and take of justifications and information sharing. John Dewey makes a similar point:

'Majority rule is as foolish as its critics charge it with being. But it is never merely majority rule. The counting of heads compels prior recourse to methods of discussion, consultation and persuasion. The essential need in other words, is the improvement of the methods and conditions of debate, discussion and persuasion. This is the problem of the public' (Dewey, 1988; p. 144).

Following this argument I shall now review two different democratic decision-making models, deliberative democracy and aggregation of preferences, reviewing them from the point of view of their potential to cultivate autonomy of all participants equally.

CHAPTER TWO: DELIBERATIVE DEMOCRACY AND AUTONOMOUS DECISION-MAKING

2.0. Introduction

Joshua Cohen in his seminal work on deliberative democracy, 'Deliberation and Democratic Legitimacy' (1991), claims that 'the ideal deliberative scheme...indicates the importance of autonomy in a deliberative democracy' (Cohen, 1991, p. 25). Cohen accepts that to be autonomous preferences must be determined by the agent and that this is aided by 'the deliberative formation of preferences' (Cohen, 1991, p. 25). The aim of this chapter is to expand this argument, and place equal enhancement of autonomy, as the central justification of the deliberative model of democracy.

In the previous chapter, I presented the case that autonomy is the normative core of democracy, and provided an exposition of the conditions necessary to make autonomous decisions. For a decision to be autonomous, there must be awareness of an adequate range of options to choose from, and this choice must be based upon rationally formed preferences. Essentially this thesis is dealing with collective decision-making, and previously I argued collective autonomy was distinct from individual autonomy and requires that preference formation take place through the participation of all, to ensure that the agency of all is preserved. It is my contention that the model of decision-making most likely to meet the conditions of collective decision-making, outlined in the previous chapter, is the model of deliberative democracy. This chapter will attempt to demonstrate how deliberative democracy will enhance the autonomy of the participants by comparing it to purely aggregative models of decision-making.

The first stage in section 2.1 is to define deliberative democracy and its two strands, and to distinguish it from private and dyadic deliberation. The argument is dependent upon the argument of John Dryzek, in his comprehensive study Deliberative Democracy and Beyond (2000), who claims that for deliberation to have taken place, communication between participants must induce 'reflection upon preferences in non-coercive fashion' (Dryzek, 2000, p. 2). This deliberation is democratic if these reflective preferences influence collective decisions (Dryzek, 2000, p. 2). In this sense we can already see deliberative democracies compatibility with Lindley's 'active theoretical rationality',

which requires the agent deliberating over preferences, desires and beliefs to achieve autonomy (Lindley, 1986, pp. 21-70).

In section 2.3, three reasons will be considered as to why deliberative democracy can cultivate autonomy. The first is that it encourages participants to make their reasoning public, which entails the consideration of the reasons and opinions of all which makes judgement public and prior to aggregation, and which also launders purely self interested preferences. The second and third arguments are based upon the claim that in a deliberative situation people communicate through language. This means that at any point there are speakers and listeners involved. I argue that deliberative democracy enhances hearer autonomy by increasing the availability of information, so the rational external requirements of autonomy are improved. Speaker autonomy is enhanced because the ideal of deliberative democracy ensures all opinions are included and heard by all. When aggregation does take place this also means that choices are determined by citizens themselves and furthermore, are based upon the reflective preferences of citizens.

The argument here is in what Matthew Festenstein, in 'Deliberation, Citizenship and Identity' (2002) terms the 'prudential' tradition of deliberative democracy: 'On the prudential interpretation, deliberation is especially fair by virtue of allowing each participant to gain an equally clear and reflective understanding of his ideas and interests ...', at least in comparison to purely aggregative models. Deliberative democracy therefore, helps overcome inequalities in information and rationality (Festenstein, 2002, p. 103).¹

There are also three critiques that seriously challenge the connection made between deliberative democracy and autonomy, and must therefore be considered in section 2.4. The first of these is the social choice theory critique, which views preferences as endogenous and not exogenous. Furthermore, if deliberative democracy cannot lead to consensus then aggregation is still required. How then can it avoid the problems of cycling, ambiguity and strategic manipulation that undermine citizens' autonomy? The

¹ Festenstein outlines two other dominant justifications of deliberative democracy; the epistemic conception (Festenstein, 2002, pp. 99-102) and deliberative democracy as fair procedure (Festenstein, 2002, pp. 102-104). There are significant crossovers between all the justifications, which will not be considered here. Instead an in-depth discussion of the prudential model is provided.

next challenge comes from ‘difference democrats’, who claim deliberative democracy will fail to enhance the autonomy of subordinate groups, as the norms of this model e.g. reason, debate, impartiality are not universalisable, but culturally specific and act in favour of dominant groups. The final challenge to be considered here is that deliberative democracy, and its autonomy enhancing processes, are dependent on citizens abiding by ‘democratic obligations’, but that we cannot ensure this commitment without civic virtue.

2.1. Defining Deliberative Democracy

The term ‘deliberative democracy’ was first used by Joseph Bessette in The Mild Voice of Reason (1980). From the literature on deliberative democracy, Jon Elster, in Deliberative Democracy (1998), has identified a broad consensus on the two strands of the ideal as a decision-making process, the democratic strand and the deliberative strand. The democratic part is collective decision-making through the participation of all relevant actors. The deliberative strand is the making of the decisions through the give and take of rational arguments (Elster, 1998, p. 8). In the previous chapter, I invoked Beetham’s definition of democracy, and it can also be used here. In this definition a collective is more democratic the more it ensures that all citizens have effective equal rights to directly participate in making the collective decisions (Beetham, 1993, p. 40). The more a deliberative democracy can ensure all citizens participate in deliberation equally and directly; the more the democratic criteria will be fulfilled.

James Bohman in Public Deliberation (1996) defines deliberation as; ‘a dialogical process of exchanging reasons for the purpose of resolving problematic situations that cannot be settled without interpersonal co-ordination and co-operation’ (Bohman, 1996, p. 27). It is apparent that discussion is the central tenet of democratic deliberation. Discussion and debate inevitably involves arguing, both formulating and putting across one’s argument and listening to and evaluating others. Elster appreciates that ‘arguing is intrinsically connected to reason, in the sense that anyone who engages in argument must appeal to impartial views’ (Elster, 1998, p6). In his discussion of ‘Democracy and Liberty’ (1998), Joshua Cohen defines a reason as ‘a consideration that counts in favour of something: in particular, a belief, or action’ (Cohen, 1998, p. 194). It is then Habermas’ famous ‘unforced force of the better argument’ that should be decisive, and

the better argument must be based upon reasons and not asymmetries of power (Habermas, 1996a; McCarthy, 1994, p. 45). In this sense collective deliberation helps promote rationality, a central requirement of autonomy. Even before voting has been decided upon as the best form of decision-making, the decision must be preceded by argument. Argument and therefore discussion is then 'logically prior to all other modes of collective decision-making' (Elster, 1998, p. 10; See also Gambetta 1998; Fearon 1998; Johnson 1998; Manin 1987; Cronin 1989 who all make this same point).

Michael Saward, in 'Less Than Meets the Eye' (2000), suggests that deliberative democrats, by distinguishing the deliberative model of democracy from an aggregative model, elevate deliberation above voting as a form of legitimate democratic participation, which leads him to question the validity of calling deliberative democracy a model of democracy, saying that such a view is 'blinkerred' and 'artificially self-contained' (Saward, 2000, p. 67). As will be apparent below with the discussion of social choice theory and the scepticism that deliberative democracy can and should lead to consensus, I accept Saward's point that deliberation can only ever be a part of democracy because it is not a self-sufficient model due to the fact that voting is still required to make a decision, however, for Saward this means deliberative and aggregative models of democracy are not separate and distinct models of democracy (Saward, 2000, pp. 67-68; see also Squires, 2002, pp. 133-134).

Whether this argument is accepted depends upon how one defines a 'model of democracy.' David Held in his far-reaching discussion of Models of Democracy (1996) and C.B. Macpherson in The Life and Times of Liberal Democracy (1977) both offer similar definitions of a model. C.B. Macpherson defines a model in a broad manner as 'a theoretical construction intended to exhibit and explain the real relations, underlying the appearances, between or within the phenomena under study', in this case democracy and decision-making. He further suggests that a model should also have a normative element, which offers a 'model of man' and an 'ethically justificatory theory'. Held uses the term 'model' to refer to 'a theoretical construction designed to reveal and explain the chief elements of a democratic form and its underlying structure of relations' (Held, 1996, p. 7; Macpherson, 1977, pp. 2-6). In section 2.2, I will try to suggest that a purely aggregative model and a deliberative model would produce differing structural relations and rely upon differing forms of participation due to the

difference between public and private deliberation. For Held and Macpherson a model of democracy inevitably involves descriptive and normative statements. For an approach to democracy to be considered a model it must then be distinctive in relations to its explanatory or normative approach (Held, 1996, pp. 8-10; Macpherson, 1977, pp. 2-6). Again, I think Held's and Macpherson's definition of a democratic model suggests that the deliberative and aggregative models are different. As will be discussed in more detail below a purely aggregative model views the source of legitimacy as citizens' predetermined preferences and a deliberative model sees the formation of these preferences as the source of legitimacy, which therefore leads to differing normative and empirical claims. Furthermore, deliberation and aggregation are not elements in all conceptions of democracy; Habermas (1996b) has suggested in the past the collective discourse could lead to consensus and Riker (1982, p. 5) and Rousseau (1968) have perceived democratic arrangements without any collective deliberation and only voting. In this sense a purely aggregative model of democracy is not a mythical construct set up as a straw man by deliberative democrats. Now it is true that liberal democracies do not presently approximate the aggregative model of democracy as collective deliberation does occur in certain circumstances, but this does not mean the aggregative model does not exist as a theoretical construct. Neither does it rule out the deliberative model being a model, because as Macpherson realised new models develop as a critique of previous models, and are suggested as a 'corrective' or 'replacement'. However, this critique only need to be upon part of the preceding model and can therefore embody 'substantial elements of an earlier' model (Macpherson, 1977, p. 8). Therefore, I maintain that despite the existence of some form of deliberation and voting existing in many conceptions of democracy, it still can be a useful, meaningful and enlightening to highlight the empirical and normative differences between these models in relation to democratic forms and structural relations.

Saward has further suggested that deliberative democrats have 'overdrawn' the distinction between deliberative and aggregative models of democracy, because citizens can deliberate in private prior to voting (Saward, 2000, p. 68). However, the deliberative strand of deliberative democracy is different from individual deliberation. Democratic deliberation is a joint, collective activity. Individual deliberation is structurally different as it contains no dialogue, no give and take of reasons, and no influence between actors. The aim of deliberative democracy is to provide solutions

collectively through the expression of a plurality of opinions and interests to achieve collective goals, resolving conflicts and solving collective problems (Bohman, 1996, p. 55). In this sense the conception of deliberative democracy is in contrast to the claims of both Robert Goodin in 'Democratic Deliberation Within' (2003) and Adolf Gundersen's Socratic model in The Socratic Citizen (2000), who envisage democratic deliberation as being desirable and possible outside of collective debate. Goodin suggests deliberative democracy can be a solo affair, providing others are made 'imaginatively present.' He does accept that internal reflection could never replace externally induced reflection, but suggests it could supplement it (Goodin, 2003, p. 55). Goodin hopes that 'through the exercise of a suitably informed imagination, each of us might be able to conduct a wide ranging debate within our heads among all the contending perspectives.' Nevertheless, he accepts collective deliberation will still be necessary as we can never know the views of others; so some will be misportrayed, others completely ignored and few put as persuasively as they would be by the agent themselves (Goodin, 2003, pp. 63-64).

Goodin then at least accepts that democratic deliberation at some point must be collective. In contrast Gundersen advocates 'dyadic', as opposed to collective deliberation. Groups could still assemble to make collective decisions, but communication between them would always be dyadic with 'serial one-to-one encounters' (Gundersen, 2000, p. 98). According to Gundersen, the first advantage of dyadic deliberation over collective deliberation is that it is easier to institutionalise (Gundersen, 2000, p. 98). This assertion is certainly a pertinent one and will be reviewed in the following chapter. The second advantage Gundersen claims dyadic deliberation brings over the collective alternative is that the relationship between participants is more interactive and therefore 'allows each partner to more easily ascertain the other's knowledge and interests.' He argues that if clarification of a point is needed it is much easier in dyadic, rather than group communication, because in a group it would mean the monopolisation of debate between two people. In this sense if group deliberation leads to the exchange of information and knowledge it is dyadic anyway (Gundersen, 2000, pp. 98-100). Gundersen seems to have completely missed the point here, because there may be more than one misunderstanding that shares similarities with others. A debate about clarification could therefore take place between more than two participants and aid the understanding of many participants. For example, many participants may think that they do understand a point that has been

made until it is questioned and then they realise that originally they did not. Hence, I do not accept that the dyadic model of deliberation leads to greater clarity. Thirdly, Gundersen suggests that dyadic communication will mean greater equality between participants than in collective deliberation because power in dyadic relationships is easier to challenge verbally and exit is also easier (Gundersen, 2000, p. 101). This claim may be true in some cases, but certainly not in all. There are certain dyadic relationships where it is harder to challenge power verbally and exit is even harder than in collective debate, it seems to depend upon context. For example a dyadic relationship may be dominated by one of the participants, if the other holds them in high esteem or with excessive respect, for whatever reason. This of course can occur in collective deliberation, but others would be present and would hopefully challenge the 'esteemed figure' with reasons. Two people may find it very hard to respect deliberative procedures because of the disrespect they feel towards each other, but these feelings maybe calmed by the presence of other participants debating. I therefore reject Gundersen's suggestion that dyadic deliberation is superior to collective deliberation. However, my main argument against Gundersen is that dyadic deliberation cannot lead to the same level of autonomy supporting conditions that are outlined below. As will become apparent, these benefits are necessarily achieved in a collective setting.

It is apparent that deliberation can exist without democracy, and consequently democracy without deliberation as Adolf Gundersen notes in The Environmental Promise of Democratic Deliberation (1995): 'If democracy and deliberation are to be linked, either democracy must become deliberative or deliberation must become democratic' (Gundersen, 1995, p. 9). Combining the two will mean that all relevant actors should have an equal opportunity to participate directly (where possible) in a dialogical process of exchanging reasons to make collectively binding decisions. Cohen has devised a set of normative procedures that aims to achieve this:

- A) Participants should be bound by the decisions made from the deliberative process.
- B) Participants must offer reasons for their opinions and perspectives.
- C) Participants must be formal and substantively equal.
- D) Deliberation should aim a rationally motivated consensus (Cohen, 1991, p. 22-23).

In Moral Consciousness and Communicative Action (1990), Habermas has also offered a set of counterfactual procedures termed 'the ideal speech situation.' Here

communication is undistorted as all participants are free and equal with no power discrepancies and unconstrained from subjection, self-delusion and strategic activity. All views are aired in an unlimited discourse, creating open participation aimed at rational consensus (Habermas, 1990, pp. 56-58). The ideal speech situation is a utopia, unachievable in the real world, with its imperfections and huge spectrum of opinions and traditions. It is this ideal speech situation that should be employed to criticise and judge real life democratic arrangements. Habermas believes that communication naturally leans towards a shared understanding if it is geared towards genuine information and rationality, this means the ideal speech situation is anticipated in all communication, and so is not a theoretical creation (Habermas, 1990, pp. 86-94).

I will argue in this chapter that the deliberative and democratic strands of the ideal will pull in the same direction and compliment each other. However, I will also suggest that they can conflict between each other and therefore trade-offs will need to be made between the democratic and the deliberative strands (Fishkin and Luskin, 2000, pp. 17-18).

2.2. Deliberative Democracy and Autonomy

2.2.1. Public Reason

Habermas thinks public rationality will lead to the creation of political autonomy (Habermas, 1996a, pp. 118-131; see also McCarthy, 1994, p. 48). This is because political autonomy is 'self-legislation through the public use of reason by free and equal citizens' (McCarthy, 1994, p. 55). In the previous chapter, the distinction between private and public decisions was made. It was suggested that because collective decisions are different to individual decisions autonomy cannot be viewed in the same way. For the autonomy of all to be cultivated it was argued that equal agency of all must be preserved, by allowing all to participate in making that decision, precisely because it is collective and will affect all. It was further argued that for a preference to be autonomous it must be based upon good reasons that the agent accepts. J.S Mill appreciated that this process also involved the consideration of alternative opinions and their justificatory reasons. Now this is even more imperative when making collective decisions because the decisions will affect all, all should hear the reasons for the preferences of others and have the opportunity to convince others about their preferences.

It is such arguments that prompted Elster, in 'The Market and the Forum' (1997), to suggest that pure aggregation of preferences confuses the type of behaviour that is apt in the market place and the forum. In the market the consumer can be sovereign because the different choices will only affect the consumer. This though is not the case when making collective political decisions, as many of the citizens' preferences maybe defective (Elster, 1997, p. 10). In the market the individual is decisive, but in the forum and political sphere they are not as it depends on everybody else: 'Consequently, the considerations that predominate in market choice cannot be presumed to predominate in electoral choice. Specifically, market behaviour reflects agent "interests" in a way that electoral behaviour does not' (Brennan and Lomasky, 1993, p. 15). In the market it does not matter why the agent has a certain preference, but in the political sphere this preference needs to be justified to the rest of the polity because the agent is not just deciding for them self (Brennan and Lomasky, 1993, pp. 33-34).

This means that public reason is necessary to cultivate the autonomy of citizens in collective decision-making, and Bohman is in agreement. According to Bohman 'there is increasing agreement that democracy is justified to the extent that it makes possible the public use of common practical reason' (Bohman, 1996, p. 4). This is because selecting an option through voting without prior deliberation, results in a lack of judgment in decision-making, there is no public reasoning and for this reason autonomy is not maintained. By 'public', Bohman is not just referring to the people involved in deliberation, (although to be public, in Bohman's standards, no citizens can be excluded formally or actually excluded), but to the form of reasons given in debate. Neither is it the content of the issues that makes them public, as Bohman points out in 'Deliberative Democracy and Effective Social Freedom' (1997): 'Whether something is a matter for collective concern is itself a deliberative issue' (Bohman, 1997, p. 38). It is the nature of the reasons offered, which must be public by being understandable and acceptable to all citizens or at least potentially so, which demonstrates a clear respect for the equal agency of the other participants: 'Illegitimate political decisions, which often cause injury and disadvantage to many citizens are made precisely for non-public reasons and in non-public ways. They are not addressed to an audience of politically equal citizens' (Bohman, 1997, p. 26). Public reason then encourages citizens to find reasons for arrangements that will not 'neglect the good of others' (Cohen, 1998, p. 197). This is in

accord with the equal agency in collective decisions requirement for autonomy, which entails the exchange of reasons, but furthermore, the consideration of the reasons of all. As Cohen notes public reason recognises citizens as being full members in the sense that they share in the sovereignty of exercising power (Cohen, 1998, p. 222).

Cohen's claim is that the aim of deliberative democracy is to 'tie the exercise of power to conditions of public reasoning and that reasons need to be acknowledged by all in order to be public' (Cohen, 1998, p. 186). This he terms the 'principle of deliberative inclusion' (Cohen, 1998, p. 203). If this were the case then deliberative democracy would help cultivate autonomy in decision-making by inducing the use of public reason, which embodies the idea that decisions are collective more fully than pure models of aggregation. As Cohen explains public reason 'requires that all who are governed by collective decisions, ... must find the bases of those decisions- the political values that support them- acceptable, even when they disagree with the details of the decision' (Cohen, 1998, p. 222).

There are three reasons why it is thought a deliberative democracy would promote the use of public reason and therefore autonomy, which a comparison with pure aggregation mechanisms will highlight. Firstly, democratic deliberation is reasoned in the sense that people offer reasons in support of their opinions and perspectives and hope they will prove convincing to others and expect these reasons, and these reasons alone to be the motivating force of people accepting them or not. By just having a preference or opinion we do not necessarily have reasons to support them and the preferences may therefore not be autonomous. Therefore unlike in pure aggregation mechanisms, the mere act of having a preference is not enough for people to take account of it, but rather the reasons that one offers, which should be aimed to be convincing to others, that effects whether or not ones arguments are taken up in the final decision.

Secondly, democratic deliberation enhances public judgment by ensuring people at least consider options and reasons of others which they were previously ignorant of by ensuring the inclusion of all. Although critical of many aspects of deliberative democracy, Iris Marion Young in 'Difference as a Resource for Democratic Communication' (1997), argues that this will help lead to 'objective' decisions:

'Judgement is objective in this sense when it situates one's own particular perspectives in a wider

context that takes other perspectives into account as well. Objectivity in this sense means only that judgement has taken account of the experience, knowledge, and interests of others. Such objectivity is possible only if those particular perspectives are expressed publicly to everyone' (Young, 1997, p. 402).

Although pure aggregation mechanisms can provide the vote to all and so can include everyone in this sense, voting is simply a mark of consent to one option over others. Therefore judgment comes prior to the act of choosing as Benjamin Barber appreciated in Strong Democracy (1984): 'What is crucial is not consent pure and simple, but the active consent of participating citizens who have imaginatively reconstructed their own values as public norms through the process of identifying and empathizing with the values of others' (Barber, 1984, p. 137).

It is true that using the resource of voting encourages people to privately deliberate and exercise judgment prior to making such a choice. Herman Lieb, believed that giving opportunities to citizens to participate in a referendum 'will impress the voter with the solemn obligation he is assuming, as he becomes conscious of the fact that his vote might determine the fate of an important public measure' (Lieb in Cronin, 1989, pp. 60-61). There is certainly an element of truth in this, and it is this that distinguishes a vote from opinions expressed in an opinion poll, as the latter are often thought to be unconsidered opinions and treated with skepticism. Nevertheless this deliberation is usually private; it does not open people up to the arguments of others, or force people to defend their choice to others, therefore it does not encourage the same level of collective judgment that debate creates as Barber argues: 'The secret ballot allows the voter to express himself, but not to be influenced by others or to have to account for his private choices in a public language' (Barber, 1984, p. 174).

Thirdly, in a deliberative democracy, selfish reasons of the type 'I agree with this because it will really benefit me, but disadvantage others' will be unconvincing to the rest of the collective. Public deliberation will therefore encourage people to focus on public values if their discourse is to persuade people of the validity of their ideas: 'In political debate it is pragmatically impossible to argue that a given solution should be chosen just because it is good for oneself. By the very act of engaging in a public debate- by arguing rather than bargaining- one has ruled out the possibility of invoking such reasons' (Elster, 1997, p. 12; Miller, 1993, p. 82; Benhabib, 1996, p. 72). Included in the process of public deliberation will be those who would be disadvantaged from

these selfish preferences, and so could not possibly justify their prejudices to these people. Unsubstantiated prejudices will then be laundered and the quality of the decisions will improve due to the fact that all interests included must be justified, unlike in pure aggregative models (Christiano, 1997, pp. 247-248; Miller, 1993, p. 82). As James Fearon points out, in 'Deliberation as Discussion' (1998), 'even majorities commonly justify their actions in terms of the general public good rather than the narrow interest of the voting majority' (Fearon, 1998, p. 54). In contrast, in private ballots 'nothing stops the voter from voting on purely self-interested grounds, without any consideration for what would be a good decision for the collectivity' (Fearon, 1998, p. 53). Brennan and Lomasky think that public voting would lead to more consideration of the issues and that votes would be less likely to be based upon 'dubious passions' (Brennan and Lomasky, 1993, p. 217). As they suggest 'to vote publicly is to be answerable for one's vote' (Brennan and Lomasky, 1993, p. 219). Consequently, it is thought that such deliberation would be able to ensure that decisions are based upon reasoned analysis as opposed to traditional and inaccurate assumptions (Sunstein, 1984, p. 1702). In her investigation of 'advisory councils' in Barcelona where interaction is based upon the deliberative model, Georgina Blakeley, in 'Creating Spaces of Deliberation in Barcelona' (2000), reports how many of the participants:

'stressed the educative experience gained from working together in the advisory councils not just in the narrower sense of personal enrichment, but also in the wider sense of learning to appreciate the wider picture, rather than their own narrow, sectoral point of view, of increasing their capacity for dialogue and their awareness of other people's reality' (Blakeley, 2000, p. 18).

A suitable application is provided by Gundersen (1995), Dryzek (1996, 2000), Smith (2001), Eckersley (2000) who all perceive the environment as a public good and argue that democratic deliberation could lead to the promotion of this public good because it promotes public rationality. They accept that presently many citizens are not sufficiently concerned with the environment. Gundersen poses the problem as 'either we narrow the political circle to the environmentally thoughtful, or we stimulate environmental thought among the broader public.' He opts for the latter, the first being illegitimate on democratic grounds, so consequently argues that we should 'create more opportunities for citizen deliberation about environmental issues in order to encourage more and better collective answers.' This is based upon the assumption that 'political deliberation enhances environment rationality' (Gundersen, 1995, pp. 4-5). Gundersen defines environmental rationality as 'collective, holistic, and long term thinking' about the environment (Gundersen, 1995, p. 22).

Gundersen argues that:

'When citizens deliberate about environmental protection, their beliefs will change or be altered - not randomly but in certain clearly definable ways. However variable, however unpredictable its effects, deliberation (if it has actually occurred) can be counted upon to lead citizens to think about the environment in a more rational way, their environmental rationality will be enhanced or sharpened from the experience of deliberation. Environmental rationality then is the key product of environmental deliberation' (Gundersen, 1995, p. 22).

As already argued democratic deliberation puts participants in a situation where they are encouraged to empathise with interests other than their own, and this can extend to the environment, whereby they connect their lives and roles with that of the environment and become aware of how they are interdependent. The basis of this is that people will reflect upon their pre-existing preferences in light of this. In 'Deliberative Democracy, Ecological Representation and Risk' (2000), Robyn Eckersley suggests that in 'public spirited political deliberation', citizens will learn more about their dependence upon each other and the environment' (Eckersley, 2000, p. 120; Sagoff, 1998).

M, Sagoff in 'Aggregation and Deliberation in Valuing Environmental Public Goods' (1998), also argues that participation in democratic deliberative decision-making will allow participants to focus upon public issues like the environment rather than just 'individual subjective utilities': 'In this context, individuals might be asked to deliberate not so much about the welfare effect of an environmental policy on them individually as about its appropriateness or desirability for society as a whole' (Sagoff; 1998; p221). Gundersen has produced empirical evidence to suggest that participation in deliberative democracy does lead to more environmentally sensitive preferences. He conducted deliberative interviews with forty-six different citizens about environmental issues, most of who were not environmentally minded prior to participating in the deliberation. However, all of the citizens became more environmentally rational. Gundersen explains this: 'Deliberation tended to improve these citizens' understanding of the social value of the environment and simultaneously improve the fit between their environmental aims and the means they chose of realising those aims.' He concludes therefore that 'given the opportunity to engage in political deliberation on environmental questions, citizens do learn. Hence expanding such opportunities holds

a very real promise for environmental solutions' (Gundersen, 1995, p. 5).² If we consult citizens' jury experiments from the U.K. where norms of deliberative democracy have been introduced, for example the jury the establishment of wetland areas in the Fens and Waste management in Hertfordshire, we see that the recommendations resulting from these juries embrace ecological concerns to a greater degree than the present dominant methods of decision-making in liberal democracies. Furthermore, it demonstrates that citizens are capable of deliberating about complex environmental problems (Smith, 2001, p. 83). More evidence to suggest that this is the case comes from other citizen juries (Renn et al, 1995; Webler et al, 1995) and also from deliberative opinion polls in Texas (Ryan, 1999, pp. 6-7).

One of the concerns with public reasoning is whether it is possible for reasons to seek the consent of all citizens as Cohen advocated, which has led some commentators to conclude that this conception of public reasoning is too strong a demand. This is because there seems to be no element of deliberative democracy that will ensure that participants will offer reasons in line with the 'common good' and that are convincing to all participants. Bernard Manin in his excellent discussion 'On legitimacy and Political Deliberation' (1987), notes the relativism of the deliberative process: 'one starts by taking propositions one assumes are generally accepted by the audience being addressed. In politics, one would argue by assuming certain common values as held by the public at a given moment. Argumentation is, therefore, always relative to its audience' (Manin, 1987, p. 353). This is because different people will be convinced of the same conclusion, by different reasons, due to pluralism and peoples' differing contexts and social positions. For example a committed environmentalist may offer differing arguments in favour of pollution control. She may try to convince a corporations' shareholders that it is more efficient, yet suggest to the trade union that the 'risk' of the pollution is unevenly and unfairly distributed to the detriment of the lowest social economic sectors of the community. Decisions, arguments, beliefs, preferences, ideas and interests expressed in democratic deliberation are therefore not true or false, but are either more or less convincing, depending upon the 'force' of the reasons offered and the audience receiving them. Those who do not accept the reasons

² Gundersen's research method used here was deliberative interviews between himself and the interviewee on hypothetical issues. However, I have suggested that democratic deliberation involves collective decision-making rather than the Socratic interviews employed by Gundersen.

will have reasons themselves for not doing so, and to deny them this would be to deny them autonomy; therefore 'the force of an argumentation is always relative' (Manin, 1987, p. 353; Dahl, 1994, p. 31). This is what Thomas Christiano, in 'The Significance of Public Deliberation' (1997), means when he says that if rational arguments are to persuade an agent of a new belief, it must start by appealing to their present beliefs as 'persons are not persuaded by arguments based on premises they do not believe' (Christiano, 1997, p. 260).

Rather than offering reasons that are convincing to all, people may offer reasons that are aimed at a majority, or the largest minority. (This is of course dependent upon there being an established majority that is apparent to the participants and as preferences will change during deliberatively democratic debate, this majority may change during the process). This is a point that David Miller, in 'Is Deliberative Democracy Unfair to Disadvantaged Groups' (2000), also accepts, but thinks this is an undesirable possibility of democratic deliberation. Instead good deliberation must lead to a result 'that enjoys the widest possible support', not just majority support (Miller, 2000, p. 152). I think Miller is right that this should be the aim of public reason rather than finding reasons that all can accept, as this is too a stringent a demand, given the fact of pluralism. The danger that citizens will aim to convince the necessary numbers of people to pass a decision, rather than finding a result that gains the widest possible support still remains and is a danger to the normative claims of deliberative democracy made here. However, the fact that deliberative democracy will encourage the use of public reason and encourage participants to consider the opinions and interests of others will help eliminate this occurrence, but not eliminate it and therefore make autonomous cultivating decisions more likely:

'Although finally when a decision has to be reached there may still need to be a vote taken between two or more options, what participants are doing at that point is something like rendering a judgment or a verdict on the basis of what they have heard. They are expressing an opinion about which policy best meets the various claims that have been advanced, or represents the fairest compromise between the competing points of view that have been expressed' (Miller, 1993, p. 76).

2.2.2. Hearer Autonomy

In the previous chapter, it was argued that the more relevant information a person has the greater their capacity for making autonomous choices and forming autonomous views, as their external rational requirements will be increased. Lipson reminds us:

'An autonomous choice by a citizen...can reflect more or less of his autonomous identity as a citizen, and will be more or less autonomous accordingly. In particular, the greater the amount of relevant information a citizen's vote is based on, the more autonomous it is' (Lipson, 1995, p. 2269).

Citizens limit their autonomy if they do not receive all relevant information that is available. This is because 'the effect of the information is its ability to permit the citizen to "put more of himself" into his deliberations, and hence to permit his preference to express himself fully' (Lipson, 1995, p. 2264, my emphasis).³ In this sense they are not completely 'authentic' preferences.

Lipson argues, 'available information' is information that is possessed by a citizen and would relay it to other citizens, given the chance (such as a new perspective or new data or personal information from experiences). Now this information is relevant if hearing it would affect the perspectives and convictions of another participant. It is not possible to judge before hand (within reason), if a piece of information is relevant, prior to it being expressed publicly, because it is relevant if and only if, it is supported by reasons that are convincing to the hearers. Hence it also makes sense to talk of relevance being a scalar value as information can be more or less relevant depending on the extent it affects people's preferences. Lipson warns that we cannot envisage 'an ideal thinker' to judge relevance a priori, as 'relevance is determined solely by what effects the receipt of information would have on citizens' deliberations' (Lipson, 1995, p. 2263).⁴ Now it seems impossible for all relevant and available information to be perfectly disseminated to all citizens in modern complex societies (although in the ideal speech situation this would be the case); and due to the exigency of time, decisions cannot be put on hold until all information has been disseminated. We therefore face the dilemma of Elster's

³ Lipson considers the problem of saturation. This problem refers to those citizens who on receiving information are not effected by it because they have previously been manipulated, when without the manipulation they would have found it relevant. As Lipson notes 'this claim raises deep and troubling problems about how to think about the citizen who does the deliberating...is the real citizen, i.e., the one that we imagine, shorn of undue influences? Or is he the one who actually is before us?' (Lipson, 1995, p. 2264). This combined with the idea that all peoples' identity is partly formed by their environment and social context, raises the question 'is it possible for anyone to be autonomous? For surely all have been manipulated in some manner.'

⁴ Now this raises the problem of what is it that effects peoples' preferences on hearing new information, ideally it would be just the content of the information and the reasons given to support the claim, but so often people are influenced by who has provided the information and the manner it is provided i.e. illocutionary excellence. It is undoubtable that some people are better orators than others, but if discourse is to be rational this should not have an effect.

mushroom gatherer and of where the trade-off between gathering information and making the decision, should be made.

The claim here is not that deliberative democracy will eliminate this trade-off all together, but that it makes relevant information more available than purely aggregative mechanisms of decision-making, which in turn will make the preferences of participants more autonomous. Following Manin, Sylvia Benhabib, in 'Toward a Deliberative Model of Democratic Legitimacy' (1996), outlines two ways that deliberatively democratic decision-making helps distribute information. Firstly, no one participant could predict what all participants' opinion would be and secondly, no one participant could know all the relevant information (Benhabib, 1996, p. 71). By participating in deliberatively democratic decision-making participants will hear the opinions of all others and here more relevant information leading to a cultivation of hearer autonomy that would not be present in purely aggregative mechanisms.

The case that citizens presently do not have sufficient information still needs to be made. Lipson maintains, people do take account of information before they vote, but in what he terms the 'deficiency scenario', there is information available that would affect people's convictions (even if just to confirm what they already believed), if they were to receive this information. However, if this information is not disseminated 'it is not clear that the votes of the citizens' represented their own best judgment. It is as though no citizen had fully expressed himself in his vote, because there was a part of him that had been inactive, but that would have been active had he received the information' (Lipson, 1995, p. 2252). One of the major objections to giving citizens more direct powers in democracy, is the scepticism about the claim that people will be able to make informed decisions, but through debate, providing it is open and inclusive, participants are opened up to a wide range of information, perspectives and experiences, that they would be unaware of in the isolation of a voting booth.

As Robert Goodin, in 'Laundering Preferences' (1986), highlights, aggregative mechanisms lump people together into homogenous groups, depending on which option was selected, therefore do not provide sufficient information. We have no way of knowing why people voted for the option they did or whether these were good reasons or not:

'Utility information can and should be seen to include information about why individuals want what they want, about other things they also want, about the interconnections between and implications of their various desires, etc. Obviously, this goes well beyond the sort of information social choice theorists ordinarily ask us to collect- or their models are capable of processing' (Goodin, 1986, p. 77).

This makes it very difficult for those drawing up a law and applying it i.e. civil servants, to interpret the intent of the electorate.⁵

Furthermore, many voters' preferences are not informed or considered opinions (Ryan, 1999, p. 3). Voters are often confused as to what their preferences are, having not had the opportunity to test their views in public, or to hear a broad range of views to have formed firm opinions and resolve inconsistencies. The result of this is that when people come to vote, they vote against their stated preferences. Deborah and Carl Hensler's study of a 1976 vote on a nuclear energy initiative shows that 14% of the sample did this (Hensler, 1979, p. 106). Nor are participants' preferences full or complete. As James Fishkin in Democracy and Deliberation (1991) suggests, prior to deliberation they have only tentative, unsure and incomplete ideas on certain issues: 'Citizens of mass publics show little in the way of knowledge, sophistication or consistency in their beliefs and opinions. On many issues about four out of five citizens do not have stable, non-random opinions; they have what the political psychologists call "non-attitudes" or "pseudo opinions"' (Fishkin, 1991, p. 83). Thomas Cronin cites survey data in Direct Democracy (1989), which indicates that as many as one-third to a majority of those voting claim they need needed more information to make a vote they were comfortable with (Cronin, 1989, p. 230; Hamilton, 1970, p. 126, shows that this is not a recent phenomena, through an investigation of citizens' votes in referenda).

Bernard Berelson, Paul Lazarsfeld and William Mcphee, in Voting (1954), admit that 'the individual voter may not have a great deal of detailed information...' but that 'he usually has picked up the crucial general information' (Berelson et al, 1954, p. 307). Berelson gives the example that American citizens know that Democrats are more liberal than Republicans and that this information is enough for them to make their

⁵ A good example is provided by a 1988 Australian court case (Kartinyeri Vs Commonwealth) known as the Hindmarsh bridge case. The case appealed against a 1967 referendum, which removed from parliament the powers to make special laws for people of any race 'other than the Aboriginal race in any state.' The referendum had, according to Bennet and Brennan, been 'underpinned by a strong anti-discriminatory ethic', but the Hindmarsh case questioned whether this referendum had removed legal protection designed to benefit Aboriginal people (Bennet and Brennan, 1999, p. 13).

choice. Presumably they would agree that British voters know that the Labour party is more left wing than the Conservatives and could make a similar choice. However, it is my contention that much more information is required for citizens to form autonomous opinions. Citizens do not just care if a party is more liberal than another, but are interested in the detail of a whole host of issues e.g. taxation, health care and education

Benhabib consequently argues that decision-making procedures based purely on aggregation 'proceeds from a methodological fiction' as it assumes incorrectly that a pre-political citizen will have an 'ordered set of coherent preferences.' When in fact democratic deliberation is required to produce this, as participants will engage in rational reflection (Benhabib, 1996, p. 71). The ideal of democratic deliberation aims to avoid this by guaranteeing the opportunity for all opinions to be expressed and for nobody to be excluded. Allowing people to question information and arguments put forth by partisan sources, and form and enter into debate with their own information and arguments. Hence as a decision-making process, it preserves the collective autonomy of citizens to a greater degree than voting as a process.

Christiano accepts that democratic deliberation has the instrumental value of improving the quality of the decisions, due to a greater amount of information that is made available, which will mean decisions will be based upon 'better knowledge of the important facts', but thinks this is the only advantage (Christiano, 1997, p. 248 & p. 255). However, Christiano overlooks the fact that more information can lead to the formation of more autonomous preferences, as through the process of collective deliberation, people exchange opinions, experiences and information with the result that participants are made aware of perspectives and information that they were previously unaware, and can consequently revise their own preferences in light of this, as Manin argues: 'In the process of exchanging evidence related to proposed solutions, individuals discover information they did not previously have. They learn of a given consequence, and if these consequences contradict the original objective they may be led to alter that objective' (Manin, 1987, p. 349).

Participants 'revealing private information' as Fearon, (1998, pp. 45-49), terms it, has several advantages: Firstly, the information provided in the discussion from the various participants may have some direct bearing on the outcomes from the various choices,

which could, would or should have an effect on what decision the collective makes. For example in a debate about pollution, local citizens to a polluting source can explain how and to what extent it has affected them. If preferences were just aggregated without a prior debate, this information would not have been known by many members of the collective and so would not have had a bearing on their preferences. Through deliberatively democratic decision-making, environmental information and the associated risks of decisions will be increased, allowing greater awareness of environmental risks, that there would be greater equality in exposure to risk (Mills and King, 2000, p. 142). This fits with Dryzek's assertion, in 'Political and Ecological Communication' (1995), that deliberatively democratic arrangements enable citizens to provide 'negative feedback' which is essential for the promotion of ecological values. Dryzek classifies negative feedback as 'the ability to generate corrective movement when a natural system's equilibrium is distorted' (Dryzek, 1996, p. 16). The connection between negative feedback and deliberative democracy arises due to the latter's potential to increase and improve information flow between citizens, including those who directly experience the effects of environmental changes and risks distribution.

It is important to note that democratic deliberation will only ever increase access to available information, consequently, deliberation must proceed with the understanding that information may come to light that could change the participants' preferences. Lipson raises a query about a situation of imperfect information, which seems inevitable, but is the resulting decision 'an act of true collective determination', because it may not be a true expression of the collective feelings? He concludes, correctly I feel, that 'one must answer in the affirmative, if the concept of true collective self-determination is to have any practical force at all' (Lipson, 1995, p. 2253). This is the right opinion providing that no citizen's information, opinions or perspectives are formally or systematically excluded. It is clear that decisions resulting from such a skewed deliberative situation would not be a true expression of collective self-determination. Deliberative democracy therefore cultivates autonomy by helping to fulfill the externalist rationality requirements. It helps overcome the practical problems of gaining that information, changes the nature of the information, and increases access to 'available information.' Preferences therefore become more autonomous.

2.2.3. Speaker Autonomy

A speaker's autonomy is protected through her right to be able to say what she chooses. In a deliberative democracy participants get to express their feelings and opinions and justify their perspectives as well as trying to influence the listeners by offering reasons they imagine to be convincing to them. If all have equal chance to speak, then all have had an equal chance of influencing the outcome, and therefore autonomy is exercised. The argument is that debating allows the participants to have greater autonomy over what they state than voting does.

By entering into a debate one can express the intensity of a preference. Voting does not measure the intensity of opinion, but simply accepts all opinions as equally valid. In deliberation one can express their opinion qualitatively, and can show their passion and commitment to an aim. Barber provides a pertinent example of this:

‘Martin Luther King could only cast one vote, but by moving the imagination of millions of whites he gave a voice to millions of blacks who had been silent; and in doing so he helped forge a new common will in the struggle against America’s deeply ingrained racism’ (Barber, 1984, p. 206).

The key to the cultivation of speaker autonomy is choice, as I have already argued, knowledge of acceptable alternatives is a requirement of autonomy. When peoples’ preferences are aggregated the choices for them to choose from have already been set out for them and therefore, limits the choice available to the voter. None of the choices may reflect how the agent feels and this in turn limits her autonomy because it puts an external restriction on the preferences the voter can express. Barber makes this same pertinent point: ‘The problem with reducing decision-making to mere voting is that information is minimized and the paradoxes of fixed options are maximized.’ In Contrast:

‘Talk enables us to examine rank orders, commensurable scales, and the effect of time and place; it allows us to get at what we really want as individuals and as a community. Voting freezes us into rational dilemmas. It is not just that judges and citizens finally have to choose; it is that their choices are generally more coherent and less paradoxical than the logical dilemmas extrapolated from them, especially if the choices are informed by a process of strong democratic talk’ (Barber, 1984, p. 205).

This is why it is essential to the cultivation of autonomy, that aggregation is preceded by democratic debate. As E.E. Schattsneider argues, in his important work The Semi-Sovereign People (1975), political conflict is not like an intercollegiate debate in which the opponents agree in advance on the definition of the issues: ‘As a matter of fact, the

definition of the alternatives is the supreme instrument of power...He who determines what politics is about runs the country, because the definition of the alternatives is the choice of conflicts, and the choice of conflicts allocates power' (Schattsneider, 1975, p. 68; See also Barber, 1984, p. 180). Consequently the decision-making process is open to 'subversion' (Barry, 1991, p. 51). What is considered a relevant issue can predetermine what decisions will be made. This is why democracy is never simply about the aggregation of preferences, as this presupposes that an agenda already exists, where in fact this agenda has to be 'discovered' or 'formed' through public deliberation.

When voting takes place after a process of democratic deliberation, people do vote for one of the available options open to them. However, these options are derived from the debate that proceeded. The options available will therefore reflect what people have felt and the opinions that have been expressed in the discussion. Deliberative democracy therefore gives the citizens themselves the power to select the choices making them more self-determining and therefore enhancing autonomy.

Kathryn Abrams, in 'Raising Politics Up' (1988), cites an example from a court case between Illinois State Board of Elections v Socialist Workers (1979). The court itself observed that 'by limiting choices available to voters, the state impairs voters' ability to express their political preferences' (Abrams, 1988, p. 474). A pertinent example of this was the November 1999 Australian referenda upon two constitutional questions. The first was whether Australia should become a republic and the second whether a new preamble, honouring Aborigines as the nations first people, should be added to the constitution. Both these amendments were rejected, but the impression one received (admittedly through the mass media), was that neither was rejected due to the majority of citizens being against a republic or honouring Aborigines, but because the specific constitutional changes offered by the government were unpopular. Many in favour of becoming a republic felt the constitutional alternative to the monarch was impractical and those in favour of honouring the Aborigines were either unhappy with the wording of the preamble, or felt a preamble was insufficient. If the public had the opportunity to participate in an open debate that formed the constitutional amendments, it seemed both

could have been accepted.⁶ Cronin is critical of the way referendums restrict the voters' options to express themselves: 'The greatest deficiency of the referendum is its tendency to force voters to choose between only two alternatives: they must either approve or reject the measure referred. No opportunity exists for continuing discussion that will gain the widest acceptance' (Cronin, 1989, p. 163).

Choices that would not have been made available without democratic deliberation can also be generated. Collective deliberation can improve the rationality of decisions by people coming up with an idea that would not have occurred to others. More pertinently through discussion and debate an idea can be collectively created that would not have occurred to any participants individually, a process Fearon terms 'Brainstorming' (Fearon, 1998, p. 50). Pure aggregation of private preferences allows no process to collectively pool ideas; thoughts and skills preventing this collective rational process described occurring.

Choices in a deliberatively democratic framework of decision-making then will be determined by the preceding debate and based upon reflective and more autonomous preferences. This means choices are more likely to be of an, 'adequate range' and knowledge of the choices increased which is compatible with the requirements of autonomy.

2.3. Challenges

2.3.1 The Social Choice Critique

The key distinction between social choice theory and deliberative democracy is the views on citizens' preferences, and whether they are exogenous or endogenous. Deliberative democrats believe preferences will change through social and political interaction, and social choice theorists argue that they do not, and tend to think that it is simply a change in the 'choice set' (Miller, 1993, p. 90; Dryzek, 2000, p. 32). Cass Sunstein in 'Preferences and Politics' (1991) bases much of his analysis on the idea that preferences are exogenous, meaning that they are not set or fixed, but change in

⁶ Not all agendas for referendums are quite so centralised, Switzerland and California for example, have opportunities for referendum initiation e.g. a requisite number of signatures requesting a referendum. However, this does not mean that agenda setting is realistically open to all sectors of society and does not take away from the fact that the options available are fixed and not extracted from open public deliberation.

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Hansen, 2001). The results from all these indicate preferences will change when citizens participate in democratic deliberation. As Issues Deliberation Australia states, 'the resulting changes in opinion represent the conclusions the public would reach under ideal circumstances, that is, when it has an opportunity to become more informed and engaged by the issues and to work through the pros and cons of a variety of options' (Issues Deliberation Australia, 1999b, p. 1). Elsewhere Kotler's 1972 study of the Springfield Vermont town meeting showed that 27% of 875 citizens who participated changed their opinions due to the debate (Mansbridge, 1980, p. 273). In contrast Hamilton's review of open housing referenda, shows that without collective deliberation, preferences are unlikely to change during the campaign prior to aggregation (Hamilton, 1970, p. 129). This is certainly not conclusive empirical evidence, but the increasing volume of results from deliberative opinion polls and citizen juries does indicate that preferences are exogenous and social choice theory must provide counter empirical evidence to suggest differently. This though is only one aspect of the social choice theory critique.

Kenneth Arrow in his seminal piece in social choice theory Social Choice and Individual Values (1963) raised the key problem of how to aggregate individual preferences to make a collective decision or social choice. His conclusion was that the only way to achieve this would be to restrict the range of preferences citizens could vote upon, a process termed 'domain restriction'. Arrow saw this as unacceptable as it would violate 'citizen authority'.⁷ Arrow set out five conditions that must be met to ensure a rational social choice: 1) Collective rationality requires social orderings to be transitive if individuals' are. 2) The weak Pareto condition stipulates that if every individual ranks x above y then the collective decision should as well. 3) Non-dictatorship, indicates that if the majority prefer y to x, and the minority x to y the social ordering should not select x. 4) Universal domain, this requirement is that no preferences should be excluded from collective decisions. 5) Independence of irrelevant alternatives, suggests that if all individual's preferences are between x and y then the collective choice should be between only x and y (Arrow, 1963; see also McLean, 1991, p. 180; Dryzek, 2000, pp. 34-35). Social choice theory believes that it has proven that

⁷ Riker agrees arguing domain restriction would be unfair and undemocratic (Riker, 1982, p. 117).

all these requirements cannot be satisfied at the same time through the same aggregative procedure.

William Riker in his important work of social choice theory, Liberalism Against Populism (1982), sought to apply Arrow's conclusions further and has famously argued that all aggregation mechanisms are susceptible to instability and ambiguity, which allows for strategic manipulation. They are unstable in the sense that they spawn cyclical and intransitive social orderings and majorities, consequently voting paradoxes occur. Hannu Nurmi in 'Voting Paradoxes and Referenda' (1998) characterises (admittedly loosely) a voting paradox as occurring 'whenever the relationship between the voting and the voter preferences is counter-intuitive or unreasonable in some sense' (Nurmi, 1998, p. 335). Riker concludes from this that 'populist' democracy was impossible to achieve because there is no such thing as the will of the people that should be reflected in decisions as popular will cannot be identified independently from the aggregative mechanism used to identify it, and the aggregative mechanism used to identify it will lead to drastically contrasting conceptions of the collective will. In short the social choice does not reflect the collective will, but instead the aggregation method used (Riker, 1982, p. 117-119; see also Dryzek, 2000, p. 35). The argument concludes that there is insufficient consistency in voting results to make a coherent claim as to what the 'popular will' is and therefore 'populism' must be abandoned 'not because it is morally wrong, but merely because it is empty' (Riker, 1982, p. 239).⁸

Let us then consider the problems of transitivity, ambiguity and manipulation in turn and more closely in terms of their affect on autonomy. The problem of transitivity raises the question 'do peoples choices really express their preferences?' Arrow provides a famous demonstration of the problems of transitivity. If an agent prefers A to B, and B to C, does that necessarily mean they prefer A to C, it being in line with the laws of transitivity? Preferences can be incommensurable which means A maybe preferred to

⁸ Cohen (1986b, p. 27) correctly points out that Riker goes on to suggest populism is morally wrong as well, but this argument does not need addressing here. A more significant problem for Riker's theory is that he still sees elections as having a role to remove elected officials from office. However, if all aggregative mechanisms are as random as each other then these elections will fail completely in removing officials who are unsuitable, as they as likely to be removed as suitable candidates. If this is the case why should elections be used as the method of constraining power and not 'random assassinations' (Cohen, 1986b, p. 30). In short how will elections provide an external check upon oligarchical political elites (Coleman and Ferejohn, 1986, make a similar point)?

B, B to C, and C to A. Even when individuals have transitive preferences they may lead to collective intransitive ones. If there are three voters and voter one ranks the available options as A, B, C in preference order; voter two ranks the options B, C, A in preference order, and voter three ranks them C, A, B. Then A will beat B, B will beat C and C will beat A, each winning by two votes to one. Here an option can win the vote without being the first choice of any voter. Arrow's point is to demonstrate that individual preferences cannot be transferred into collective preferences and meet Arrow's conditions for rational social choice. Decision procedures that fail the transitivity requirement are cyclical and therefore are ambiguous.

Ambiguity can occur because the final decisions are resultant upon the vote-counting process employed. This means that despite people's preferences being exactly the same, different methods of counting the vote will yield very different results. Furthermore, due to the ambiguity there is no way of judging which method of aggregation most accurately aggregates people's preferences, and so there is a sense of arbitrariness to the decisions that arise (Nurmi, 1998, p. 334). This restricts autonomy of all citizens because the final decision in no way reflects their collective preferences, so it is hard to say in what sense the citizens are self-determining.

Manipulation can occur through strategic voting, agenda control and adding new options for voting (Riker, 1982, p. 237). According to Dryzek 'situations are strategic when the outcome of an actor's choice depends on the choice(s) made by another actor or actors also pursuing goals and interests' (Dryzek, 2000, p. 31; see also Benoit and Kornhauser, 1994, p. 186). Strategic interaction is then always based upon instrumental rationality (Brennan and Lomasky, 1993, p. 121). Gerry Mackie in 'All Men are Liars: Is Democracy Meaningless?' (1998), is confident that it can be demonstrated that 'simple majority voting can lead to any outcome in a space of issues if the agenda of voting is appropriately manipulated' (Mackie, 1998, p. 74; see also Miller, 1993, p. 79). James Johnson more importantly, in 'Arguing for Deliberation' (1998), points out that it can be 'quite difficult empirically to distinguish between a speaker who sincerely invokes some principle and one who does so because he deems such an appeal to be strategically advantageous' (Johnson, 1998, p. 171). If it is impossible to tell when manipulation has occurred and when it has not, then even when no one votes strategically and manipulation has not occurred preferences can still not be derived from

aggregative mechanisms. Now this applies equally to communication through debate as people can strategically misrepresent their preferences (Cohen, 1998, p. 198; Johnson, 1998, p. 171). In this sense the force of the better argument will not be decisive. The greater the divergence of opinion the more likely actors will communicate strategically (Cohen, 1998, p. 198). As was argued in the previous chapter, manipulation of the decisions to be made is incompatible with a collective, making autonomous decisions and being self-determining.

If the social choice theorists are right, then the link between self-government and democracy is broken and therefore the link between autonomy and democracy is broken. In fact the autonomous decision as I set it out in the first chapter is impossible. The social choice theory critique is then a very serious challenge to this argument. If differing decisions can arise from a deliberative process with exactly the same arguments, but different procedures, then as Knight and Johnson realise 'the outcome of deliberation is hostage to precisely the sort of arbitrary factors for which aggregation has repeatedly been criticised' i.e. the problems of instability, ambiguity and manipulation (Knight and Johnson, 1997, p. 291 and 1994, p. 283; see also Weale, 2000, p. 2). It is then a serious challenge to my argument; I will consider six possible ways for deliberative democracy to avoid the social choice critique.

2.3.1.1 Consensus

The discussion of Wolff and unanimous agreement demonstrated a clear way of reconciling authority with the autonomy of all citizens. If a citizen has autonomously agreed to a decision then she is autonomous when bound by that decision. Furthermore, if there is a consensus then there is no need for aggregation and the social choice critique is avoided. Cohen thinks that deliberatively democratic decision-making can lead to consensus. Cohen is committed to the regulative ideal of a consensus claiming that 'ideal deliberation aims to arrive at a rationally motivated consensus, to find reasons that are persuasive to all' (Cohen, 1991, p. 23). Habermas has also made similar connection between deliberative democracy and consensus (Habermas, 1996a, pp. 17-19). Lindsay advocated a similar aim for discussion: 'The purpose of discussion is to achieve a real unity of purpose out of differences' (Lindsay, 1929, p. 44). If deliberative democracy does lead to consensual decisions, then it will lead to autonomy for all participants.

There are three ways consensus can be achieved amongst deliberators. Firstly consensus is achieved if participants' personal interests are the same or similar. The second way is that deliberation increases empathy so people take another's interests as their own. Here interests do not coincide as in the first reason, but unify as a direct result of the collective deliberation. People become alerted to the interests and concerns of others for the first time, they become open to the subtleties of personal contact and become aware of the emotional and intellectual content of people's preferences. The third way consensus is reached is by people taking on board a common interest, instead of private or selfish interests. Cohen believes deliberation will encourage people to focus on the 'common good' because reasons must be given for an idea or belief to be accepted by the collective. Appeals to selfish interests will not sway the other participants, so arguments must be made on how a certain proposal will be good for all and will encourage people to identify with each other and the collective as a whole, consequently participants will focus on the common interest (Cohen, 1991).

There is a reason I want to raise to indicate why deliberative democracy will not lead to consensus and one reason why consensus is not desirable. Firstly, consensus may not be achieved due to pluralism. Jack Knight and James Johnson, in 'Aggregation and Deliberation' (1994), appreciate that consensus may well be compromised or at least limited by the democratic aim of allowing all citizens free and equal access to the deliberative and decision-making forums and particularly the more demanding, deliberative democratic aim of 'actively encouraging or soliciting previously excluded constituencies' (Knight and Johnson, 1994, p. 289; my emphasis). Simply because with more participants you expect more opinions especially if some of these are previously unheard, making agreement on the dimensions of political conflict harder to achieve. Moreover, debate can increase disagreement as well as reduce it. A collective could easily have a general agreement on some issue, but a debate could generate greater diversity of opinions on an issue as it is explored more extensively and deeply (Fearon, 1998, p. 57; Knight and Johnson, 1994, p. 286; Christiano, 1997, p. 249; Weale, 2000, p. 2; Mansbridge, 1980, p. 65).

Elster argues that even in the ideal speech situation, consensus could not be achieved because of a 'plurality of ultimate values' people are too different and believe in totally

different ideas of 'the good life' that agreement on ultimate values is impossible. People from very different cultures, which we have in modern cosmopolitan societies, are unlikely to come to agreement, especially as in the real world time for deliberation is limited (Elster, 1983, p. 38; McCarthy, 1994, p. 55; Christiano, 1996, p. 249; Weale, 2000, p. 2). Furthermore, it is not just values that will be in conflict, but interests as well (Benhabib, 1996, p. 73).

Dryzek accepts this argument from pluralism, and recognises that interpretations of the common good will vary, but insists that individuals can still aim for consensus on what to do, without achieving agreement on why. This type of consensus is achieved when there is mutual acceptance and understanding of differing opinions (Dryzek, 1990, pp. 16-17 & pp. 42-43). Even failing this, consensus can still be generated through compromise providing 'it is reached under communicatively rational conditions', i.e. within a deliberatively democratic arena (Dryzek, 1990, pp. 16-17). For Festenstein compromise is important as an attempt to ensure that all points of view are accommodated in the decision and is the logical result of all participants having to take each others' points of view seriously: 'When others remain immune to your reasons, you eventually give up trying to convince them of these reasons' superiority and start trying to reach an accommodation with your fellow citizens, which reflects those good reasons as far as possible' (Festenstein, 2002, pp. 92-95). I think this is the case, but this compromise should only take place after the exchange of reasons, so that the compromise is based between discursively transformed preferences, rather than pre-political ones.

This argument from pluralism is also accepted by the likes of Cohen and Habermas. Cohen himself acknowledges that people can have good reasons for failing to arrive at consensus (Cohen, 1998, p. 189) and that consensus will not be achieved even in 'ideal conditions' (Cohen, 1998, p. 197; Habermas, 1996a, pp. 304-305 & 1996b, p. 18). However, both still maintain that consensus can exist on institutions and general principles on how to resolve disagreement: 'Thus people living within institutions and a political culture shaped by certain ideas and principles are likely to come to understand those ideas and principles and to develop some attachment to them' (Cohen, 1998, p. 189). Consequently for Cohen and Habermas, consensus should still remain the 'ideal guiding discussion' (Miller, 1993, p. 81; Bohman, 1996, p. 35-36).

The reason why consensus should not be the aim of deliberative democracy is that it can be achieved due to acquiescence to power rather than being rationally motivated (Mansbridge, 1980, p. 32; Gambetta, 1998, p. 21). The danger of requiring consensus for legitimate decisions is that if some differences are irreconcilable, agreement may be achieved due to compliance or unequal power (Gould, 1988, p. 18). If this is the case, then this does not fit our conception of an autonomous preference change. Habermas himself warns the consensus achieved through communicative rationality is not the same as those achieved through asymmetries of power, the former being compatible with autonomy and the latter not. Rebel social choice theorists Geoffrey Brennan and Loren Lomasky agree arguing that:

‘even a strictly deontological construal of the authority of consent can discount its bindingness when the conditions under which consent is achieved involve unfairness, coercion, or some other feature that renders consent less than the fully voluntary act of an autonomous agent’ (Brennan and Lomasky, 1993, p. 138).

For a decision to be legitimate it is necessary for it to be achieved through free and equal deliberation or compromise and not due to tyrannical behaviour or coercion: ‘Non-tyranny ensures that decisions actually reflect the deliberative process, that no group automatically succeeds, and that no group must accept a decision for which it bears an exclusive burden’ (Bohman, 1996, pp. 35-36). For this reason we must agree with Bohman that unanimity is an unnecessary and too demanding criterion for the outcome of deliberation (Bohman, 1996, p. 34). Manin has a similar position claiming that consensus is an, ‘exorbitant demand’ and consequently unrealistic for ‘each individual decision’. Instead he suggests unanimity on the principles and rules from which these individual decisions flow would provide sufficient legitimacy (Manin, 1987, p. 360). In which case it is apparent that deliberation can only ever support the aggregation of preferences and not replace it altogether (Dryzek, 2000, p. 38; Przeworski, 1998, p. 142; Johnson, 1998, p. 177). Nevertheless not all majority decisions will be legitimate:

‘A policy choice may be considered tyrannous if it imposes such deprivations when an alternative policy could have been chosen that would have imposed them on no one. The avoidance of tyranny can be considered a necessary condition for an acceptable form of democracy’ (Fishkin, 1991, p. 34).

This is why ‘institutions must be set up that will compel the majority to take the minority point of view into account, at least to a certain extent’ (Manin, 1987, p. 360).

As Barry recognises ‘what matters is not to satisfy the preferences of a majority but to respect the interests of all’ (Barry, 1991, p. 36). This is compatible with the cultivation for all which also fits the aim of seeking decisions ‘that enjoy the widest possible support’ and the taking of others points of view seriously. The achievement of which should be made easier due to public reason. Consensus cannot and should not be the aim of deliberative democracy. We must look elsewhere therefore, if the social choice theory critique is to be avoided.

2.3.1.2 Choosing Mechanisms of Aggregation

Although there is no guarantee that deliberative democracy will reduce disagreement, it can change the nature of this disagreement and make it clearer where exactly the disagreements lie and the extent of them. This will help reduce the misrepresentation of preferences through aggregative mechanisms (Miller, 1993, p. 81). From this knowledge of people’s preferences and the nature of the disagreements between them, that would not have been known prior to deliberation, the most suitable method of aggregation and what options voters should choose from, can then be selected. This is possible because, as Miller explains, ‘issues under discussion amalgamate separate dimensions of choice to which different voters attach different weights’ (Miller, 1993, p. 86; my emphasis; see also Fearon, 1998, p. 45). The social choice theory critique presumes the aggregative method is selected prior to knowing what peoples preferences are, without their formation and transformation through discussion, and therefore without knowing the nature, location and extent of the disagreements that exist. Therefore, the most suitable aggregative mechanism is not known, and is selected arbitrarily and therefore produces arbitrary collective decisions (Miller, 1993, pp. 85-88).

2.3.1.3 Increase in Single Peaked Preferences

Miller continues with a distinct, but related argument. Following Duncan Black it has become apparent that the problems of Arrow’s theorem can be avoided if citizens preferences are ‘single-peaked’ (Miller, 1993, p. 84). ‘Single-peakedness means that when the available options are arrayed on a continuum, the individuals preference must fall continuously on either side of the most preferred position’ (Dryzek, 2000, p. 43; See Miller, 1993, p. 84, for a similar definition). It is thought that if preferences are single-peaked, there is a constraint on preference order structures, as it indicates that citizens

do share a common view, even if not the same judgments: 'When preferences are single-peaked we know not only that a majority winner exists but we also know how to find it easily' (Barry, 1991, p. 32). This in turn reduces the dimension of disagreement and prevents cycling (Knight and Johnson, 1994, pp. 282-283; Miller, 1993, p. 84). Riker himself seems to admit that if deliberative democracy does not need to achieve consensus, but instead 'a common view of the political dimension' (Riker, 1982, p. 128; see also Knight and Johnson, 1994, p. 283).⁹

There is a debate between deliberative democrats and social choice theorists as to whether single-peakedness is irreducible, but 'to the extent non-single-peakedness is reducible, deliberation facilitates the explication of the dimensions that reduce it' (Dryzek, 2000, p. 43). These conditions are that through debate and the justification of reasons about preferences individuals may come to realize that their preferences do contradict each other and therefore are not 'single-peaked.' This is because it disamalgamates decisions that participants will place different orders of preference upon. Miller further argues that if deliberative democracy can help lead to single peaked preferences through the public justification of participants' preferences, the dimensions of disagreement will become apparent, allowing for the possibility that the original decision can 'be split into components' (Miller, 1993, p. 85). The great advantage of this is that it can increase the chances of there being an option that can be identified as having majority support. However, Miller further recognizes that it may not be in the interest of some participants to have the decision broken into components, and so may try to strategically prevent this. He also accepts that this can be avoided if the agenda is democratically formed (Miller, 1993, p. 86). In a deliberative democracy, if participants want to prevent the decisions being broken down into components then they will have to justify this with public reason, and whether they get their way or not would depend upon the quality of the reasons. As Miller himself claims 'it would then be difficult to

⁹ What I do not accept though is Knight and Johnson's further claim that this makes the preference transformative capacities of democratic deliberation irrelevant. The arguments made above that deliberative democracy transforms preferences in a way that makes them more compatible with autonomy still stands. Moreover, agreement on where disagreement lies will usually require preference transformation itself, as there will be different ideas about what the source of disagreement is prior to deliberation. Furthermore, the fact that democratic deliberation can lead to preference transformation will mean that conflict and disagreement are transformed itself. In short the preference transforming capacity of deliberative democracy still holds.

make a public argument against the disaggregation of decisions where it was clear the original choice was multidimensional' (Miller, 1993, p. 86).

2.3.1.4 Reduction of Strategic Action

It was mentioned earlier that although deliberative democracy encourages participants to make public arguments in order to convince the others, most preferences could be justified on public reason. Participants may then act strategically and offer public reasons for policies even though they are motivated by purely private reason. In short what is to stop people speaking in public on public interests, but then voting on selfish interests? (Miller, 1993, p. 76). There are several reasons to consider why this might not occur.

Miller argues that human psychology requires cognitive dissonance reduction, so people would become convinced of the public reasons they offered eventually. Now this is probably not true in all cases, but I would suggest is a factor that would influence many people (Miller, 1993, pp. 82-83; Dryzek, 2000, pp. 47-48). As Johnson notes though, cognitive dissonance 'does not so much generate a 'reasoned agreement' as induce a conformity that is at once rather shallow and normatively suspect' (Johnson, 1998, p. 172). Elster agrees suggesting that 'the motive of inconsistency avoidance does not produce autonomous preferences' (Elster, 1997, p. 12). However, cognitive dissonance is not the only possible way strategic action can be reduced.

The fact that in a deliberative democracy the options available to vote on will be drawn from the preceding discussion, participants may well be denied any opportunity to vote from purely selfish incentives as the options available may not represent their selfish interests (Fearon, 1998, p. 54). Alternatively by providing reasons for an option one may convince oneself of it because 'by speaking with the voice of reason, one is also exposing oneself to reason' (Elster, 1997, p. 12).

Mackie realizes that deliberatively democratic debate between citizens is likely to be public, recurrent, and be conducted between many speakers and many listeners, as opposed to a one off, private interaction between two people, that the social choice theory critique seems to rely upon, meaning participants will be concerned about their reputation and will not want to be seen to be acting strategically for fear of future

recriminations (Mackie, 1998, pp. 84-85). As Elster has suggested, strategic participants must abide by their arguments in public, even if they are really motivated by self-interest, or be shown to be a hypocrite. Elster terms this 'the civilizing force of hypocrisy'. If people argue for one thing and vote for another (and the vote takes place in public) then they will lose credibility when they participate in future. Other participants will disregard the reasons of the hypocrite as insincere and they may even face public humiliation (Dryzek, 2000, p. 46; Brennan and Lomasky, 1993, p. 40). These considerations have led Brennan and Lomasky to conclude that 'the moral force of the charge of hypocrisy does, then, imply the desirability of congruence between expressive and instrumental behavior' (Brennan and Lomasky, 1993, p. 52).¹⁰ This factor can also be produced due to the fact that people want to 'think well of themselves.' In this way people express themselves, not as they are, but as they would like to be (Brennan and Lomasky, 1993, p. 40).

The over reliance on deliberators acting strategically in social choice theory is based upon the presumption that the information shared is unverifiable and unprovable. It is the case that on occasions a certain participant will have a monopoly on information and use this information strategically. For example tobacco companies and their own research into their products health risks. However, in most cases one source will not have a monopoly on information, and the way the tobacco industries information has been disproved shows that it is difficult for actors to maintain this monopoly. This is because there will be many participants in democratic deliberation and not just two, consequently contrasting information and reasons to support it will be provided from a plurality of sources (Mackie, 1998, pp. 85-86).

2.3.1.5 Domain Restriction

In his sceptical approach to deliberative democracy, Johnson notes that 'the "notorious difficulties" that follow from the work of Arrow and other social choice theorists for any assessment of aggregative mechanisms, diminish considerably if we relax or lift the requirement of unrestricted domain' (Johnson, 1998, p. 164; Arrow, 1963, chapter 6-7). Dryzek sums up how deliberative democracy, despite entailing aggregation can avoid

¹⁰ Miller (1993, p. 83) cites evidence from juries, which indicate this to be the case: Davis, J; Stasson, M, Ono, K and Zimmerman, S (1988). He further cites evidence on prisoner dilemma situations, which shows how discussion can induce co-operation from 37.5 to 78.6 per cent: Orbell, J.M; Van Der Kragt, A and Dawes, R (1988).

the social choice critique: 'Deliberative democrats can respond to the social choice critique by pointing to the capacity of deliberation to restrict the range of admissible preferences, and so limit the possibilities for cycling across alternatives' (Dryzek, 2000, p. 73).¹¹

There are two different strategies to restrict the range of admissible preferences, based upon Robert Goodin's distinction (1986), between output filters and input filters. Output filters remove certain options from the realm of decision-making, while input filters prevent certain preferences from being considered and entered into the decision-making process (Goodin, 1986, p. 78). Following Rawls, Goodin, Amy Gutmann and Dennis Thompson, Miller and Blaug favour input filters. They follow Rawls in the sense that democratic deliberation should not adapt to pluralism as it stands, but to 'reasonable pluralism.' In contrast Dryzek, Cohen, Sher and Barber take a Habermasian line and are committed to output filters, believing reasonable pluralism can be achieved through the deliberative process itself. They follow Habermas in the sense that no views should be excluded prior to the deliberative process.

Goodin argues that input filtering is a more efficient way of excluding irrational or misguided preferences entering than output filtering, as they do not enter the decision-making process and so they do not influence participants at any level of the decision-making process. Preferences would therefore be laundered by elites in the interests of those with whom they interfere (Goodin, 1986, p. 92). However, as discussed in the previous chapter, such paternalism violates autonomy.

Gutmann and Thompson, in Democracy and Disagreement (1996), are also in favour of input filters to prevent the inclusion of preferences that challenge political equality e.g. racist arguments. Despite being committed to the deliberative model of democracy, Gutmann and Thompson want to achieve the value of publicity, prior to the deliberation process, obviously sceptical of its ability to ensure public reason through its internal processes of debate.

¹¹ Dryzek also appreciates that domain restriction can also occur through the institutional context. This argument will be reviewed in the following chapters.

Miller and Blaug, likewise, believe that certain reasons e.g. racist arguments or violent and coercive threats should be excluded a priori, in order to be in line with the requirements of deliberation that require participants to be free and equal, and to further ensure the deliberative capacities of individuals are not damaged through intimidation (Miller, 2000, p. 205; Blaug, 1999, pp. 148-149). I accept that threats of violence and coercion must be ruled out as this means it will not be the force of the better argument that is successful, but force itself. However, I do not accept that racist arguments should be discounted. I agree with Cohen when he states that; 'the deliberative conception holds that free expression is required for determining what advances the common good, because what is good is fixed by public deliberation and not prior to it' and 'for this reason the deliberative conception supports protection for the full range of expression, regardless of the content of that expression (Cohen, 1991, pp. 29-30; See also Benhabib, 1996, p. 70). Sher agrees arguing that, 'in our prior deliberations about which laws and policies to adopt, questions about how it is best to live may never simply be "taken off the agenda."' In public as well as private life, the operative distinction is not between legitimate and illegitimate reasons, but rather between good and bad ones.' Not all reasons will carry the same force e.g. racist reasons are inadequate reasons. 'Indeed, to show that a form of discrimination is illegitimate, the best strategy is publicly to consider, and decisively to refute, the best arguments advanced on its behalf' (Sher, 1997, p. 5).

Johnson rightly appreciates that input filtering makes the deliberative resolution of certain key conflicts impossible and so such issues would actually be removed from the agenda a priori (Johnson, 1998, p. 168-170). I maintain that input filtering is both undemocratic and unnecessary. The essence of the argument in this chapter has been that deliberative democracy can transform preferences and make them more autonomous by being exposed to reason and new information and encouraging preferences to be justified to the rest of the collective as Barber appreciates:

'Politics in the participatory mode does not choose between or merely ratify values whose legitimacy is a matter of prior record. It makes preferences and opinions earn legitimacy by forcing them to run the gauntlet of public deliberation and public judgment. They emerge not simply legitimized, but transformed by the process to which they have been subjected' (Barber, 1984, p. 136).

The domain of preferences are restricted through the process of deliberation itself: 'The whole point of deliberation is to "restrict domain"... because deliberation in inducing

reflection on preferences and requiring that they be defended publicly eliminates preference orderings which cannot be so defended' (Dryzek, 2000, p. 43).

Consequently, it is thought that deliberative democracy can reduce the scale of preference rankings, which will need to be aggregated (Miller, 1993, p. 81). As Dryzek rightly notes, it is this very possibility that makes deliberative democracy so normatively appealing:

'Deliberation's real advantage over social choice theory in the domain restriction stakes is that deliberation has endogenous mechanisms for restricting the range of preferences and options, whereas social choice theory rules out such endogenous mechanisms because it is the prisoner of an assumption that sees preferences as unaffected by the political process' (Dryzek, 2000, p. 46).

The argument is then that deliberatively democratic decision-making ensures that individual preferences are authentic. Through its internal process of preference laundering it also ensures that the preference domain is restricted and consequently that clear, unambiguous results can be produced.

2.3.1.6 Abandonment of the 'independence of irrelevant alternatives' criteria

Colin Bird, in his review of the 'Possibility of Self-Government' (2000), argues that not all of Arrow's five criteria are necessary for a coherent decision, and suggests that the 'independence of irrelevant alternatives' is one such criterion. The basis of this argument is that social choice theory is ignorant of the fact that individuals can have preferences over their preferences, a point that was highlighted in the first chapter with the discussion of Dworkin. This means that it is possible for a second order preference to contradict first order preferences, and for the second order preferences to 'win out' when making an individual decision.¹² In short when an individual is making a decision it may not rank its preferences in the manner social choice theorists predict. Bird offers an example of a spouse who is experiencing a reciprocated attraction with a work colleague. She is no longer in love with her husband and does not believe in the sanctity of marriage, nor is she sexually satisfied by him and believes that a relationship with her colleague would satisfy her. However, she still refrains from cheating because she has a higher order preference that she does not want to have preferences

¹² As the discussion in the previous chapter also indicated, this does not mean that higher order preferences are more autonomous than first order preferences, nor that the higher order preferences will be decisive. For a preference to be autonomous, it must meet the conditions of the acceptance of preference formation outlined in chapter one.

that would be dishonest. Bird therefore suggests that Arrow's criteria of independence of irrelevant alternatives can be abandoned because the agent makes a decision based upon alternatives that would be considered irrelevant to the decision in hand by these criteria. In short the fifth criterion demands that all preferences be ordinate, but this is not how individuals make collective decisions. Social choice theorists may try to defend their position by suggesting that the spouses' higher order preference, not to be dishonest, is just another preference that is attributed greater importance over her other preferences in this particular decision, and so is not an 'irrelevant alternative.' Such a view would be mistaken because, it is not necessarily just a preference for x over y, it is a preference about the desirability of having preferences x and y. Therefore higher order 'volitions cannot simply be assimilated without qualification to other first order rankings of the alternatives' (Bird, 2000, p. 573).

With his artillery on board, Bird argues that not all of Arrow's five criteria are necessary to make an individual decision or a collective decision. He suggests that just as an individual may have higher order preferences, so might a collective if it wishes to act democratically and have higher order collective preferences about wanting decisions to be fair and inclusive (Bird, 2000, p. 575). If a collective is to operate like a democracy then this 'automatically entails various restrictions on the range of motivations allowed to constitute its will' (Bird, 2000, p. 576). The problem for society is how to ensure that this democratic identity is in place, but I have argued above that the ideal of deliberative democracy aims at compromise, inclusion, debate and the filtering of preferences through public reason.

To summarise, I have tried to argue that deliberative democracy has a more accurate perception of political reality than social choice theory because it sees preferences as exogenous, rather than endogenous, so preferences can be transformed and become more autonomous. I have further suggested that deliberative democracy can avoid the social choice critique that tried to break the link with autonomy and deliberative democracy, as it can aid in the selection of an appropriate aggregative mechanism, increase single-peaked preferences, reduce strategic action, restrict the domain of preferences and have further cast doubt over the validity of Arrow's 'independence of irrelevant alternatives' criteria for making a coherent decision.

The fault at the heart of social choice theories such as Riker's is the reduction of democracy to voting, so that the role of participation in democracy is nothing more than a function to 'organize voting into genuine choice' (Riker, 1982, p. 5). Hopefully this discussion has demonstrated that this is not the case, and that the process through which preferences are (trans)formed is absolutely key to the coherency of that final social choice. This is why voting, although necessary, should not be the primary focus of democratic participation, but should in fact be the result of equality through 'public forum, discussion and participation' (Coleman and Ferejohn, 1986, p. 17). The act of voting following fair deliberation is different from aggregating preferences without a prior process of deliberation, and consequently the resulting decisions are likely to be different. Voting after deliberation is more legitimate because 'it is ascertained at the close of a deliberative process in which all the citizens...have participated' (Manin, 1987, p. 360; see also Cohen, 1991, p. 23).

Due to the implausibility and undesirability of consensus, voting is still an essential element in the deliberative process. It is due to the fact that participants will have a vote that deliberation is necessary and desirable, in order to persuade others, and to listen to them: 'A citizen's incentive to listen to another's opinion with which he disagrees strongly diminishes when that other has no power' (Christiano, 1997, p. 251). Voting then is not only a fair mechanism to make a decision when agreement is not reached following a period of deliberation, but also provides motivation to participate in deliberation and listen to and convince other citizens.

2.3.2. Difference and Equality

In the first chapter, it was argued that democracy aids the cultivation of autonomy due to its commitment to equality, and this was seen as normatively correct as each citizen's autonomy should be equally respected. One of the prominent criticisms against the ability of deliberative democracy to ensure this equality comes from 'difference democrats.' Dryzek succinctly defines this branch of democratic theory: 'Difference democrats are those who stress the need for democratic politics to concern itself first and foremost with the recognition of the legitimacy and validity of the particular perspectives of historically oppressed segments of the population' (Dryzek, 2000, p. 57). The model of deliberative democracy is certainly formally inclusive in the sense

that it seeks the participation of all, but that does not mean it is substantially inclusive if the procedures and forms of communication privilege certain groups over others.

Iris Marion Young, one of the principle theorists in this tradition, in 'Communication and the Other' (1996), is sceptical that even if current socio-economic inequalities were eliminated deliberatively democratic arenas could achieve equality among the deliberators because of social power, which derives not only from economic and political power, but also from ones' personal impression of one self, and the valuation of ones 'style of speech.' Such powers affect the equality of speakers in a deliberative situation, and cannot be eliminated due to cultural and social differences. She argues that theorists of deliberative democracy falsely assume its norms are neutral and universal, and offers a theory of 'communicative democracy', that is sensitive to social and cultural differences, in its place (Young, 1996, p. 123). Lynn Sanders, another prominent thinker in the difference democracy strand, criticises deliberative democracy in 'Against Deliberation' (1997), she presents a similar argument, but is even more critical of deliberative democracy, arguing that it necessarily favours dominant social groups over subordinate ones.

If this is the case then the question arises 'can disadvantaged groups present their arguments in a manner that will be convincing to others, given the particularity of their situation?' Moreover if the reasons are not public reasons in the sense that all can accept, then once again the 'the outcome cannot be described as rational in a sense that transcends group membership' (Miller, 2000, p. 144). As Miller appreciates this is a worrying and significant challenge as it:

'Directly contests one of the main claims advanced in support of deliberative democracy, namely that it is capable of reaching decisions that are more socially just than those reached in existing liberal democracies, where the distribution of political power tends to reflect the distribution of wealth and other forms of social advantage' (Miller, 2000, p. 144).

In short, it would mean that deliberative democracy could not cultivate the autonomy of all, but only dominant groups; its normative legitimacy would therefore be completely undermined. From the arguments of Young and Sanders three challenges to the normative validity of deliberative democracy can be identified. These are that it will enable certain groups to participate more and therefore dominate decision-making, that rational argument cannot challenge present inequality and finally that the

communication favoured by the norms of deliberative democracy are not neutral, but culturally specific.

2.3.2.1 Some Groups Will Participate More than Others

Sanders points to evidence from juries to demonstrate that it is not the quality of reasons that will persuade people in deliberative settings, but group dynamics and power structures. She argues that those who speak more gain more influence, and that those who speak the most are white males (Sanders, 1997, pp. 365-366). Sanders concludes that the wider distribution and greater equality of deliberative capabilities will not counter the dynamics of such groups: 'To meet the concern of equal participation, democrats should explicitly attend to issues of group dynamics and try to develop ways to undercut the dominance of higher status individuals' (Sanders, 1997, p. 367).

John Gastill, in Democracy in Small Groups (1993), is aware of the same danger as Sanders, claiming, 'both overt and subtle power dynamics due to differences in class, ethnicity, culture, gender, etc can also distort member relationship and deliberation.' For example stereotypes and patterns of socialisation in individual and group behaviour can go against democratic deliberation. He cites evidence from studies on university students that demonstrated males having more confidence in their ability to be able to persuade others, and were also more likely to use controlling behaviour (Gastill, 1993, p. 149). For Abrams, there is 'the legacy of discrimination', which means minorities may wish to refrain from debating with non-minorities because they hold these responsible for past discrimination, or feel the audience will be unresponsive to their arguments and that the preference gap will be too great to be bridged by argumentation (Abrams, 1988, pp. 512-513). Sanders' evidence from juries also suggests that the dominant social group, white men, participate the most. In contrast Fishkin and Luskin cite evidence from deliberative opinion polls that suggest all social groups were able to participate equally (Fishkin and Luskin, 2000).

All this demonstrates is that deliberative democratic decision-making requires procedures to ensure that all have an equal opportunity to participate. Sanders herself acknowledges her claims are dependent upon the verdict style of discussion employed in the juries. 'Evidence-driven deliberation' is more inclusive than 'verdict-driven deliberation' it seems. Evidence-driven deliberation encourages all views to be

expressed and so more participants speak and this in turn causes more people to change their opinions. As Miller also appreciates these are the characteristics of 'good political deliberation.' The 'verdict-driven' style approximates more closely the aggregative model of decision-making as it accepts the validity of pre-political preferences. This model is based upon trying to reach a collective solution that all are happy with rather than ensure their initial preferences form the final decision. Sanders' argument therefore does not suggest that deliberative democracy favours certain social groups, but rather that when it is institutionalised the procedures used should approximate the evidence-driven model of deliberation (Miller, 2000, pp. 146-147).

2.3.2.2 The Inadequacy of Reason

Sanders also believes that 'insidious prejudices may incline citizens to hear some arguments and not others. Importantly, this prejudice may be unrecognised by those citizens whose views are disregarded as well as by others' (Sanders, 1997, p. 353). This is a serious challenge to deliberative democracy, and the claims that it can lead to the equal cultivation of autonomy, because this is dependent on the fact that such prejudices can be counted by argument within the deliberative arena. However, if Sanders is right that since 'disregard based in prejudice goes unrecognised by both those who are subject to it and those who are prejudiced, prejudices cannot possibly be challenged' (Sanders, 1997, p. 353), then deliberative democracy may actually reinforce inequality. Sanders' argument is then dependent on prejudice not being open to argument and critique, but being 'invisible' and not exposed to reason. This is really an empirical claim, and one that I am sceptical of. What is required though is more empirical research in this area to establish if prejudice is susceptible to reason, as the implications of this are huge.

2.3.2.3 Cultural Specificity

Another threat to the connection between deliberative democracy and autonomy is that the capabilities required for effective participation are not culturally neutral and will disadvantage certain groups from the offset. It is suggested that it would be even more difficult for the subordinate groups to challenge the established norms of the dominant groups, if the capabilities they needed to develop to be able to challenge these norms were in fact biased against them. For example the type of language expected could be interpreted as favouring white ethnic groups, the formality of the meetings are accused

of favouring the middle classes, and the rationalistic style of argument is criticised as being gender biased against women (Bohman, 1996, p. 116).

Young, in Justice and the Politics of Difference (1990), believes that democratic deliberation requires neutral or universal language and premises, but that in multicultural societies, characterised by pluralism this is unobtainable. Young suggests that it is the discourse of liberal individualism that dominates American politics, and that it is impossible for 'socialists, radical feminists, American Indian activists, Black activists, gay and lesbian activists' to define and describe the oppression they feel in this language (Young, 1990, p. 39). Sanders concurs arguing that 'taking deliberation as a signal of democratic practice paradoxically works undemocratically, discrediting on seemingly democratic grounds the views of those who are less likely to present their arguments in ways that we recognise as characteristically deliberative. In our political culture, these citizens are likely to be those who are already underrepresented in formal political institutions and who are systematically materially disadvantaged, namely women; racial minorities... and poorer people' (Sanders, 1997, p. 349). The claim is then that a deliberative democracy would then favour the culturally specific language of dominant groups, which means that subordinate groups are unable to express their preferences and experiences in this particularistic language that the debate would require. Exactly why deliberative democracy favours the culturally specific language of dominant groups must be unpacked, and looked at in more detail.

Specifically, Young claims that discourse in deliberative democracy is 'assertive and confrontational', 'formal and general' and 'dispassionate and disembodied' (Young, 1996, pp. 123-124). Sanders agrees, arguing that because democratic deliberation relies upon communication that is 'rational, contained and oriented to a shared problem' rather than 'impassioned, extreme, and the product of particular interests' it consequently discriminates against disadvantaged groups (Sanders, 1997, p. 370). These claims of Young will then be looked at in turn.

The first claim by Young is that that in a deliberative democracy, 'speech that is assertive and confrontational is here more valued than speech that is tentative, exploratory, or conciliatory. In most actual situations of discussion, this privileges male speaking styles over female' (Young, 1996, p. 123). It may well be the case that men

employ more confrontational speech, but I think it is wrong to conclude that this speech is more likely to achieve success in a deliberative situation. In fact I would suggest that this style of speech is less likely to achieve success. Young ignores the preference transformation potential of argumentation and I would suggest that speech that is 'tentative, exploratory, or conciliatory' is more likely to achieve preference transformation than confrontational speech. As Diego Gambetta has noted in 'Claro!'(1998), 'to be fruitful, a conversation need not exclude the passions...people who are too cool, analytical, and impartial may generate distrust or may fail to rally people around issues' (Gambetta, 1998, p. 20).

Young also seems to be under the misconception that the model of deliberative democracy is based upon competition with participants trying to win the argument. She argues that the force of the better argument equates to 'conceding defeat' because one cannot provide a counterargument (Young, 1996, p. 123). However, this argument again seems ignorant of the preference transformation possible through argument. It is then not necessarily the case that people concede defeat, because they may actually agree with the argument that has been presented to them, yet Young acknowledges this type of preference transformation herself (Young, 1996, p. 125).

In terms of the second claim that deliberation that is 'formal and general', and excludes groups that need to highlight injustice in specific circumstances, I think deliberation still allows this. Groups can make appeals from the specific and relate it to general principles such as justice, a point that Young herself seems to accept (Miller, 2000, pp. 153-154). For example disabled people claiming for easier access to buildings may build their argument from personal experience and refer to specific buildings before broadening the argument that this lack of easy access is unjust and applies to all public and commercial buildings.

Finally, Miller rightly criticises Young's analysis of reason and emotion, which argues that it is dispassionate and disembodied, as this is based upon a false dichotomy: 'False in the sense that all political speech and argument must convey the feelings and commitments of the speaker, but also give reasons either positively for some proposal, or negatively against some alternative' (Miller, 2000, p. 153). There is nothing wrong with demonstrating emotion in debate, in fact it is important to show how strongly one

feels about something, but it cannot stand alone, reasons must be supplied to convince others. They will not simply be convinced by the fact that one holds a preference strongly, there are certain aggregation mechanisms, which allow people to place multiple votes for an option to demonstrate their passion, but these aggregative mechanisms do not require the justification for one's reasons. Furthermore, I agree with Miller that the suggestion that women and ethnic minorities are less apt at employing reason is 'rather insulting to disadvantaged groups to suggest that norms of argumentative rationality are loaded against them, because it implies that they cannot give coherent arguments for the changes they want to bring about' (Miller, 2000, p. 153).

Instead of deliberative democracy Young advocates 'communicative democracy', which she suggests will differ from deliberative democracy by favouring greeting, rhetoric and storytelling over rational argument, which she suggests will make communication more compatible with pluralism because they are more amenable to the particularity of participants. 'Greeting' deals with how participants provide recognition amongst each other. 'Rhetoric' is the use of cultural symbols and values, which can provoke and motivate participants. Storytelling is the use of narratives personal or otherwise (Young, 1996).¹³ Whether these forms of communication should be included in deliberative democracy needs to be considered and each will be addressed in turn.

Greeting is important as it creates the right atmosphere for deliberation and can indicate a mutual respect, but it is hard to see how it could replace reasoned argument (Miller, 2000, p. 155; Dryzek, 2000, p. 69). Moreover, greeting itself can be exclusive and confrontational (Dryzek, 2000, p. 69).

Rhetoric can be factious as well as motivating: 'Because rhetoric conceals rather than reveals the grounds on which decisions are taken, it is less likely than reasoned argument to produce socially just policies' (Miller, 2000; p156). In this sense rhetoric seems to count against the cultivation of autonomy as people will be moved to accept a preference without there being sound information and reasoning behind it. It is such considerations that have led Simone Chambers, in Reasonable Democracy (1996), to

¹³ Sanders also advocates the need for storytelling which she terms 'testimony.'

claim that rhetoric is the same as coercion as it involves emotional manipulation (Chambers, 1996, pp. 151-152). Rhetoric will surely enter the deliberative arena, but we must have faith that reasons employed by other participants can effectively counter it. However, Dryzek suggests that rhetoric can also be used to reach mutual understanding (Dryzek, 2000, p. 70). He provides the example of Martin Luther King, claiming he used the rhetoric of the 'Declaration of Independence' and the 'United States Constitution' to appeal to white audiences. In this context he accepts that the rhetoric was supported by reasons, but argues that 'without the emotional appeal the argument would have fallen upon deaf ears' (Dryzek, 2000, p. 52). Rhetoric supported by reason then can aid 'mutual understanding of positions, but because emotion must be linked to reason if it is to avoid coercion reason cannot be replaced (Dryzek, 2000, pp. 52-53). For Dryzek, rhetoric can particularly play a key role in the transmission of opinions from the public sphere to those that are 'potentially unsympathetic' to this discourse e.g. the state and mass media (Dryzek, 2000, p. 54). Gutmann and Thompson also see rhetoric as playing a key role in getting issues on the agenda and provide several examples e.g. the challenge of the U.S. Senate's usual routine renewal of the patent on the Confederate flag insignia in 1993 (Gutmann and Thompson, 1996, p. 135).

Storytelling is essential as people need to share their personal experiences to highlight and demonstrate their specific position and how present policies (or the absence of them) are adversely affecting them. In this sense storytelling 'expands the horizons' of participants (Gutmann and Thompson, 1996, p. 137). Young suggests that all stories will share equal weight in a communicative situation. However, they will all still be open to contestation and they need to highlight the situation of a broader group, not simply individuals (Gutmann and Thompson, 1996, p. 137). This contestation over the accuracy and validity of storytelling leads to a 'danger that such groups will require correct storylines, and punish incorrect ones which cannot easily withstand the normalising gaze of the group' (Dryzek; 2000; p68). This is why Gutmann and Thompson realise that without rational argument storytelling can only bring differences to the attention of participants, but it cannot resolve these conflicts (Gutmann and Thompson, 1996, p. 137).

Dryzek effectively responds to both Young's and Sanders's arguments by highlighting the fact that greeting, rhetoric and storytelling are as hierarchical as the rational

deliberation they criticise. Just as some people are better at forming, expressing and understanding rational argument than others, likewise some people will have more talent for greeting, rhetoric and storytelling. Moreover, the people who have talents for these things may be those from the same dominant social groups who are talented arguers. If this is the case then Young's and Sanders's arguments are undermined: 'The validity of Young's claims about the degree to which these three forms of communication equalise across difference depends on the hierarchies within argument, greeting, rhetoric and storytelling compensating for, rather than reinforcing one another' (Dryzek, 2000, p. 67; see also Miller, 2000, pp. 156-157; Gutmann and Thompson, 1996, p. 137). Benhabib makes a similar point, claiming that 'standards of impartiality and fairness' are equally applicable to Young's communicative democracy as to deliberative democracy in order to establish procedural fairness, and to evaluate whether genuine transformation of preferences has occurred or whether a process of bargaining or coercion has caused the simulation of preference change (Benhabib, 1996, p. 82).

Argument is the only form of communication capable of proving how all forms of communication is hierarchical 'in itself, but also in testimony, greeting and rhetoric.' The other forms of communication can only highlight or challenge the failings of the same communication (Dryzek, 2000, p. 71). In conclusion, I feel that Young is right to advocate the importance of greeting, rhetoric and storytelling, but as Dryzek appreciates they are additions to and not replacements for rational argument:

'When it comes to the key question "what is to be done?" about communicative failures...argument always plays a central role. When it comes to 'what is to be done?' in terms of collective action in response to a social problem, argument also must enter. Thus argument always has to be present in a deliberative democracy. The other forms can be present, and there are good reasons to welcome them, but their status is a bit different because they do not have to be present' (Dryzek, 2000, p. 71).¹⁴

Hopefully, I have established that deliberative democracy can promote the autonomy of all social groups equally, and can provide subordinate groups with the chance to challenge inequality through reason as well as through the use of greeting, rhetoric and storytelling. However, I would warn that this is dependent upon how deliberative democracy is institutionalised.

¹⁴ It is important to note, that Dryzek maintains, that this does not open the door to the social choice critique, because the fact that difference is accepted does not necessarily entail that the inclusion of difference can clear up what a specific social choice entails, and it also means that there are more positions that may not survive 'deliberative scrutiny' (Dryzek, 2000, pp. 73-74).

2.3.3. Deliberative Obligations

The final challenge against the claim that deliberative democracy can cultivate autonomous preferences and decisions comes from Festenstein. He points out that participants in a deliberative democracy have 'special obligations' to other participants (Festenstein, 2002, p. 89). The first obligation is to provide reasons that all can accept. As I have conceived deliberative democracy, this is an excessively strong demand. Instead of this requirement, I suggest that participants have an obligation to find reasons that most can accept. The second obligation is to listen and reply sincerely to all others. As Gundersen notes, none of the advantages of deliberative democracy outlined above will occur unless actors listen to each other (Gundersen, 2000, p. 97). Information will not be increased as people will not listen to others and hearer and speaker autonomy will then not be advanced and there will be no need to make public justifications if the public ignores one. The third and final obligation is to try to find a proposal that is acceptable to all through the modification of proposals in accordance with the reasons of others (Festenstein, 2002, p. 89). This means that participants should opt for the option that best accommodates all participants' preferences and make decisions that are not 'tyrannical' to a specific group.

The combination of all three of these obligations is specific to the deliberative model of democracy, and so can be classified as 'deliberative obligations.' These obligations are also more demanding than many other models of democracy, for example a purely aggregative model where the only obligation is to vote. A problem arises because we cannot be sure that citizens will always abide by these obligations, as in certain circumstances it will not be in their interests to do so (Festenstein, 2002, p. 89). If it is necessary for citizens to abide by these deliberative obligations in order for autonomy to be enhanced then this becomes a serious challenge to the case outlined in the first half of this chapter, if these obligations cannot be derived from deliberative democracy itself.

One attempt to counter this is if participation in deliberatively democratic decision-making enhances autonomy, and autonomy is an intrinsic value then citizens should want to participate and abide by the obligations in order to advance their autonomy.

Those who do not participate in deliberative democracy and exercise judgment over their preferences will then fail to cultivate their autonomy as Christiano explains:

'A person whose conception of his interests and aims is more or less arbitrarily arrived at is at a disadvantage in relation to a person who has thought about her aims and has some basis for pursuing the ends she does. The person who has a poorly reasoned unreflective conception of his or her aims is a person who is unlikely to achieve much of worth to himself. He will be easily subject to confusion, arbitrary changes in opinion as well as manipulation by others' (Christiano, 1997, p. 257).

However, just because it is in the interest of citizens to cultivate their own autonomy, does not mean that they will be interested in the autonomy of others, and so may well not abide by the obligations.

Alternatively we can invoke some of the same arguments here, as we did against the social choice theorists, as a failure to abide by the obligations may be strategically motivated. In section 2.3.1.4, it was argued that deliberative democracy could reduce strategic behaviour. Although Festenstein accepts both these arguments he argues that they are insufficient to provide grounding for the deliberative obligations, as we can still imagine occasions when the costs of not abiding by them would be small. In this sense this approach ignores 'the distinction between a pragmatic norm and an obligation' (Festenstein, 2002, p. 104).

An alternative may be the participants will abide by the obligations because of instrumental reasons. As Miller suggests, if the same participants are involved in a number of decisions-making debates over a period of time, members of the majority on one decision may find themselves in the minority on another and hoping that this majority justify their decisions on public rather than private interests, listen to their arguments and take their interests into consideration and vote for the 'policy outcome that enjoys the widest possible support' and accommodate minority interests where possible. If citizens do not abide by the deliberative obligations themselves when in the majority, then it would seem less likely that others will when they are in the minority (Miller, 2000, p. 152). This is still then a pragmatic norm rather than an obligation and it may not always pertain as Festenstein notes. If people accept to abide by the norms of deliberative democracy for instrumental reasons, then they will abandon this commitment when it is in their interest to do so (Festenstein, 2002, pp. 97-98). This comment does seem to ignore the educative effects of debate that have been outlined,

whereby citizens accommodate the interests of others into their own, but Festenstein still plausibly maintains that in certain circumstances transformation may not occur and deliberative obligations can therefore still go unfulfilled (Festenstein, 2002, p. 98).

Miller accepts that there are then deliberative obligations that are not grounded in deliberative democracy itself and suggests that there needs to be a shared identity that transcends all other identities, which can only be fulfilled by a national identity, to provide commitment to these obligations (Miller, 2000, p. 158). Even if we accept the argument that national identity generates special obligations between members, there is no guarantee that these will be deliberative in character. Furthermore, if the national identity is not deliberative, but still valuable, it is not its contribution to deliberative obligations that makes national identity valuable, and so it cannot be the grounding for these obligations as Festenstein explains: 'If the argument is that the deliberative features of a national identity make it valuable to its members, it is not clear what the specifically national aspect of those characteristics adds, if we are seeking to derive the deliberative obligations' (Festenstein, 2002, p. 107).

Consequently, Festenstein concludes that deliberative obligations cannot be derived from the deliberative process itself, but rather from a valuable relationship such as citizenship, providing that we accept that citizenship has intrinsic value (Festenstein, 2002, p. 104). Festenstein correctly notes that this does not mean the incentive to participate should be non-instrumental, but rather that 'there is a non-instrumental good in my being able to take part in this way in a community which makes decisions about its common affairs.' If it is accepted that citizenship has an intrinsic value then citizens may well realise this value and appreciate that valuable relationships entails obligations to each other (Festenstein, 2002, p. 105).

The argument that if deliberative democracy is to cultivate autonomy it requires citizens to abide by deliberative obligations does not then suggest that there is no connection between this model of democracy and autonomy. What it does suggest is that deliberative democracy has preconditions, one of which is a certain level of civic virtue whereby citizens gain some intrinsic value from the relationship. The problem then is how to ensure that this civic virtue is present and I would suggest that this is dependent upon the institutional situation, which will be considered in the following chapters.

2.4 Conclusion

The intention of this chapter has been to argue that the deliberative model of democracy is the most suitable to ensure the cultivation of autonomy, as it was conceived in the previous chapter.

Developing from the first chapter the argument that collective autonomy differs to individual autonomy and that citizens need to form their preferences with the consideration of the opinions of other citizens, if the equal cultivation of everyone's autonomy is to be ensured. It is argued that deliberative democracy encourages the use of public reason as preferences must be justified to all and this will encourage citizens to consider the opinions and interests of others. It was further claimed that deliberative democracy cultivates both hearer and speaker autonomy by increasing the availability of relevant information and allowing participants to express themselves freely. All three arguments are based upon the premise that preferences can be transformed and become more rational when reflected upon, which it was claimed is the defining mark of deliberative democracy.

Three challenges were considered to this argument. The first, from social choice theory, claimed that because deliberative democracy would not achieve consensus, aggregation would be necessary, but that this meant decisions would be intransitive, ambiguous and open to suspect manipulation. This was countered as deliberative democracy can aid in the selection of an appropriate aggregative mechanism, increase single peaked preferences, reduce strategic action, restrict the domain of preferences and further cast doubt over the validity of 'independence of irrelevancy' criteria, which avoids these negative aspects. The second challenge, from difference democracy, that deliberation would only benefit dominant groups at the expense of subordinate groups was countered as the arguments that subordinate groups participate less, that prejudice was not accessible to reason, and that rationality is culturally specific were not accepted. It was also suggested that deliberation could make room for greeting, rhetoric and storytelling. The third that deliberative democracy requires 'deliberative obligations', that cannot be grounded in the model of decision-making itself was accepted, but civic virtue was seen as a possibility to provide a commitment to these obligations. Whether or not this civic virtue is present depends upon the institutional context, which brings us to one of the most serious critiques of the connection between deliberative democracy

and autonomy, but not its normative credentials, but rather practical applicability, which is suggested to be deeply suspect. Our attention must turn to whether deliberative democracy can be institutionalised effectively, and if so what affects these institutional arrangements will have upon autonomy.

CHAPTER THREE: AUTONOMY AND DELIBERATIVELY DEMOCRATIC ASSOCIATIONS

3.0 Introduction

In the previous two chapters, I have argued that deliberative democracy is the most appropriate decision-making process to enhance the autonomy of participants. However, we have yet to consider the critique of deliberative democracy that Miller mentions, that it is a utopian theory and a counterfactual ideal because it is unachievable in modern, large scale and complex societies (Miller, 2000, p. 143). If on a practical level, deliberative democracy cannot be institutionalised effectively then autonomy will not be best enhanced by this system of decision-making. To combat this, it is necessary to be more specific about possible locations for deliberative democracy to exist on a practical level. As Blaug argues, it is essential for deliberative democracy to suggest exactly 'where' deliberatively democratic decision-making should take place: 'Without a location, democracy remains merely utopian' (Blaug, 1996, p. 56). Following Mark Warren's Democracy and Association (2001), Piotr Perczynski's 'Active Citizenship and Associative Democracy' (2000) and Joshua Cohen's 'Deliberation and Democratic Legitimacy' (1997), I argue that deliberative democracy can be institutionalised and that associations will provide the most suitable location for deliberatively democratic participation and decision-making. Following the initial argument in Chapter One, I therefore advocate a perfectionist justification of associational democracy.

However, in constructing a model it is important to refrain from designing a blueprint for the institutionalisation of deliberative democracy. The aim of the model outlined in the remaining chapters is to simply highlight some of the possible features that could be included, if an associational democracy was to approximate the norms of deliberative democracy. The participants themselves should decide the details of such a model, as this is most compatible with the enhancement of autonomy. Furthermore, I agree with Smith that 'there is no single best design: different models will be useful in different circumstances, for different purposes at different levels and on different issues' (Smith, 2001, p. 90). An associational model is then just one of these possibilities.

It is my contention that voluntary associations provide suitable arenas for the location of deliberative democracy due to their scale and pluralism. Pluralism has been defined by

H.S. Kariel as the term referring to specific institutional arrangements for distributing and sharing governmental power, to the doctrinal defence of those arrangements, and to an approach for gaining understanding of political behaviour. Political pluralism is therefore a historical phenomenon, a normative doctrine, and a mode of analysis' (Kariel in Schwarzmantel, 1994, p. 48). I suggest that associations offer the opportunity for face-to-face deliberative exchange, based upon rational arguments amongst their members. For Cohen an advocate of deliberative democracy and associational democracy the two are combined in an 'intuitive ideal...in which the justification of the terms and conditions of association proceeds through public argument and reasoning among equal citizens' (Cohen, 1997, p. 72; See also Perczynski, 2000, pp. 168-169; Warren, 2001, p. 8). It is argued that an enhanced associational system allows more deliberatively democratic participation from more citizens, over more decisions and in new spheres of public life, while enhancing the capacities for deliberation in those citizens who participate (Warren, 2001, p. 3).

The advocacy of associations as key units for democratic participation is termed 'Associative Democracy'. Perczynski defines associative democracy as 'a model of participatory democracy based on self-governance of internally democratic, voluntary and functional groups' (Perczynski, 2000, p. 163). For Warren, Alexis de Tocqueville, in the classic Democracy in America (1945; first published in 1835), was the first to argue that associations could develop autonomy in their participants (Warren, 2001, p. 70). For Tocqueville the potential of democracy was dependent upon the vitality of associational life.

The ideas associated with this theory were developed further by the English Pluralists GDH Cole in *Guild Socialism Re-stated* (1920a), Harold Laski in *A Grammar of Politics* (1925) and John Neville Figgis in *Churches in the Modern State* (1913). Nevertheless it would be a mistake to assume that associationalism has always had a strong link with democracy. There are many differing models and theories within the history of the concept, and therefore varying relationships and connections to the ideas and practice of democracy.

Hirst distinguishes between American and English pluralism. For American Pluralists, organized interests aim to control government and effective competition, between these secondary associations, over state resources and legislature make the state democratic. In contrast English Pluralism is more a critique of the state, its structure, its legitimacy and its unlimited sovereignty and is therefore more normative, and argues that the state should distribute power with associations. This thesis is more in line with the English, normative strand of pluralism, but the American pluralist arguments will be considered in Chapter Six (Hirst, 1989, p. 3). The English pluralists were essentially challenging unlimited state sovereignty and centralism, rather than promoting a certain conception of democracy. However, it is certainly the case that they offered a critique of parliamentary democracy.

As Hirst comments, the English pluralists central belief was in 'the vitality and the legitimacy of self-governing associations as a means of organising social life and the belief that political representation must respect the principle of function, recognising associations...In the pluralist scheme it is such associations that perform the basic tasks of social life' (Hirst, 1989, p. 2). Therefore, it is also important to distinguish these pluralist ideas with the undemocratic corporatism and associative thought within Italian fascism 'which compulsorily mobilizes social interests to provide legitimacy for an unreformed centralized sovereign state power' (Hirst, 1989, p. 2).

Figgis was heavily influenced by Otto von Gierke, who had offered a history of political thought prior to the conception and reality of the modern nation state, and in doing so perceived associations as 'real bodies with a life of their own which were not mere legal "fictions"', which meant a distinctive legal interpretation of associations (Hirst, 1989, p. 18). Figgis was primarily concerned with the danger state sovereignty posed toward voluntary associations, particularly religious ones such as the Anglican and Catholic Churches, but also trade unions. For Figgis, such associations required great commitment and loyalty from their members and could contribute to their self-development and therefore in many respects they resembled 'public' agencies (Hirst, 1989, p. 19).

Influenced by Figgis, Laski took a particularly extreme pluralist view, suggesting that

the nation-state had no more legitimate claim to sovereignty than any other association and he therefore 'denies, ultimately the sovereignty of anything save right conduct' (Hirst, 1989, p. 13). Laski advocated a functionally decentralised federalist arrangement, where social interests, organised through associations, would govern.

Cole also influenced by Figgis, adopted a radical anti-statist position and advocated that society should be organised into self-governing associations of producers, where any central co-ordination and regulation would originate from the functional co-operation of these associations (Hirst, 1989, p. 28). For Cole there were many functions that did not require a comprehensive body such as the state to fulfil and was not therefore the most superior association. Cole was highly critical of representative government, and believed functional representation was 'true representation' and would be best fulfilled by a plurality of associations (Cole, 1920b, 119).

It should be apparent then that not all associational arrangements that have been advocated are seen as a method of deepening democracy. However, associational theories have always contributed to the critique of current practice in democracies and in Laski and Cole have offered distinctive models of representation and democratic participation.

The ideas of associationalism have had a recent resurgence through the likes of Paul Hirst in Associative Democracy (1994) and Joshua Cohen and Joel Rogers in 'Secondary Associations and Democratic Governance' (1995), with associations explicitly justified as possible mechanisms to deepen democracy. This resurgence of the theoretical advocacy of associations as venues for democratic participation has arisen in the context of the perceived failure of the nation-state in 'post-industrial' societies:

The era of the nation-state is not gone. But the forces and capacities distinctive of the state are increasingly overlaid by numerous other forces and contingencies, so much so that the terrain of politics is no longer focused solely by state-centred institutions, organisations and movements' (Warren, 2001, p. 4; see also Cohen, 1999, p. 211).

The British Social Attitudes Survey of 1996 indicates that citizens are now becoming increasingly disillusioned with the state. Cohen and Rogers also cite reasons as to why

the state and its various institutions are 'clearly less suited than they once were to ensure a reasonable fair society.' These include economic factors such as increasing global competition and integration, increasing technological diversity and rapid change and increased dispersion of the labour market, which means that economic focus and interests have shifted (Cohen and Rogers, 1995, pp. 10-11; Hirst, 1995, p. 109; Cohen, 1999, p. 211). Lester Salamon and Helmut Anheier, in their empirical review of The Emerging Non-profit Sector (1996) across the world, have suggested that this has led to a new paradigm, in which 'a major reappraisal of the role of the state, prompted by dissatisfaction with the cost and effectiveness of exclusive reliance on government to address the social welfare and developmental challenges of our time' (Salamon and Anheier, 1996, p. 1). The conclusion drawn from these changing economic, political and cultural aspects of power is that the nation-state cannot remain as the key focus for political participation, which in turn raises questions about the nature of political participation (Kohler, 1993, p. 609). Consequently it is argued that associations could provide a location for direct political participation because they allow for non-statist planning, decision-making, task fulfilment and interaction (Martell, 1992, p. 166). Associations would then become venues for self-governance, which would reduce the state's burden and provide channels for citizens entering into public discourse. It is hoped then that 'democracy might, via its associative media, expand within and beyond its current state-centred venues' (Warren, 2001, p. 9). It is the potential of voluntary associations to achieve this that I intend to review in this chapter and discuss whether associations can supplement and complement present liberal democratic institutions of representative government, but also become democratic institutions in a distinct sense (Warren, 2001, p. 181).

Specifically, I want to review the potential of associations to cultivate citizen autonomy.¹ I suggest that there are two broad senses of how an associational model of democracy might achieve this. Firstly, associations enhance autonomy by providing a location for deliberatively democratic decision-making (the decision-making method most likely to promote autonomy), and secondly, associations can enhance autonomy in their own right by performing democratic functions that also contribute to autonomy.

¹ Martell argues that the role of associations is not just to promote values like autonomy, but also equality, co-operation, solidarity and diversity as well (Martell, 1992, p. 169). However, it is my contention, as argued in the first chapter, that these values are dependent upon, or at least contribute towards autonomy,

According to Gramwell it is for this second reason that Dewey perceived democracy to be more synonymous with association than any other form of organisation (Gramwell in Warren, 2001, p. 8). Following the earlier analysis on the normative core of democracy, associations can be judged to be democratic to the extent that they enhance equally the autonomy of their participants.

Firstly in section 3.1 it is necessary to outline the criticism that deliberative democracy cannot be institutionalised so that it can be addressed directly and in section 3.2 I define what I mean by associations. There are four functions conducive to democracy that I suggest associations can perform: In section 3.3 I will suggest that associations provide venues for subsidiarity. In section 3.4, I will argue that associations can provide information and group representation. Section 3.5, considers associations as schools of democracy and finally in section 3.6 associations are reviewed as locations of governance. This chapter will review each of these in light of their connections to autonomy and their relationship to deliberative democracy.

3.1 The Institutional Requirements of Deliberative Democracy

Despite the assertion that his ideal normative procedures of deliberative democracy are counterfactual, Cohen suggests that they should be approximated as closely as possible (Cohen, 1991, p. 26) and that institutional design is therefore essential and inevitable: 'The institutions themselves must provide the framework for the formulation of the will; they determine whether there is equality, whether deliberation is free and reasoned, whether there is autonomy, and so on' (Cohen, 1991, p. 9). William Nelson in 'The Institutions of Deliberative Democracy' (2000), accepts the normative justifications of deliberative democracy, but warns that this does not mean it should be institutionalised if these institutional opportunities were not exercised in the right way. Consequently he rejects Cohen's theory of approximation, because 'it is hard to say what institutions would come closest to realising the deliberative ideal in the world as we know it. Institutions that look the most "democratic" may not be appropriate at all' (Nelson, 2000, p. 198). I take this to be an argument that we must look at associations in practice not just in theory to see if it is possible to ensure these associations can approximate the norms of deliberative democracy.

and that autonomy is the primary political value in western liberal democracies.

Moreover, Benhabib completely rejects any suggestion that deliberative democracy is a counterfactual idea, instead she suggests that 'the deliberative theory of democracy is not a theory in search of practice; rather it is a theory that claims to elucidate some aspects of the logic of existing democratic practices better than others' (Benhabib, 1996, p. 84). Gambetta agrees arguing that 'the question of what the effects of deliberation are should be cast against the imperfect deliberative models we have anyway.' This becomes apparent if we consider the possibility of institutionalizing a purely aggregative model of democracy (Gambetta, 1998, p. 22).

If we look at modern liberal democracies, there is debate going on in meetings, associations, at people's homes, in the pub, on the television, radio, on the internet, in newspapers and of course debate amongst representatives has been institutionalised and takes place in parliament and other legislative arenas. Robert Post in 'Managing Deliberation' (1993), is aware of these debates, but maintains that current liberal democracies do not allow for enough open public deliberation, which provides opportunities for access to this debate for all. As Post remarks, commenting on liberal democracies, 'the extent to which our public discourse actually functions to instil participation, legitimacy and identification is highly debatable' (Post, 1993, p. 667). What we have in liberal democracies in general is decision-makers vaguely consulting those they are meant to represent, but this process seems to take place after parties have already decided upon their own policies. There is little opportunity for the public to contribute and help form these policies through debate, to comment upon which policies they like and why, and which ones they do not like and why, they must choose between a few parties' already formed manifestos. Citizens therefore have few opportunities to voice new and original ideas, to expand or change the agenda of parties or government, or to participate in the creative dialogical process of discussion. It is such considerations that provoked Congressman Richard Gephardt, a 1988 presidential candidate in the US, to comment that 'voters seldom trust their politicians to respond to their legitimate concerns. They stay home on Election Day, but they would participate if they had a better way to make themselves heard' (Gephardt in Cronin, 1989, p. 3). Furthermore the debates that feature in civil society do not have a direct affect on public policy. They only affect this, if, through influencing public opinion, parties change their manifestos to reflect this change of opinion. This is a long and diluted process.

The reality is that most people only become aware of certain issues through their portrayal in the various (forms of) media, they do not themselves actively engage in democratic deliberation, and consequently when they vote, the preferences which motivate the choice are not necessarily (an) autonomous (choice).

If public debate is occurring, (which it is), and this affects policy, (which it can do), then it is only fair that everyone should have equal participation in this debate. Debate proceeds, but despite their being no formal legal barriers stopping people participating due to the right of freedom of speech, many groups are excluded from a chance to participate equally in this debate due to socio-economic inequalities. Here we see the distinction between formal and substantive equality and influence, which demonstrates how a right to freedom of speech is not enough to ensure the norms of deliberative democracy; modern liberal democracies therefore need to institutionalize processes of open public deliberation prior to decision-making. However, is this possible given the complexity of modern liberal democracies?

Accepting the arguments of Daniel Zolo, in Democracy and Complexity (1992), that modern democracies are plagued by the problems associated with complexity, Bohman (1996, pp. 2-3), suggests there are three aspects of complexity which make deliberative democracy impractical and means it cannot be institutionalized, but rejects Zolo's conclusion that this makes democracy an impossibility. The first aspect is that modern societies are very plural, making deliberative democracy unlikely, as it decreases the chance of reaching consensus on a common good, due to 'intractable conflicts'. Such an argument suggests then that deliberative democracy can only be institutionalised in comparatively homogenous groups. However, associations could be considered to be these relatively homogenous groups, as they involve people associating due to a shared identity, interest and belief. However, this does not solve the problem of broadening democratic deliberation between these associations (Bohman, 1996, p. 2).

The second aspect is that modern societies are too big and involve too many people to make democratic deliberation possible (Bohman, 1996, p. 2). One of the key problems for participatory democracy is how to have mass participation in modern large, complex and advanced industrial societies. These problems are accentuated for models of deliberative democracy that require face-to-face discussion. To have all citizens meet

together and deliberate together seems to be an empirical impossibility and, even if all could gather, the situation would not be conducive to democratic deliberation with little opportunity for effective participation, allowing for the domination of small groups, and decisions being led by 'passion and intimidation' rather than public reason (Martell, 1992, p. 164).² Martell's views also echo those of Adanaby who also appreciated the barrier the size of and number of people in modern states made for direct democracy, but also questioned the available time citizens had to participate and the complexity of modern issues (Adanaby in Schattsneider, 1975, p. xiv). These factors are intensified because modern decisions are also thought to require high demands of expertise and present trends of increasing division of labour and new technologies has meant the citizens are incapable of participating directly in making decisions. Once again it seems that deliberative democracy is only possible in small organisations, such as associations (Bohman, 1996, pp. 151-152). The third and final aspect of complexity is inequality of deliberative skills, which could effectively mean rule by elites (Bohman, 1996, p. 3). All three of these aspects of complexity pluralism, size and inequality must then be addressed if it is to be demonstrated that the ideal of deliberative democracy can be effectively approximated and autonomy cultivated.

3.2 Defining Associations

Due to the sheer diversity of associations, the definition of an 'association' needs to be broad. However, I would suggest that GDH Cole's definition of association, in 'Social Theory' (1920b), is too broad for our purposes here, although it does provide a useful starting point. He defines association as:

'Any group of persons pursuing a common purpose or aggregation of purposes by a course of cooperative action extending beyond a single act, and, for this purpose, agreeing together upon certain methods and procedures and laying down, in however rudimentary a form, rules for common action. At least two things are fundamental and necessary to any association: a common purpose and, to a certain extent, rules of common action' (Cole, 1920b, p. 37).

More specifically I am referring to associations that are voluntary and secondary and located in civil society.

² As discussed in the previous chapter, Gundersen (2000, p. 98) favours a dyadic approach to democratic deliberation, and one of the reasons for this is that it is more realistic than collective deliberation because it is easier to institutionalise because of the problems of size. However, it was argued in the previous chapter that Gundersen's dyadic model misconceives the ideal of democratic deliberation and has a lack of normative value.

Cohen and Arato conceive civil society as differentiated from the economy and the state. Only if this is the case in a market society could civil society develop a critical political power. The state incorporates the political sphere of parties, political organisations and parliament. The organisations of the economy are those involved in production and distribution. Although they often arise from civil society and share similarities of organisation and communication and are institutionalised through rights they seek to control and manage either the state or economy (Cohen and Arato, 1992, p. viii-ix). Consequently they define civil society as 'a sphere of social interaction between economy and state, composed above all of the intimate sphere (especially the family), the sphere of associations (especially voluntary associations), social movements, and forms of public communication' (Cohen and Arato, 1992, p. ix). This sphere is reproduced through both independent action and institutionalised laws. This is not to say that anything that happens outside of the state and economy should be classified as civil society, but only conscious association building and associational life and institutionalised forms of communication.

Warren, heavily influenced by Talcott Parsons, describes the differences between the three types of organization. States and market-orientated economic organisations are distinct from associations because they are dominated by the media of (legal and administrative) power and money. Associations, however, are mainly constituted by common purposes or interests and the prime mechanism of organisation is influence (Warren, 2001, p. 54). The type of associations that are located in civil society are extensive and diverse e.g. trade unions, business and professional organisations, welfare and charity organisations, service clubs, community associations, recreational associations, environmental groups, educational organisations and cultural organisations and this list is not exhaustive (Van Deth, 1997, p. 1).

Like Warren correctly realises, not all associations will be able to fulfil all the functions that I attribute to them in this chapter. The fact that they are apt to fulfil one function may well mean they are unsuitable to fulfil another. This is not essentially a problem, as the great strength of associational life is its plurality, which means all the functions can still be fulfilled, providing there is a diversity of specialised associations. This requirement Warren terms a 'democratic ecology of associations' (Warren, 2001, p. 12). Consequently we must acknowledge the diversity of associational types when

discussing their ability to fulfil democratic functions (Warren, 2001, p. 27-28). For Nancy Rosenblum in Membership and Morals (1998), this is exactly why associations are valuable (Rosenblum, 1998, pp. 36-41). There are then a number of distinguishing factors, which affect the potential of associations to perform the above functions. Warren argues that there are three dimensions, which will affect the potential and ability of associations to fulfil the different functions of associations. These are:

- The medium within which the association is embedded or to which it is orientated: According to Talcott Parsons' analysis, in the influential The System of Modern Societies (1971), there are three types of organisation: market, bureaucracy and association. This allows us to distinguish between 'associational structure' and 'associational relations'. Because associations exist alongside markets and states, the relations of markets and bureaucracy evident in these media also influence associations and can restrict their opportunities for democracy. In short there will be different combinations of the three types of organisational relation within different associations, and associational relations can exist outside associations within the market and the state. Warren uses this conceptual tool to understand what types of relation are prevalent in different types of association and in turn what this will mean for the democratic effects of these associations (Warren, 2001, p. 54). For example the Arts and Business association will be influenced by the market media, but also uses forums as a decision-making process so has associational relationships as well. The National Park associations, which operate, as local government agencies, will therefore have a mixture of associational and bureaucratic relationships.
- The aims/ purposes/ goods of the association: Different associations have different goals. These goods are themselves distinguished by four factors: 1. Individual and social goods. Individual goods decline in significance the more broadly they are distributed e.g. food, shelter, clothing, love, friendship because they are finite. Social goods can only be achieved through more substantial social interaction. A strong sense of social identity e.g. as women, homosexuals or students and so must be shared and are therefore more likely to induce civic virtue, communication and co-operation. In contrast individual goods are more likely to encourage bargaining, precisely because they are scarce and cannot be accessible to all. 2. Inclusive and exclusive goods. Inclusive goods are available to all i.e. roads, parks, clean air and in general are achieved through collective action. Exclusive goods can obviously

be attained by a few and do not necessarily require collective action. Associations seeking inclusive goods are likely to cultivate the circumstances for the cultivation of civic virtues, political skills, critical skills, subsidiarity, communication and co-operation. Again exclusive goods are more likely to induce bargaining. 3. Material and symbolic/psychological goods. Providing the symbolic/ psychological goods are not exclusive i.e. sectarian identity, then associations seeking these are more likely to generate civic capacities. 4. Scarce and unscarce goods. This affects the extent of conflict that will arise in pursuing goods. Associations pursuing unscarce goods are more likely to co-operate and communicate, whereas associations pursuing scarce goods are likely to act strategically (Warren, 2001, pp. 94-126).

- The extent to which the associations are voluntary, which influences the possibility and methods of dealing with diversity of preferences: So far I have spoken of 'voluntary associations', but there are different levels of voluntariness. To be voluntary an association's alliance must be formed and maintained by 'chosen normative allegiance' as opposed to force, coercion, seduction or manipulation. The closer an association approximates Parson's ideal of associational relations the greater its voluntary nature. In general all secondary associations are voluntary in nature as they rely on active consent to join. However, as with Hirst, Rosenblum warns of making the libertarian error of classifying all associations as voluntary and further suggests that 'there are always alternative understandings of an association's nature and purpose, and competing classifications'; voluntariness being one of these classifications (Rosenblum, 1998, p. 6). It is important to note that Associations are imbedded in social structures e.g. biology, economics and law, which increase exit costs, they therefore foster non-voluntary effects (Warren, 2001, p. 98).³

Michael Walzer, in 'On Involuntary Association' (1988,) takes a similar line to Warren, and outlines four ways an association can be classified nonvoluntary. Firstly there is association by birth e.g. family and religion, which can be exited in adult life but often with high costs. Secondly exit can be restricted by culture e.g. orthodox forms of marriage and religious belief. Walzer terms the third constraint

³ Warren cleverly distinguishes between involuntary, where exit is prevented through compulsion and nonvoluntary, which includes compulsion, but also includes other factors, which also inhibit exit (Warren, 2001, pp. 98-103).

'political' e.g. the state, or trade union membership. Fourthly exit can be constrained by a moral obligation to remain in an association (Waltzer, 1998, pp. 64-74). As Warren appreciates, Walzer's factors of involuntary association are too extensive, making voluntary association almost impossibility. Especially if we consider moral obligation as a restriction of voluntary association, because as Warren argues this is precisely the normative commitment required by associative relations to be voluntary (Warren, 2001, p. 100). Furthermore, as discussed in chapter one, cultural traditions can be a resource to making an autonomous and voluntary choice, and it is impossible to be 'free' from cultural norms entirely.

Hirst conceives 'voluntaryness' of association as a principle of social provision opposed to state collectivism (Hirst, 1994, p. 4). For Hirst associations are voluntary in the sense that the members get to choose which association would perform a function for them (Hirst, 1994, p. 24). As was discussed in chapter one on autonomy, for a choice to be genuinely voluntary it must be free in the positive and negative sense which requires there to be is an acceptable range of options in this case associations, knowledge of these associations, the choice must not be coerced and the preferences this choice are based upon should not be the result of manipulation and seduction. An association can therefore be more or less voluntary depending to what extent it meets these criteria.

Secondary associations by their very nature are diverse, not only embracing but also providing the opportunities for plural society due to the 'dense social infrastructure' that they form. Consequently they offer a wide range of options for citizens to choose from. Moreover, in an associational democracy, associations would become the central location for political participation and service provision, and the likelihood is that more associations would be mobilised increasing the acceptability of these range of options.

There may well not be sufficient knowledge of the array of associations amongst citizens. However, in an associational democracy, it is likely that citizens will make more of an effort to equate themselves with the available relevant associations, and that associations will make more of an effort to ensure citizens are aware of their existence and aims. This could be facilitated by the state, which could provide a

charter of all associations that meet the required standards, for example an expansion of the present National Centre for Voluntary Organisations.

However, voluntary membership is also dependent upon the individual and their capacities and inclinations with regard to changing membership and social contexts (Rosenblum, 1998, p. 350). It is difficult to ensure that the preferences that citizens base their choice of associations upon are autonomous, however, over time, through participating in array of associations it could be the case that citizens develop more autonomous preferences over this, especially if the associations are internally democratic and they have an opportunity to discuss their preferences with other members and more so if democratic communication between associations is fostered.⁴ However, as Rosenblum appreciates not only are the type of associations diverse but also the motivations for joining them and the bases of perceived membership (Rosenblum, 1998, p. 5). Rosenblum further suggests that such dispositions are affected by 'ghettoization' and 'chronic unemployment', which results in people lacking the necessary resources to form their own associations and the opportunities to be recruited into present ones; 'individuals do not simply "join" associations; they are recruited' (Rosenblum, 1998, p. 189).

Once joined their 'voluntary' status depends upon ease of exit, which is largely dependent on the costs of exit. For example trade unions and housing associations have high exit costs because there is an economic dependency on the membership. In contrast a leisure association e.g. a chess club will generally be easier to exit, as no economic relationship of dependency exists. Exit will be affected in all cases by choice. For example, if a teacher is dissatisfied with her trade union e.g. National Union of Teachers (NUT), then she could opt for the Union of Women Teachers or the Association of Teachers and Lecturers. The greater the differences between these trade unions, the greater the choice, which in turn will ease exit. However, individuals may well be placed under excessive peer pressure to join or remain in a particular union by colleagues (especially during an industrial dispute), making exit harder. Therefore, it is not just the nature and structure of the association itself or the range of associations that determines the extent of an association's

⁴ These two issues will be discussed in more detail in chapters four and five respectively.

voluntaryness, but the government itself, especially in terms of exit. As Rosenblum suggests: 'The grip associations have on their members is exacerbated by weak and ineffective public institutions.' Consequently, public institutions must ensure that the 'background conditions that make exit possible' are in place as well as providing the necessary conditions to facilitate 'the ceaseless formation of new associations.' Consequently she suggests that groups like the Amish must be forced to pay minimum wage to ensure that 'economic dependency does not make leaving inconceivable (Rosenblum, 1998, p. 60). It is apparent then that the extent to which an association is voluntary is therefore affected by a diversity of factors.

In this chapter, while reviewing the democratic functions that associations can perform, I will also be commenting upon how these variables affect their performance, specifically concerning the potential to institutionalise deliberative democracy and cultivate autonomy.

3.3 Venues for Subsidiarity

'When self- rule might be better achieved in non-state venues, associations may provide the means for devolving collective decisions and actions or for co-ordinating among people in different sectors, regions or issue areas' (Warren, 2001, p. 69).

Associations offer the potential for greater levels of inclusiveness in collective decision-making, due to offering more small-scale scope for participation than do the alternatives of the state or markets structures (Warren, 2001, p. 196). This is because associations provide a convenient location for citizens to participate, as they operate at 'accessible decentralised levels...' in 'which citizens can participate more fully and with greater knowledge of the affairs being discussed' (Martell, 1992, p. 166). Iris Marion Young understands that to enable democratic participation, institutions must be more localised than they are now, therefore she advocates decentralisation to regional assemblies (Young, 1990, pp. 252-253). Gastill also acknowledges that a more radical version to his 'Fourth Branch of Government' would involve decentralisation, again on a regional level (Gastill, 1993, p. 260).

There is nothing inherently democratic about devolution as it can mean the restriction/ elimination of legitimate participants from participation in the decisions (Warren, 2001, p. 196). Environmental policy is an excellent example of this. For example, should

Northern European countries who suffer from acid rain generated by pollution from British industry have the opportunity to participate in decisions that might restrict such pollution in the U.K? This example also shows that unless all decisions are made at an international level, devolution is inevitable. Devolution alters the nature of participation, which inevitably changes the nature of political conflict as Schattsneider explains:

'The first proposition is that the outcome of all conflict is determined by the scope of its contagion. The number of people involved in any conflict determined what happens; every change in the number of participants, every increase or reduction in the number of participants, affects the result' (Schattsneider, 1975, p. 2).

He cites free enterprise, localism, privacy and economy in government as methods used to privatise conflict and restrict its scope. In contrast universal ideas of culture, equality, consistency, equal protection of law, justice, liberty, freedom of movement, freedom of speech, freedom of association and civil rights are cited as justifications to socialise conflict. Decentralisation is only democratic then to the extent that it 'socialises conflict.' Devolution only increases democratic legitimacy if it links collective actions to collective justifications and includes all those affected, regardless of whether the state bypassed by the connection (Warren, 2001, pp. 201-202).

Associations enable functional as well as regional devolution, but Bobbio claims that 'it is debatable whether the functional representation of interests... is more democratic than territorial representation as carried out by those bodies for the aggregation of general interests which are the parties of today' (Bobbio, 1987, p. 8). In previous chapters it has already been discussed in great detail why the general interest cannot be established through the aggregation of interests without prior democratic debate, but the democratic credentials of territorial and functional representation must be discussed. Now an associational model of democracy need not and I think should not entirely replace territorial representation, but instead supplement it with functional representation and functional devolution. Nevertheless, Bobbio is sceptical of the democratic credentials of functional representation when dealing with non-technical spheres, like the interests of the citizenry as a whole. In Bobbio's analysis therefore, sectional representation must be restricted to decisions within a 'clearly circumscribed and technical sphere' like a faculty committee, factory committee, or in this case a civic association. In such situations only organic representation is desirable (Bobbio, 1987, p. 9).

G.D.H. Cole advocated functional over regional devolution as he appreciated that communities are all encompassing in their purposes, whereas associations are varied and divided, which means 'power, decision-making and governance' can be devolved and pluralised (Warren, 2001, p. 43). The strength of participation through associations, rather than community is that it is a differentiated model. The great advantage of such an approach is outlined by Jean Cohen and Andrew Arato, who claim it 'shifts the core problematic of democratic theory away from descriptive and/or speculative models to the issue of the relation and channels of influence between civil and political society and between both and the state, on the one side, and to the institutional makeup and internal articulation of civil society itself on the other' (Cohen and Arato, 1992, p. 19). As Hirst claims, associations are 'communities of choice' and not 'communities of fate' (Hirst, 1994, pp. 49-56). In her analysis of Warren, Margaret Kohn, in 'Panacea or Privilege' (2002), provides a useful example of how the American Association of Retired People (AARP) can therefore effectively represent the elderly, as it excludes those with opposing interests in a way that communities cannot (Kohn, 2002, p. 231). Therefore, decentralisation to associations, and not communities, seems to suit our needs here because associations allow for citizens to be social and political without being dominated by an all encompassing shared way of life or community norm (Warren, 2001, p. 45). Associations are then necessary as venues for deliberatively democratic participation: 'A strong community is constituted in such a way that its practices and traditions are securely interconnected with its social functions, which are in turn closely related and integrated with its members identities', explains Warren (Warren, 2001, p. 46). Consequently communities are less capable of dealing with plurality of preferences through democratic debate, and force is invoked more often.

Because exit is much easier in associations, force cannot be used so easily and this means debate is often more likely to be used to resolve conflict than force. Furthermore, associations allow participants to put aside differences like 'religion, nationality, occupation, ethnicity, and so on' and agree on single purposes: 'In contrast, in any complex and pluralistic society the (encompassing) communitarian impulse to connect every issue and identity tends to stop collective action in its tracks' (Warren, 2001, p. 46). Young has admitted that each social group (especially subordinate ones) need the opportunity to form collective identities, preferences and interests prior to participation in decision-making processes. Due to the 'democratic ecology of associations', like

minded people can form an organisation around any shared theme e.g. occupation, hobby, identity, political interest, economic interest, ideology etc. Communities generally involve a variety of these themes. Regional assemblies do not offer this opportunity and I can only see associations fulfilling this role (Young, 1990, p. 184). Consequently, associations are synonymous with what Sam Fleischaker, in 'Insignificant Communities' (1998), calls particle community, whereas community is synonymous with his version of solid community, the former being the most compatible with liberalism.

Devolution aids us in our attempt to overcome the problem of size and complexity by restricting the number of legitimate participants. Following Hegel, Bohman argues that functional differentiation can aid a democracy to overcome some of the threats of complexity, as it does not require a 'central co-ordinating mechanism': 'A functionally differentiated society is 'polycentric'; that is, it has no single centre or apex from which to exercise control over all the differentiated sub-systems' (Bohman, 1996, p. 156). The institutional framework of modern liberal democracy, for example systems of power separation, heightens the tensions caused by complexity.

Associations also represent interests that are not territorially based, and so are very suitable for representing interests associated with identity. Associations can equalise representation as the commitment of its members is key, and this is more evenly distributed than money, which can be accumulated (Warren, 1997, p. 19). That is not to say that communities are entirely unsuitable as venues for decentralisation and generally all modern liberal democracies do decentralise to a certain degree on regional lines. I would in fact suggest that such decentralisation is essential and inevitable. All I am arguing is that, alone, this form of decentralisation is inadequate, especially if we want to move towards a deliberative democracy. To achieve this, decentralisation must take place on both a regional and functional level. It appears then that decentralisation is a necessary process to achieve the institutionalisation of deliberative democracy and the cultivation of autonomy, but it needs to be based upon a sound principle in order to provide guidance on what are the right circumstances for decentralisation e.g. decentralise to who, on what policy areas and how is it to be implemented. I think that principle is 'subsidiarity', which legislates for both regional and functional decentralisation and originated from Catholic thought. Warren, I think rightly,

distinguishes between democratic devolution and subsidiarity. The two concepts are without a doubt connected but still distinct (Warren, 2001, p. 196).

The Catholic dedication to subsidiarity was initially expressed in 1891 in Encyclica Rerum Novarum and detailed further in Encyclica Quadragesimo Anno of 1931, where it received its name and first thorough outline, making recommendations for territorial and functional devolution (Kohler, 1993, p. 617). Pope Pius XI, in 1931 in his Quadragesimo Anno: On Reconstructing the Social Order, asserted the Catholic principle of subsidiarity: 'it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organisations can do.' Pope John Paul II in 1991 in his Centesimus Annus, again advanced the Catholic argument for subsidiarity, arguing that decision-making must be located at the lowest level of society wherever possible, if the common good is to be advanced (Mylod, 1998, p. 1). He argues that the welfare state 'leads to a loss of human energies and an inordinate increase of public agencies which are dominated more by bureaucratic ways of thinking than by concern for serving their clients and which are accompanied by an enormous increase in spending' (Pope John Paul II in Bosnich, 1996, p. 1).

Progressing from its roots in Catholicism, the principle of subsidiarity has been associated with justifications for limited government, a point echoed by David Bosnich in 'The Principle of Subsidiarity' (1996), who asserts that subsidiarity; 'is the bulwark of limited government and personal freedom' (Bosnich, 1996, p. 1). Its application in practice would require 'respect for the mechanisms of the free market and opposition to state intervention' (Bosnich, 1996, p. 3). Robert Siricio suggests subsidiarity is always invoked to limit power (Siricio in Hochschild, p. 4).⁵ If this is the case, it might appear that subsidiarity is at odds with earlier connections made between deliberative

⁵ This is a (vastly over) simplistic view of power along the one-dimensional lines of the pluralists. It limits the discussion of power to the relation between state and economy, ignoring how power exists between relationships within the free market. Moreover 'insofar as the classical liberal appropriation of the principle implies an uncritical attitude towards the power of market forces...While on some level modern liberal institutions, and especially the market economy, both grow out of and contribute to human freedom, it is irresponsible to ignore the extent to which they have changed patterns of living and go unchecked by the resolve of responsible individuals, families, and communities, the modern market economy is not morally neutral; it tends to violate the principle of subsidiarity' (Hochschild, (undated, p. 16).

democracy and autonomy. However, Joshua Hochschild in 'The Principle of Subsidiarity and the Agrarian Ideal', rightly points out that the libertarian use of subsidiarity is misplaced: 'It is a weakness of the "libertarian" appropriation of the principle of subsidiarity that it tends to ignore the fact that the principle can be applied to all relations of associations, not just to cases where the state is one of the associations' (Hochschild, p. 5). In the sense that I am applying the principle, it does apply to the state, however the concept is more variable than that. The idea behind subsidiarity is that there are various levels of association, of which the state is one, but that there are functions that society wishes to pursue and there is an apt and relevant level of association for each function. Only if the function cannot be achieved at the lower level should it then be passed up to the higher level, and only due to this general principle do we get to the conclusion that the state should not fulfil certain functions. It is then not about limiting power per se, but finding the right level for that power to be exercised. Furthermore, Hochschild criticises libertarians for placing the onus of responsibility on the higher level of the association, or specifically the state, to avoid interference with the lower associations. However, there is a corresponding responsibility of lower associations not to relinquish their powers and functions (Hochschild, p. 5). It is then not about limiting power, but providing the relevant level of association with the appropriate powers and resources to exercise their rights and fulfil the necessary functions. Subsidiarity is then not achieved through the limitation of collective power as in the pursuit of the free market. In fact such a trend is at odds with it, as Thomas Kohler appreciates: 'The strong tendency of modern capitalism to overwhelm and eventually to dissolve the discrete, the local, the particular...the places where the habits of self-rule are practised and learned', in short the arenas where collective action can be fulfilled through democratic participation (Kohler in Hochschild, p. 9). Subsidiarity has become an important trend in Northern Ireland with the Single Programming Document for Northern Ireland (Oliver, 2003, p. 2).

Subsidiarity then does not necessarily protect against centralist intervention, but can at times legitimise it if it is seen to be the required level to fulfil a necessary function, however, it does place the onus of justification upon the centralists. Overall the principle's guiding idea is that 'decisions are taken as closely as possible to the citizen' (Follesdal, 1999, p. 3). This guiding idea is pursued in three main ways: either through limiting central intervention or relinquishing functions towards the centre, the

distribution of powers and the scope and method of their exercise to various levels of association, or to the removal of certain areas from collective decision-making (Follesdal; 1999; p11). Subsidiarity and its relationship to central authorities can then be proscriptive and negatively conceived denying the input of central authority, or prescriptive in the positive sense of recommending central unit input (Follesdal, 1998, p. 195).

It is the case that subsidiarity is based around the individual and that institutions should be based around the individual, hence if all individuals can perform a task themselves they should be left to do so. However, in turn this means that the state should perform the tasks that individuals or secondary associations cannot adequately perform (Kohler, 1993, p. 615). Following Komonchak, Thomas Kohler, in 'Lessons from the Social Charter' (1993), argues that the principle of subsidiarity is based around the idea of that there is plural individuals taking responsibility for their own actions. The conception of the individual here is one that is naturally social and acknowledges that the individual requires society to achieve its goals, and recognises that society plays a significant role in providing the conditions for the formation of the individual's preferences and identity. It therefore accepts individuals as situated beings.⁶ Society then provides the conditions for individuals to achieve self-responsibility, but this is best achieved through subsidiarity which stipulates the principles of how society's organisations are to ensure self-responsibility, by ensuring higher organisations do not usurp the functions that can be achieved by a lower level of organisation: 'Intervention... is only appropriate as helping people help themselves' (Kohler, 1993, pp. 615-619). If we replace the idea of self-responsibility with that of autonomy, because as established previously self-responsibility requires autonomy, then we can see the strong connection between ideas of autonomy and subsidiarity. If there is a function, the individuals could fulfil themselves or through participating in a more immediate association, a higher association is denying autonomy by taking away control. Subsidiarity therefore sets the conditions for individual autonomy, but also assumes the capability and the desirability of the individual to be autonomous, given the right conditions: 'Subsidiarity seeks to enhance the full development of human personality by promoting conditions in organisations of every sort that give individuals the greatest possible opportunity to

⁶ As should be the case following the discussion of communitarianism and autonomy in Chapter One.

reflect, choose, and act for themselves, and to take responsibility for the outcomes. The principle is in the best sense democratic. It exposes the actions and the rationale of individuals and institutions alike to the widest possible discussion and examination' (Kohler, 1993, p. 619).

The principle of subsidiarity is then in accord with both the concepts of autonomy and deliberative democracy outlined in previous chapters, as Kohler's analysis demonstrates:

'The continuous and active involvement of those directly affected in an ongoing discourse about the way their lives should be ordered is a key feature of subsidiarity, as is the policy of encouraging the shift of responsibility to the lowest grass-roots level possible' (Kohler, 1993, p. 622).

The key connection here is not just the acceptance of individuals as capable of rational choice and preference formation, and therefore capable of autonomy, but also that this rationality requires participation in democratic debate as advocated by deliberative democracy. It seems then that the principle of subsidiarity stipulates the criteria, for the institutionalisation for deliberative democracy, to achieve individual autonomy.

Subsidiarity then requires democracy, and even if democracy does not necessarily require subsidiarity the joining of the two can lead to a deepening of democracy, a point on which Follesdal concurs:

'The principle (of subsidiarity) seems to reflect the same normative ideals as democracy: Policies must be controlled by those affected, to ensure that institutions and laws reflect the interests of the individuals under conditions where all count as equals. Only when these considerations counsel joint action, is central authority warranted' (Follesdal, 1999, p. 2).

The level of collective action required depends upon the function that is to be fulfilled.

There are three arguments for holding that subsidiarity supports deliberative democracy: *Reduction of Size*: Smaller units, in this case associations are more suitable than larger units (communities/ nations) to both develop shared interests through deliberation and to secure their representation. This is particularly the case if 'geography, resources, culture or other features make for similar interests and policy choices among members of the sub-units' (Follesdal, 1999, p. 15). Secondary associations provide these shared features by their very nature. This will provide the basis for members of the associations to assess the performance of existing policies, identify new issues for the agenda and suggest solutions to these problems through deliberatively democratic discussion. It is my contention that the arguments that deliberative democracy is

counterfactual because it cannot be implemented on a large scale, do not prove the impracticality of deliberative democracy, but rather demonstrate the necessity for the units of decision-making to be reduced. Subsidiarity is the most coherent principle to achieve this and hence deliberative democracy is unlikely to be achieved without it.

Reduction of Domination: Subsidiarity reduces exterior domination over the preferences of the members of the association as it specifically prescribes the justifiable grounds for 'exterior' intervention. It therefore provides the 'institutional space' necessary for democratic preference formation based upon collective deliberation (Follesdal, 1999, p. 15). The argument in the thesis to date has been that autonomous preference formation is an intrinsic good, and that deliberatively democratic decision-making is essential to achieve this, particularly for preferences that are to be included in collective decision-making. Institutional space is essential if the preferences are not to be seduced, coerced or manipulated. Subsidiarity is an effective method to ensure this and therefore not only the institutionalisation of deliberative democracy, but enabling it to achieve its normative justification of autonomy cultivation.

Reduction of Agenda: 'A reduction of issues on the agenda and parties to agreements serve to reduce the risk of information overload, and foster joint gains' (Follesdal, 1992, p. 15). Participants are therefore better able to understand what the available choices are and what these entail on any specific issue, which in turn will make their preferences more autonomous and addresses some of the dangers of complexity. This argument is coherent with Schattsneider's (1975, p. 2) argument that the number of participants automatically changes the nature of the agenda. Information and knowledge of available options have been advocated as conditions for autonomy. Reduction of agenda can also help counter the social choice theory critique outlined in the first chapter, as it was suggested that agenda reduction of amalgamated issues can reduce preference domain. Subsidiarity therefore helps deliberative democracy achieve its normative justification.

There are some problems with the principle of subsidiarity. One of these dangers is that it allows associations greater control over resources, so if they function like factions this could lead to the destruction of the public interest. This is a particular problem in a deliberative democracy that aims at promoting the common good, and will be addressed in detail in Chapter Six.

A further problem is that not all associations will be equally suitable for decentralisation based upon subsidiarity. For example the principle of subsidiarity only outlines the idea that functions must be fulfilled at the lowest possible level of association. It does not mean this is the case whatever the type or nature of that association. Warren argues that associations will be more suitable for subsidiarity if their aims are not contested. This then is enhanced by a low cost of exit. If exit is easy members are more likely to leave if there is substantial dispute than to stay and contest. If associations e.g. Society of Chemical Industry, are vested in their media (in this case the economy), then it will have control over the resources required to fulfil the function. He also claims that politically orientated associations are poor arenas for subsidiarity because they aim to influence the state rather than aim for self-organisation e.g. Greenpeace. However, I would dispute this as politically orientated associations often address the state in order for more power to be devolved so that they can self-organise e.g. Environment Council; in short they do seek to perform collective actions. Nevertheless, Warren is right to point out that associations that do not aim to perform collective functions will be unsuitable for subsidiarity (Warren, 2001, pp. 191-193). The types of association that fit the criteria required for subsidiarity, are those that aim to preserve/ foster cultural traditions e.g. The Drum, which aims to promote African and Caribbean arts and culture; civic and environmental associations e.g. Friends of the Earth and Living Streets; recreational associations e.g. DANCE and British Climbing Association (BMC); educational associations e.g. Education Extra, Basic Skills Agency and Community Education Development Centre; co-operatives e.g. Co-operative Union, Plunkett Foundation and Mondragon; self-help economic associations e.g. New Roots, Lionheart and CLOUDS; professional associations e.g. British Medical Association (BMA), AMICUS and Association of Accounting Technicians (AAT); unions e.g. Fire Brigade Union (FBU), NUT and ATL, business lobbies e.g. Central Business Institute, Blue Shield and Business Roundtable and ethnic, religious and lifestyle associations e.g. Ming-Ai, Association of Vineyard Churches and HOPE.

Finally, although subsidiarity offers us a basis for judging what powers should be decentralised to what levels of organisation, it is not always apparent if the lower associations are able to fulfil certain tasks and direct powers effectively or if it is necessary for such functions to be abdicated to higher associations. Such questions will be contested subjects and probably be the subject of deliberatively democratic decision-

making themselves. The debate so far should have demonstrated how the location of decision-making affects available choices and opportunities for participation and hence autonomy so such issues are vital and complex.

3.4 Provision of Information and Group Representation

'Associations are often pivotal as "members" of public dialogs in multiplying the voice of individuals, distilling messages, reacting and putting together responses to new developments, and proposing policies... associations are central to this dynamic, especially if they lack resources of power and money: silence serves the wealthy and powerful well, and public argument is a primary means through which poorer and weaker members of society can have influence' (Warren, 1998, p. 150).

The second justification is that secondary associations also fulfil the function of forming, collecting, organising and representing information to other citizens and to the state: 'By sharpening policy instruments and enabling them to be applied with greater precision, groups promote the capacity of the people to achieve their aims' (Cohen and Rogers, 1995, p. 65). These are essential to democracy, as already argued, more and better quality information can lead to greater autonomy. With this information it will be much easier to see what the problems and concerns of the people are, and also with the information and ideas generated through democratic debate the solutions will be more effective in solving these problems and meeting the concerns of the people. Moreover, if preferences are socially constructed, it is important that people are open to a wide range of opinions and information and they hear the experiences of others. Without this, peoples' preferences will merely represent dominant views, and not what they may come to think if they had heard all the relevant information (Phillips, 1995, p. 45).

Associations bring new ideas, discourses, issues and values to the public sphere (See chapter five for a full discussion of the public sphere) (Cohen and Arato, 1992, p. 20). This information can be based upon members' needs and concerns, but also on their preferences on existing laws and proposed legislation. Due to their close involvement with the members, associations can provide information that would otherwise be unavailable to the distant state (Cohen and Rogers, 1995, p. 43). Such information helps associations hold government officials and institutions accountable. The information will be a more accurate indication of the autonomous collective preferences of the members, if they have collectively deliberated upon the issue in question. Legislation based upon this information is potentially more rational, providing the information is

accurate and inclusive. The more relevant information gained, the more rational the decisions will be, which is why all associations must be included. As argued above, associations provide a location where deliberative democracy is potentially possible. Associations are particularly useful at forming and organising information due to the fact that they specialise in certain areas that is of particular relevance to their members. Furthermore, associations allow for a division of labour in the collection and organisation of information, achieving economies of scale that enable citizens to acquire levels of information that they would be unable to obtain by themselves (Warren, 2001, pp. 71-72; Cohen and Rogers, 1995, pp. 42-43; Hirst, 1994, pp. 34-40).

Associations that are externally orientated will have a greater chance of affecting policy, by influencing public debate e.g. Countryside Alliance and Stop the War. Such groups will be able to 'give voice to social problems, make broad demands, articulate public interests, and thus attempt to influence the political process more from normative points of view than from the standpoint of particular interests' (Habermas, 1996a, p. 355). Associations provide an arena for the discussion of interests and can communicate these interests both within the public sphere and from the public sphere to the state. Providing associations are both run by and close to individual participants they can be a particularly sensitive mechanism to new problems, solutions and ideas from citizens. According to Habermas, they communicate these through language, where the state and market often communicate through power and money (Habermas, 1996a, p. 359). It is then because they are separate from the state and market that makes them well placed to communicate on such aspects such as needs on welfare and communicate on the impact of social policies and other policies in general e.g. Race on the Agenda in London, Design Options for a Versatile Environment (DOVE) in Hampshire and Age Concern. Following Habermas' analysis we can see that an association's internal structure will affect the information that is to be represented as well. The more democratic the association, the more likely the information will represent the 'true' preferences of the association's members. If the association's decision-making structure is based upon deliberatively democratic practices, then the greater the possibility the group will discover its 'true' autonomous preferences and the less likely the information will be distorted, as it will not be based on private experiences and preferences (Offe, 1995, p. 118). Associations are then ideally located for the gathering of information, however,

once gathered the information must be represented externally, but there are dangers of equality here.

American pluralist theorists have seen associations as the primary resource for citizens to represent their interests to the state. Citizens without adequate resources for political mobilisation can combine their resources and so increase their potential political influence. Furthermore, they represent interests that are not territorially based which would go un(der)-represented through party politics and therefore can overcome the restrictions and limitations of territorial representation (Warren, 2001, p. 83).

In a democracy it is unfair for dominant groups to monopolise representation, as this is not consistent with the cultivation of autonomy for all. One of the reasons for certain groups being under-represented is due to greater obstacles faced by them in trying to occupy political positions compared to those who come from the dominant groups. If this were not the case, we would expect there to be a more or less equal number of women in parliament as men, and there to be more Asians and Blacks in parliament. In reality we see, in the House Of Commons for example, a disproportionate number of white upper middle class men, many of whom derive from Oxbridge, to other groups in society. It appears then that disadvantaged groups are being denied the same opportunities open to other groups in society. Consequently, these groups have looked towards associations to provide representation as Rosenblum explains:

‘Historically, it has been the resource of groups without the vote; before they achieved suffrage, women successfully fought for legislative protection for children and other social policies through their associations. It is the critical resource for those who lack influence based on economic resources, cultural hegemony, prestige, and so on’ (Rosenblum, 1998, p. 208).

Such an argument is dependent upon social groups having distinct interests, which I think it is possible to establish. For example, Anne Phillips suggests, in The Politics of Presence (1995), that women ‘occupy a distinct position in society’ (Phillips, 1995, p. 64). They fill a large percentage of lower paid jobs and fulfil the main roles of unpaid carers in society, and generally are excluded from both the political and economic power centre. This is not true of all women, but the fact that all women do not have children does not prevent issues like child bearing and abortion not being of equal importance to men and women. Obviously some interests that women have will overlap with those of men. For example both lowly paid men and women will want higher pay,

but it is women who receive lower pay as a social group; in general, women are more dependent on public transport, but many men are also reliant on it, and/or believe in its importance and will therefore share an interest in its improvement (Phillips, 1995, pp. 68-70).

Afro-Caribbeans, although they may not have unified interests, do have distinct interests to whites. Their history of slavery, and higher risks of discrimination and police brutality, unemployment and poverty, coupled with geographical separation, makes these interests more pertinent than to whites. Disabled people are separated by characteristics such as class, age, gender and race but have distinct interests to able-bodied people on issues such as disabled benefits, work opportunities, access facilities to buildings and public facilities and issues of care. These and many other social groups require more representation, because of interests that derive from being a member of that group. It is not to say that they have the same interests as each other, but will often share some interests that differentiate them from other social groups. Without more authentic representation they will not have these interests expressed significantly enough in the present decision-making assemblies.

Young however goes too far, believing that only social groups should receive rights of special representation, but not other groups or associations e.g. interest groups and ideological groups. In her analysis social groups differ from others in the sense that they do not just share some interest, but have 'affinity' with each other due to shared 'practices or way of life', and can be 'differentiated' from other groups (Young, 1990, p. 186). Young accepts that a democracy should not formally exclude any interests or opinions, but just argues that we should not guarantee the specific representation of them. Apparently then, only subordinate groups need specific representation. However, what about opinions and interests that are constantly excluded from decision-making processes, but not associated with or represented by social groups? For example, cannabis users, those against war on Iraq or aspects of globalisation and those living near to nuclear power plants, to mention just a few examples. Surely these opinions (if democratically formed) must be included for decision-making processes to be truly democratic. Furthermore, Young argues that dominant groups do not need specific representation as they are already represented, but if decisions are going to be made by deliberatively democratic methods then it is the inclusion of all views and

identities in the deliberative forums that is essential to ensure that all participants hear the full range of views and supporting reasons. As argued previously, the more relevant information people hear, the more rational and autonomous their resulting preferences will be. Because there is no way of judging whether the information is relevant to a person until they hear it, all views must be included in the deliberative forum to enhance autonomy, even those of dominant groups.

Young believes that social groups should formulate shared interests, opinions and preferences through collective debate. In such a debate, a diverse range of people from a social group can air their opinions and interests, to see their similarities, to try and reconcile their differences and draw something from their experiences as members of that social group. The representatives will then have discussions on which to base their campaigns, information and ideas, and thus can be held accountable to the collective if they ignore or deviate too greatly from the shared opinions and preferences that were produced by collective deliberation:

‘Group representation avoids most of the pitfalls in appealing to shared experiences as an automatic guarantee. It makes no claims to essential unities or characteristics; it recognises the potential diversity and disagreement within any social group, and it provides some basis for the accountability of representatives to those they might claim to represent’ (Young, 1990, p. 54).

Here we see how important debate is in the formation of group identities, preferences and in the realisation of group needs and why venues such as voluntary associations are necessary for members of a social group to be able to assemble and debate.

In general, secondary associations provide an opportunity for detailed representation of a diversity of groups, including minorities. This greater representation of subordinate groups could lead to policies more sensitive to equality and therefore create an upward spiral for equality, which would improve democracy’s potential to create equal autonomy for all. The plurality and flexibility of associations means that collections of people from these social groups can form autonomous associations in order to form and represent their interests and preferences. Therefore associations can give voice to groups excluded by present institutional mechanisms and their media of power and money. Associations offer the opportunity for groups to make their concerns, claims and grievances public, and to participate in the wider public sphere, with the idea that they can justify their arguments to other groups within the public sphere and convince them

of their validity: 'A truly democratic society fosters and protects such associative bonds as a requirement for a vibrant public sphere capable of correcting its own inadequacies' (Bohman, 1996, p. 138).

This is because they enable those with similar beliefs, preferences and needs to combine their voice and therefore increase the chance that they will be heard: 'Associations empower citizens by enabling the collective actions necessary to resist, cause mischief, organise votes, initiate lawsuits, withdraw support or resources and engage in other tactics that increase the force of the message within strategic contexts of power' (Warren, 2001, p. 69). Again we see why associations are suitable arrangements for sub-ordinate groups to voice their concerns and needs. However, associations also enable dominant groups to voice their concerns and can increase their power in strategic contexts. Associations can represent difference and can bring new issues to the agenda that would otherwise be ignored, but associations representing dominant groups can also prevent this from happening. In sum, associations bring in new speakers to public debate and change the parameters of debate. This means that decisions become more democratic as they include the preferences of all citizens and not just those from dominant groups. The autonomy of all those from subordinate groups then is enhanced as they have opportunities to affect collective decisions.

Secondary associations, once formed, do contribute to political equality by enabling sub-ordinate groups, excluded by territorial forms of representation, routes and means to have their voice heard. However, there are key problems of inequality that need to be overcome in the formation of associations in the first place. For example, Michael Walzer, in 'Multiculturalism and Individualism' (1994), argues that currently associations in the USA are too weak to achieve this equality, resulting in 'disorganised, powerless and demoralised men and women', who are spoken for, but do not have a chance to make their own claims (Walzer, 1994, p. 187). The associational network is similarly weak in Britain. The opportunities to form associations and gain political mobilisation are not evenly spread, some citizens' interests by their nature are greatly dispersed, for example, firefighters' interests in higher wages and restricting the government's proposal of 'modernisation'. Some interests are difficult to organise because they are high in number e.g. public sector workers, making political organisation more difficult and increasing the cost of organisation. Once some groups

have gained an advantage of political mobilisation, they then reap the benefits from the state, and therefore the inequality of the situation may increase. This is particularly the case in areas of policy which deal with distribution of targeted benefits and dispersed costs i.e. social policy. There are also regional inequalities, which are not accommodated through functional equality (Cohen and Rogers, 1995, p. 41; Achterberg, 1996, p. 169-70). It has been suggested that the North South divide in Britain provides such an example. Equality of representation will never be entirely achieved though, even if socio-economic inequalities were eliminated (a utopia in itself), there are still the inequalities in potential for organisation. Some interests (e.g. consumers), are harder to co-ordinate than others. Some political perspectives, e.g. anarchists, may not want to organise in associations at all. However, the associational system seems much more equal and inclusive than any other democratic system.

Warren asserts that associations that are vested in their respective media, are less suitable for representing differences, because they have something to lose if that 'difference' becomes an issue, as such groups generally benefit from the status quo, keeping new issues off the agenda e.g. CBI and BMA. Consequently, groups that are not vested are essential for democratic deliberation, to represent difference, to bring new issues to the agenda: 'Without them (associations representing difference), deliberation will be limited to the agendas of those who already have a seat at the table, and whatever consensus emerges will be exclusive' (Warren, 2001, p. 171). What Warren is arguing then is that vested associations will not be good at representing differences, as this involves providing opposition which involves the association sacrificing some of its established interests and relationships to other associations or the state. Moreover, if they are attaining benefits for their members they do not want this to be highlighted and become a public issue. In fact they usually operate to keep such issues off the public agenda. As Schattsneider (1975, p. 2) argues, increasing participants on an issue changes the whole dynamics and the available political options for the issue. Consequently such associations highlight commonalities rather than differences, which has some positive and negative dimensions for deliberation. Positive in the sense it will help groups move towards consensus upon a common good, but negative in the sense that it excludes certain groups from this deliberation (Warren, 2001, p. 173). Those associations that will be suitable for representing differences include welfare and health advocacy associations, e.g. Action on Disability and Development, Age Concern and

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others, and rationally forming and expressing ones own preferences in light of available information, in a manner that will be persuasive to others.

Civic capacities are essential to the equal autonomy of all, as they increase the chances of citizens to empathise with the concerns of others and consider their argument with an open mind. It is obviously necessary for autonomy, for others to be able and inclined to appreciate ones' situation and needs if there is any hope of ones' claims being accepted or having influence. Deliberative skills are necessary to participate in collective debate effectively, and deliberative democracy will enhance the autonomy of its participants only if all have sufficient deliberative skills. It is then important to democracy that these skills be distributed widely and fairly equally. In the previous chapter, I defended deliberative democracy against the claim that these capacities are necessarily culturally specific to dominant groups. However, the claim that all social groups do not have the equal opportunity to develop these capacities still stands. It has been argued by a succession of democratic theorists that secondary associations can act as schools of democracy to cultivate these skills. Evans and Boyte in Free Spaces (1992), provide a famous example and argue that associations can provide the necessary 'free spaces' whereby 'people are able to learn a new self respect, a deeper and more assertive group identity, public skills and values of co-operation and civic virtue...These are in the main, voluntary forms of associations' (Evans and Boyte, 1992, pp. 17-18; See also Walzer, 1994, p. 189; Galston, 2000a; Putnam, 1993, pp. 89-90; Blakely, 2000, p. 18; the latter two both provide empirical evidence to support this argument).

Participating in associations then can provide people with a sense of responsibility and provide them with a sense of 'enlightened self-interest' as they become aware of their mutual dependency with members of other associations and appreciate the relevance of their interests, needs and preferences. If co-operation and mutuality are increased through participation, then Wouter Achterberg, in 'Sustainability and Associative Democracy' (1996), argues that common goods such as environmental sustainability could be achieved (Achterberg, 1996, p. 172-173). This phenomenon is likely to be enhanced if the relationships between associations and their members are based upon deliberatively democratic communication. This is because collective deliberation

encourages people to offer public justifications for their preferences, and to listen to the opinions of others. Moreover, if Putnam is right then participation in associations may also provide the sense of citizenship that Festenstein (2002) has suggested is necessary to ground deliberative obligations.

It was de Tocqueville who most famously outlined the educative function of associations: 'Feelings are recruited, the heart is enlarged, and the human mind is developed only by the reciprocal influence of men on one another', and under democratic conditions this influence can 'only be accomplished by associations' (de Tocqueville, 1945, vol.2, p. 117). It is thought then that associations can foster the civic consciousness and trust that allow for collective action, an argument that has been accepted and developed by many democratic theorists (Barber, 1984; Habermas, 1996a; Mansbridge, 1995; Warren, 2001, p. 73; Putnam, 1993). These civic virtues, de Tocqueville argued, would allow for more democratic and horizontal relations rather than the vertical and hierarchical relations dominant in Europe at the time (Warren, 2001, p. 29). Putnam has argued that once these capacities of trust and civic virtue have developed then citizens can co-operate to solve collective problems, which in turn helps develop trust and civic virtue even further so a 'virtuous cycle' is developed (Putnam, 1993). De Tocqueville claimed that associations can develop these capacities because people are encouraged to form bonds with people away from the primary associations of family and friends, which in turn enables people to become aware of the consequences of their actions on others and therefore their interdependency. Compared with market and state relationships which are based on inequality, hierarchy and compulsion; associational relationships are more voluntary and equal. Consequently the relationships are based upon consent, which deepens the civic capacities (Warren, 2001, p. 42).

Mancur Olsen, in 'Social Participation and Voting Turnout' (1972), provides three reasons why participation in associations can produce civic virtue:

- 1) Individuals' interests are broadened and become more public in orientation.
- 2) The contact between individuals is increased drawing them into political participation.
- 3) Information is increased, and the skills necessary to effectively use this information are developed (Olsen, 1972, p. 318).

Moreover he claims this is the case no matter what the nature of the association. (Olsen, 1972, p. 319) Van Deth (1997, p. 14) cites an extensive list of empirical evidence that seems to indicate that this is the case.

The argument is also supported by the empirical work of Verba and Nie in 'Participation in America' (1972), that suggests that participation in associations begets political participation i.e. the more people who participate in associations the more they will participate in general i.e. voting, as they develop the necessary skills required for decision-making (Verba and Nie, 1972, p. 186). More recently a study in Konrad Elsdon et al Voluntary Organisations (1995) provides further empirical evidence that supports this. In contrast Van Deth cites recent evidence by Leighly from 1992 that provides empirical evidence that challenges these claims and even suggests the relationship is reversed (Van Deth, 1997, p. 13). Van Deth attributes this to the fact that participating in associations takes time, which reduces time available for other types of participation. However he accepts that Hirschman's study is probably more accurate in that the relationship is between a discontinuity between subjective experience and expectations of how much time participation will involve (Van Deth, 1997, p. 10). As well as empiricists like Leighly, there are theorists who suggest why we should be sceptical about the positive connection between associational participation and civic virtue.

In reviewing the extent to which associations can develop civic virtues, it is important to note Theda Skocpol's argument in 'Associations Without Members' (1999), that to date associations actually mirror socio-economic inequalities in the sense that the greater the socio-economic level, the greater the level of associational participation and this therefore will reduce the potential of associations for instilling civic virtues throughout the citizenry (Skocpol, 1999). Gutmann is also sceptical of the potential of associations offer for the development of civic virtues in their members (Gutmann, 1998).

A central part of Dahl's 'strong principle of equality' is that all participants in a democracy have the necessary qualities to participate or at least that all have sufficient skills so that no members 'are so definitely better qualified than the others that they should be entrusted with making the...decisions' (Dahl in Gastill, 1993, p. 22). However, the skills required for participating in a deliberative democratic decision-

making process are perhaps more demanding than just voting. It has been suggested that it is the democratic skill of reasoning that democracy, and in this case deliberative democracy requires. It has also been suggested that it is active and equal participation in the institutions of civil society create the conditions that make democracy possible, where the skills of articulation and listening are learnt (Warren, 2001, p. 61). Although Gastill accepts that through participation, people will learn both deliberative skills and democratic values, he argues that prior to this learning he warns that the decision-making process can be subverted. Consequently he suggests that new members should operate as advisers or observers, and become full participants once the skills have been learnt (Gastill, 1993, pp. 9-10). This seems to ignore the fact that the learning of deliberation is mostly in the doing, not the watching, and moreover offers no solution to the problem of what should be done when an association is first set-up or first incorporates deliberatively democratic decision-making processes, and the participants all need to develop these skills. Once again though, because current participation in associations mirrors socio-economic inequalities the potential for an 'associational democracy', to reduce the inequality in deliberative skills is offset. It seems as though we are caught up in a vicious cycle of inequality. This problem will be addressed in more detail in Chapter Five.

The main focus of Jean Cohen's critique of Putnam in 'Trust, Voluntary Association and Workable Democracy' (1999) is that he fails to explain adequately how trust and civic virtue generated within an association can become generalised across society between associations: 'How does intergroup trust become trust of strangers outside the group? Why does the willingness to act together for mutual benefit in a small group such as a choral society translate into willingness to act for the common good or to become politically engaged at all?' She is further sceptical that 'the interpersonal trust generated in face-to-face interactions (is) the same thing as "generalised trust"' (Cohen, 1999, pp. 219-220). Interpersonal trust is by its very nature specific to its context and reciprication is directly experienced: 'Interpersonal trust generated in face-to-face relationships is not an instance of a more general impersonal phenomenon. Nor can it simply be transferred to others or to other contexts' (Cohen, 1999, p. 221). Rosenblum, agrees that all associations will contribute to internal co-operation amongst the members, but that this will not extend to civic virtue between associations, as they are

by their nature exclusionary and competitive. Consequently associations at best provide the location for 'shifting involvements' of individuals (Rosenblum, 1998).

However, I think Joshua Cohen and Rogers' more minimal claims are accurate when they argue associations can promote a 'civic consciousness', which they define as a recognition and commitment to democratic procedures and norms as the basis for social co-operation and trust in the commitment of others to do the same and therefore ground deliberative obligations (Cohen and Rogers, 1995, pp. 43-44; See also Warren, 2001, p. 7; Rosenblum, 1998, p. 59). It possible that this commitment to democracy and trust in others could be the platform for the development of other civic virtues at least in some cases, for example where associations aim to achieve common tasks they bulil on trust and make common tasks possible. However, other types of association will break down trust (Warren, 2001, pp74-75; see also Putnam, 1993, chapter 6; Bell 1998).

I agree that, despite Olsen's claim, not all associations will be able to contribute in the same way to this development. Warren argues that deliberative skills will be enhanced by any association that deals with collective action, and not just specifically politically orientated associations (Warren, 2001, p. 72) and Rosenblum concurs (1998, p. 206). Associations involved in conflicts are generally more likely to enhance deliberative skills, whether this conflict be internal or external, due to the increased opportunity for such skills to be used. Those associations that are politically orientated will also present more opportunities for participants to develop these aspects e.g. Abortion Law Reform association and Electoral Reform association; welfare and health rights advocacy groups e.g. The Care Forum, Association of Young People with ME and Action on Disability and Development; ethnic, racial and religious advocacy groups e.g. Latin American's Women Rights Service, Bristol Muslim Cultural Society and Ming-Ai; environmental advocacy organisations e.g. Forest Re-cycling Project and Friends of the Earth; civic and human rights advocacy associations e.g. New Politics and Birmingham Race Action Partnership and new social movements e.g. American Feminist Movement (Warren, 2001, p143). The fewer opportunities for easy and low cost exit from the association the greater the chance of developing political skills as this encourages them to internalise political conflict, which again will provide opportunities to develop their members' political skills like neighbourhood associations e.g. 1066 Housing Association in Hastings & St.Leonards. However, groups with high opportunities for

exit can still develop members political skills providing they aim for public material goods and inclusive social goods as they can only be achieved through co-operation e.g. welfare rights like the Black Elderly Group in Southwark, health advocacy groups like Agewell in Sheffield and Age Concern, religious, ethnic or racial advocacy groups e.g. Bangladesh Women's Association in Haringey, Jewish Deaf Association, new social movements and environmental advocacy groups. Such groups will also be those most likely to enhance civic virtues by demonstrating the need for co-operation and mutual dependency. Such factors are strengthened if the association is embedded in social media, as this focuses the association on commonalities rather than conflict, which in turn is concentrated if opportunity for exit is high (Warren, 2001, p. 152).

Furthermore, Warren suggests that associations that internalise conflict and encourage members to deal with other organisations are more likely to enhance them. Those circumstances that specifically develop skills for democratic deliberation are more specific, and require opportunities for 'plus-sum' conflict resolution. Following Arendt, Warren argues that such associations will allow members to 'distance' themselves from their private identities and preferences allowing for judgement (Warren, 2001, p. 156). Associations that restrict opportunities for exit will internalise conflict, especially those that are also vested, forcing associations to pursue their goals while dealing with internal conflict e.g. civic and environmental associations, mutual aid associations like Brighton and Hove Community and Voluntary Sector Forum Furness Carers, human rights advocacy associations e.g. Latin American Women's Rights. Exit is less likely in vested associations even if the costs of exit are low like in the National Rifle Association (NRA) (Warren, 2001, p. 159). However, some non-vested associations like those involved with new social movements e.g. CND, due to the fact that they are conscious-raising, in the sense that they require deliberation to help form a collective identity and analyse existing identities. Other non-vested associations are encouraged to provide reasons amongst themselves and to others to justify their claims by the situation they find themselves in as they do not however money and power to use e.g. welfare rights associations and environmental advocacy associations (Warren, 2001, p. 162).

3.6 Locations of Governance

In light of the failures of the modern welfare-capitalist nation state, outlined above, new locations for governance have been sought and new venues for the distribution of services i.e. welfare and environmental maintenance have been tried. This section argues that if sufficient power is devolved, associations can remedy these failures and defects and provide an alternative location for governance that is distinct from the state and the market. This role is different from the role of representation and providing information, as it requires associations implementing legislation and fulfilling 'quasi-public functions' in support or in place of the state (Cohen and Rogers, 1995, p. 44). It is strongly connected however, to the idea of subsidiarity as it is suggesting that the most suitable level of organisation for the distribution of services and for locations of governance is secondary associations and therefore combats complexity in a similar way. It is still different though to the argument that subsidiarity is essential to the institutionalisation of deliberative democracy. It should be apparent from the discussion of subsidiarity above that we cannot generalise about what function/ decisions should be made at what level, but need to look at specific cases. Consequently for the purpose of this chapter, I will focus upon social policy as a suitable example for both a policy area on which associations could govern and a service, which they could distribute.⁹ It is obviously essential that in order to achieve this, associations would have to be devolved the necessary powers. It does then go hand in hand with the first function outlined in this chapter.

When bureaucrats determine welfare provision, it is unlikely that all needs, will be met. Young argues that the welfare capitalist state has led to the depoliticisation of many issues by restricting conflict to issues of distribution and consequently 'issues of the organisation of production, public and private decision-making structures, and the social meanings that confer status or reinforce disadvantage go unraised' (Young, 1990, p. 66). The agenda is then restricted non deliberatively, which as previously argued entails the restriction of autonomy of those unable to influence this agenda, which in general are subordinate groups. Citizens are not viewed as such, their participation is not valued or encouraged, but instead are perceived as consumers. Roger Hadley and Stephen Hatch in Social Welfare and the Future of the State (1981) claim a more suitable

⁹ Environmental policy will also be referred to, but in less detail.

method for distributing welfare are voluntary citizen associations, which would avoid the inefficient bureaucracy of the state welfare provision and allow for more decentralisation of power and citizen participation. These voluntary associations would take much of the responsibility for welfare provision, reducing the role of the state based upon the principle of subsidiarity. Altering the locus of governance in this manner is conducive to the principle of subsidiarity outlined above as subsidiarity conflicts with the centralisation and bureaucracy that characterises the present welfare state (Bosnich, 1996, p. 1). These associations would be more flexible and responsive to the needs of those who require welfare and if combined with a deliberative democratic model of decision-making, would meet the considered needs of recipients even better.

It is important to distinguish this argument from the aims of certain political parties to reduce service and welfare provision, and to redirect the focus for provision to the market, family and charity. Associations would still require public resources to establish the associations and to enable them to ensure adequate levels of welfare (Young, 1990, p. 85). However, this does demonstrate that the issue of who provides welfare has become increasingly central, but I am not advocating what Newt Gingrich calls 'replacing the welfare state with an opportunity society', which is essentially focusing the supply of welfare upon the market (Gingrich in Cohen, 1999, p. 229). In terms of social policy, associations in the USA and the U.K. have mainly been used as a substitute for social welfare spending (Salamon and Anheier, 1996, p. 2). The USA is said to have the largest associational culture both actually and relatively, but that this has actually meant that social welfare provision has been severely restricted (Salamon and Anheier, 1996, p. 98). The recent trends in the USA have gone against its tradition, started in the 1960s, where the government provided funding for associations to provide services.

On the UK, Salamon and Anheier note that 'it has been importantly shaped by the content of government social policy, which relegated this sector to a relatively limited role in much of the postwar period, but has since thrust it into unaccustomed prominence over the past decade' (Salamon and Anheier, 2000, p. 96). Since the reign of the 'New Right' and continuing with the 'Third Way', there has been an increasing market role for provision, which has been part of a growing trend in social policy provision to reduce the role of the state. It is in the areas of education, culture,

recreation and social services (especially housing) that dominate the British associational system, and are relatively poor in health care (Salamon and Anheier, 2000, p. 96). Consequently the Conservative Government introduced the 'Citizen's Charter' in 1991. The present Labour government has established the more promising mechanism of 'Primary Care Units' in the NHS. These have been devolved powers to distribute welfare in a manner that will enable increased citizen participation. It is my contention however, that these units are not sufficient to achieve these tasks and have generally resulted in increased citizen consultation, rather than participation. Citizens then are therefore used as a source of information, rather than being given the decision-making powers that are retained by elites, required to cultivate their autonomy. Although Primary Care Units are new locations of governance, that help reduce the gap between state and citizen, they presently do not ensure the cultivation of citizens' autonomy in the manner I have advocated is decisive. Part of this is due to their being invested in state media, which imposes bureaucracy upon the units.

Warren argues that there has been a recent 'explosion' of associations with devolved powers to fulfil government contracts in the USA, in an attempt to increase flexibility (Warren, 2001, p. 191 & 33; see also Mylod, 1998, p. 2). However, this does not mean such a trend has led to increased democratisation:

'In the last couple of decades in the United States subsidiarity has often been pursued in highly irresponsible ways from a democratic perspective: public functions have been 'privatised' simply to reduce government spending and employment, an action motivated by the simplistic creed that less government is always more efficient. Often the results are anti-democratic: opportunities for patronage-based corruption are increased while public accountability is reduced' (Warren, 2001, p. 194).

This demonstrates how the associations must be democratic themselves allowing for membership participation. It also highlights the fact that subsidiarity in the US, as in the UK, has been to private firms which are not conducive to democracy as they provide no opportunities for voice and citizen participation in their decision-making structure. Furthermore they are accountable to their shareholders/ owners, not the public, but also the necessity of regulation that comes with the principle of subsidiarity.

In contrast, in France, associations have aided considerably in the inclusion of the poor (Salamon and Anheier, 1996, p. 2). These associations have come to the fore in social service delivery as the government has sought to decentralise, which goes against the

French statist tradition and is a very recent, but rapid trend that is dominated by social services and educational associations (Salamon and Anheier, 1996, p. 82). Cecile Blatrix in 'Associational Engagement and Participatory Democracy in France' (2000), informs us that since the 1990s there has been a trend towards an associational network, fostering active citizenship and partnership. In general it has been due to mobilisation against specific policies e.g. nuclear programs and infrastructure plans (Blatrix, 2000, pp. 2-3). The Municipal Action Groups (Groupes d'Action Municipale, GAM) have tried to respond to housing, nursery and open space shortages that have been ignored by the state (Blatrix, 2000, p. 6). In Germany an associational system has been 'highly institutionalised and integrated into the fabric of the German social welfare system...reflecting a rich tradition of subsidiarity, self-governance and decentralisation.' Moreover, this sector continues to grow, especially in terms of health and social services encouraged by substantial public funding (Salamon and Anheier, 1996, pp. 85-89). All this has occurred because it is thought that such associations provide suitable venues for participation and can achieve 'assisted self-reliance' (Salamon and Anheier, 1996, p. 2). In Ireland the National Anti-Poverty Strategy has produced a Green Paper entitled Community and Voluntary Sector and its Relationship with the State (1997), which sought to elevate 'this area of social activity to a new level of importance in public discourse' and to create an active civil society (Powell and Guerin, 1997, p. 9). The intention of the paper has been to 'create a culture and society which respects the autonomy of the individual. In such a society, individuals are given the opportunity to realise their potential and to take potential for themselves and others. This means creating a climate which supports individuals and groups to make things happen rather than have things happen to them.' This involves ensuring that all are 'facilitated to participate in dialogue about problems, policy solutions and programme implementation' (Irish Department of Social Welfare in Powell and Guerin, 1997, p. 50).

Blakeley cites Pindado, who reports upon such associations in Barcelona, and agrees that they are more efficient and rapid in the response to citizens' need in comparison to the available statist bureaucratic structures and consequently concludes that 'if associations did not exist, the social cost would be extremely significant' (Pindado in Blakeley, 2000, p. 10). It does seem the case that it has become accepted that subsidiarity can bring collective actions and decisions closer to the citizens they effect

and therefore aid self-governance (Warren, 2001, p. 191). As Healey argues, 'if you are excluded it means your opinion is not sought and it doesn't count. In fact you are not expected to have an opinion, rather you are encouraged to trust the opinion of the shapers of society' (Healy in Powell and Guerin, 1997, p. 56).

Another area that has been specifically set out as an area where co-operation among associations will be more efficient and democratic to state run bureaucracy is in environmental policy. The directive of Local Agenda 21 that emerged from the Rio summit states that 'by 1996, most local authorities in each country should have undertaken a consultative process with their population and achieved a consensus on a 'Local Agenda 21' in their community' (Agenda 21, paragraph 28.2). It is hoped that this will aid in the achievement of integrated sustainable planning and development in the environment and has opened up participation in environmental planning to many secondary associations. Cohen and Rogers for example claim that environmental policy is limited due to the problems that state has with 'command, control and co-operation' in establishing environmental public standards in the face of diversity of sites, enforcing compliance to the standards, and gaining co-operation setting standards. Greater co-operation from a plurality of associations could lead more relevant and detailed specialist information about environmental damage and costs of environmental protection. They can provide co-operation from members to agreed environmental legislation and in the implementation of environmental protection methods. Associations can further help in the process of dissemination of knowledge and information about the new measures to other groups such as consumers. As Cohen and Rogers conclude, 'it is simply implausible to think that state administrators will be able, even in the best of circumstances to perform this range of tasks. Associations, including associations at the national level, are needed' (Cohen and Rogers, 1995, p. 58). Achterberg provides a note of caution, pointing out that there is no necessary connection between sustainability and associative democracy, just as there is no necessary connection between sustainability and deliberative democracy. The adoption of a certain set of decision-making procedures does not necessitate the promotion of a certain issue, neither does the adoption of a certain institutional arrangements (Achterberg, 1996). However, certain institutional arrangements such as associative democracy can be more conducive to deliberatively democratic decision-making, which

in turn can make the promotion of a certain issue like environmental sustainability more likely than current arrangements.

It seems that much of the grounding behind the assertion that secondary associations could be used as alternative locations for governance comes from the perception that they could help solve some of the failings of the capitalist welfare state. Both Warren and Hirst certainly consider the possibilities of associations as locations for democratic participation as being attractive due to the failings of the nation-state, which ‘by its very nature, tends to be inflexible (owing to accountability through universal rules) and sometimes arbitrary (as when universal rules produce different results under different circumstances). Because of their distance from social actors, states often have to resort to complex systems of inducements and monitoring to achieve results’ (Warren, 2001, p. 88). Associations are in closer proximity to the members and have the advantage that trust and the commitment to democratic processes that can be cultivated by this participation means stringent regulation and monitoring is not necessary: ‘The delivery of welfare services through voluntary agencies effects a separation between the service provider and the state as the “governor of governors”, whereas the state is in the contradictory position of providing services through its bureaucratic agencies and also acting as the guarantor of the standard of those services’ (Hirst, 1994, p. 169). Primary Care Units are an example of this type of bureaucratic agency. An associative democracy pursuing subsidiarity overcomes these contradictions, and I will suggest helps reduce the failings of the nation-state, of which there appears to be two in terms of social policy. Section 3.6.1, will consider the first failing of inflexible/ universal provision and section 3.6.2, will consider the second failing that it is too distant from the receivers. I will also consider two criticisms from Marc Stears in ‘Needs, Welfare and the Limits of Associationalism’ (1999), who is sceptical that ‘needs’ do differ much across society, and also doubts that citizens could, should and would accurately define their needs and the best methods to fulfil them.

3.6.1 Inflexibility and Universal Provision of the Welfare State

Associations are much more fluid and adaptable than the state, and can operate at many different levels. The same association can fulfil functions at international, national, regional and local level. They would offer a much more varied programme of welfare:

'Again the fact that such associations are "on the ground" means that they know more about the needs of the intended recipients of those services than do government officials, and the fact that they are integrated into communities and local economies leaves them better equipped to see the connections, for individuals, of different policy initiatives' (Cohen and Rogers, 1995, p. 60).

It is thought that associations can specialise in certain fields especially social services and are more likely to be responsive to local and varying factors.

As the welfare state can only offer universal social service provision, it is suggested by difference democrats (Young, 1990) that it actually excludes those who need it most, the subordinate social groups in society:

'Today the exclusion of dependent persons from equal citizenship rights is only barely hidden beneath the surface. Because they depend on bureaucratic institutions for support services, the old, the poor and the mentally or physically disabled are subject to patronising, punitive, demeaning, and arbitrary treatment by the policies and people associated with welfare bureaucracies. Being a dependent in our society implies being legitimately subject to the often arbitrary and invasive authority of social service providers and other public and private administrators, who enforce rules with which the marginal must comply, and otherwise exercise power over the conditions of their lives' (Young, 1990, p. 54).

What is needed then is a more flexible and less universal and arbitrary social service provision that is sensitive to different needs, that emerge due to peoples' different situations and relationships to power. If peoples' needs are not met they will not be able to be autonomous and this is why it is such an important issue.

It is possible participatory associations could provide this inclusive version of welfare. A good example of the need for differentiated welfare provision comes from feminist theory (Pascall, 1997; Young, 1990; Fraser, 1992). Traditionally it has been argued that the state has taken on the responsibility of ensuring the welfare of the family, but this is not the case; much welfare is still provided domestically out of the sphere of social policy, and usually by women. Associations, if delegated powers of welfare provision from the state, could connect women and other groups more integrally to the decision-making that precedes provision. Associations are better able to cross the divide between the public and private, and eradicate differences between genders in relation to the public private distinction by allowing women, through organised associations to put these previously 'private' issues into the 'public sphere' and assert their needs to fill the gap between family and economy. Everingham and Young argue that women are already forming voluntary informal groups to achieve this. Cited are groups that socialise caring tasks in playgroups and parent and carer groups e.g. Furness Carers and

The Care Forum, and protection against violence and rape centres e.g. South Essex Rape and Incest Crisis Centre (Everingham in Pascall, 1997, p. 27; Young, 1990, pp. 85-86).

However, Stears rejects the arguments about difference accepting that individuals needs will differ only between society and society (Stears, 1999, p. 583). He further claims that a move away from uniform welfare provision would also lead to inequality of service owing to the fact that some associations would be better than others due to having more resources such as money and staff. This will occur even if they start on a level playing field because associations will vary in their provision (Stears, 1999, p. 584). For Stears then needs are defined objectively or at least quasi-objectively and therefore the state is the best mechanism to decide what these needs are and to provide the service to fulfil them. Although different groups most certainly have many needs, which will be similar or the same, because there are distinct groups, there are usually some distinct needs, and the members of the groups know best what these are (Young, 1990, p. 185).

However, needs are open to interpretation, and there is conflict over what are 'needs'. For example, Nancy Fraser comments about feminist theory, that there are needs that fall between family and official economy. These are social needs, which are defined as 'a site of discourse about people's needs. Specifically about those needs that have broken out of the domestic and/or official economic spheres that earlier contained them as "private matters"' (Fraser, 1992, p. 156). Associations can operate between family and official economy, socialising domestic tasks e.g. playgroups, parent groups, carer groups, rape centres, domestic violence centres. The formation of women's refuges, all women clinics and health centres, self-help groups and counselling services have allowed women to acquire information about their bodies, and challenge patriarchal assumptions about sexuality, that also enabled decentralised provision of social welfare, within which women have been able to participate. Furthermore, it is not clear how Stears thinks bureaucrats will be best placed to interpret peoples' needs.

Gillain Pascall, in Social Policy (1997), informs us that feminist writers such as Wilson, Enrenreich and English have highlighted the fact that there is social control in defining 'welfare needs.' Through the use of experts, women have been excluded from defining

their needs, 'subverting women's own expertise' and consequently 'dominating their lives':

'Seeing the social as an arena of contest between different interpretations of need allows us to understand the contradictory impact of welfare services on women. Neither state agencies nor feminist groups have a consistent definition of needs, and all policies are a product of historical struggles to define need and contain or extend the satisfaction of needs. Some outcomes have clearly been favourable to women in terms of redistributing resources in favour of social reproduction; others have had costs, in terms of social control and stigmatization' (Pascall, 1997, p. 27).

The ideal of deliberative democracy aims to democratise this conflict by allowing open participation and public discourse to decide and form what these needs are, believing that the understanding of needs, is best established through open dialogue in which all can participate. As Follesdal suggested earlier subsidiarity reduces exterior domination over the preferences of the members of the association as it specifically prescribes the justifiable grounds for 'exterior' intervention. It therefore provides the 'institutional space' necessary for democratic preference formation, based upon collective deliberation (Follesdal, 1999, p. 15). Gould concurs and argues that in order for difference to be recognized, what is necessary is not exactly the same treatment for each, but 'equivalent conditions differentiated by need' (Gould, 1996, p. 180). For Gould this requires participation in the discourse of the public sphere within and between associations. Participation is essential for the expression of and recognition of difference as it can be directly represented. Participation in decision-making also means that resulting decisions can take effective action to deal with difference and means that associations will continue to recognize and articulate their differences (Gould, 1996, p. 181). For example, the flexibility of associations means that there exists the Black Elderly Group in Southwark, the Jewish Deaf Association and Women's Psychotherapy Centre, all of which involve provision of services to groups with specific identities.

Owing to the fact that many more women are now participating in the workplace, many functions of social policy and welfare, once provided by the free household labour of women, are now going unmet, or seen as private responsibility. Cohen and Rogers suggest that 'movements into and out of social services and between services at any given moment or over a life course are as a consequence greater' (Cohen and Rogers, 1995, p. 54). This has also led to great changes in the family unit, as it has been traditionally known, with much greater pluralism now existing. It is associations with their flexibility than can provide and meet the demands of a more plural society: 'In

this context, effective policy needs to be especially attentive to variation across cases, to the interdependence of different categories of need among individuals, and to the integration of welfare delivery into plausible career programs for recipients' (Cohen and Rogers, 1995, p. 61). Associations can offer flexible decentralised units for the provision of welfare. Welfare neglect can be avoided by state monitoring and other associations will also check and hold others accountable (Warren, 2001, p. 194).

It seems that Stears' system where the state interprets people's needs, just involves the imposition of factitious 'objective' and 'homogenous' needs regardless of what citizens want (Martell, 1992, p. 159):

'It disenfranchises citizens from deciding together what their interests could be and how a settlement could be reached amongst them all.' It is based upon a belief that 'the state can somehow express, represent and execute externally and from above plural needs as one unified will' (Martell, 1992, p. 170).

As Young argues, oppression and injustice for certain groups is often 'unconscious' and often resulting from 'well meaning people'. However, stereotypes generated and maintained by media and culture and bureaucratic hierarchies and market mechanisms. The centralised definition of needs by the welfare state can lead to such oppression, therefore new institutions for the provision are required if all are to have their needs met. As Young argues herself, 'we cannot eliminate this structural oppression by getting rid of the rulers or making some new laws, because oppressions are systematically reproduced in major economic, political and cultural institutions' (Young, 1990, p. 41). Secondary associations can be these new institutions, if devolved the necessary powers they can provide inclusive and flexible social service provision, that enables citizens to participate in the understanding of their needs and in how those needs are to be met.

Stears' critique that some associations will be better than others at supplying welfare services has greater validity and the consequences of this are that the autonomy of some will be cultivated to a greater degree than others. Although I accept this argument and realised it is undesirable, it does not support the conclusion that Stears makes, i.e. that the provision of welfare should remain state centred. Government league tables suggest state agencies themselves suffer from regional inequalities in service provision. His own proposal then suffers from his own criticism. If associations were state funded

then it would not necessarily be the case that some associations had more money person, although I do accept that associations with higher memberships would have a greater total income and could achieve greater economies of scale as a result. Hirst thinks that this inequality can be avoided as an associative democracy can approximate elements of free market competition. Citizens would then be attracted to what they perceived to be the better associations meaning the 'worse' associations would have to improve or lose their members. There are however, problems with this. Firstly, if associations are internally democratic and are poor at meeting member's needs, this will be because of the decisions the citizens have made themselves. Secondly, if certain efficient associations are more efficient and therefore attract more members this will potentially reduce their capacity for internal democracy, based upon the norms of deliberative democracy. This might in turn make the association less efficient at meeting member's needs. Thirdly, it is questionable to what extent an associative democracy can approximate the free market. As already argued, different associations have different opportunities for exit, which can restrict 'market competition.'

The devolution of powers to associations based upon the principle of subsidiarity also means; 'the locus of decisions is devolved' and consequently relieving some normative pressures of legitimation away from the state. This point is especially poignant in terms of the distribution of welfare, due to the fact that increases in welfare provision have been accompanied by increasing demands for welfare, which raises the demands upon the state to achieve legitimacy (Habermas, 1975). This tension has been heightened by the increasing differentiation between citizens and their demands, meaning the nation-state has become an inadequate institution to meet the diverse needs, which has meant a trend of declining legitimacy. Associations could redirect expectation away from the state making it easier for the institution to meet standards of legitimacy, and due to their potentials for 'subsidiarity, co-ordination and co-operation' they appear to be the most suitable organisational framework to meet the ever growing differentiated needs and demands of citizens (Warren, 2001, p. 92). Hirst is a strong advocate of this, arguing that associations, as service providers, would relieve the state of the burden, freeing up the government's time and resources to concentrate on what Hirst describes as their main functions; 'to provide society with a framework of basic laws to guide social actors; to oversee forms of public service provision to hold public officials accountable; and to protect the rights and interests of citizens' (Hirst in Percynski, 2000, p. 164).

3.6.2 Distance from Citizens

'The exclusion of the underclass should be addressed by the development of participatory democratic structures at grass-roots community level, which empower the poor. Unless there is a sense of involvement in decision-making, the alienation of the underclass will continue to fester' (Powell and Guerin, 1997, p. 63).

Stears rejects the argument that individuals will know how to fulfil their own welfare needs, because these issues are so complicated, and experts are therefore needed. He also believes people aim to achieve immediate goods over future goods, meaning the long term interests and needs of people will not be secured:

'It is not difficult to envision, therefore, how a radical associational system of reform that empowered individuals to choose their own welfare services could result in a situation where individuals' choices negatively impacted on the fulfilment of their needs even as they understood them' (Stears, 1999, p. 577).

I still maintain that people know their own needs best, due to the arguments given above, although I do accept that mistakes will be made, but not as many as when bureaucrats and politicians define people's needs for them. One of the core tenets of deliberative democracy is that 'the force of the better argument' will prevail. If long term needs can be rationally proven to be superior to short term ones, then deliberative democracy, with its exchange of reasons will be better situated to encourage people to focus on long-term rather than short term needs. Furthermore, in the deliberative situation information and arguments will be available from experts and many of the members will become experts themselves if they are the paid officials who act as 'permanent members of the association' or as representatives of that association. This will help overcome the problem of complexity.

Stears distinguishes between preferences and needs, and argues that if a mistake about needs is made this is more serious than mistakes about people's preferences. Needs are independent of individual choice and cannot be changed, whereas preferences can. Moreover, needs have to be met if people are going to be able to form autonomous preferences: 'An individual with needs that are unsatisfied cannot live a life in which she can actively choose or pursue a range of lifestyles. Without that standard range of capabilities it is simply not possible to make effective choices' (Stears, 1999, p. 579). The implications of this argument are central to the relationship between deliberative democracy and social policy, because if social policies do not meet the needs of people

then this affects people's chances of participating effectively in future decision-making processes. It is imperative then that people's needs are met. I accept that needs and preferences are different, and that needs do not change as do preferences, through rational argumentation. Moreover, it is more important for needs to be met than preferences to ensure autonomy, although both are important. If needs are not met then it will effect peoples preferences and chance to participate autonomously. This does not mean that people's perception of their own and others' needs cannot be improved through rational argument. Posner has indicated that welfare as 'preference satisfaction' is in fact logically equivalent, because welfare is inevitably based upon what citizens are willing to pay (Posner in Sagoff, 1998, p. 220). Sagoff goes as far to suggest that this 'cannot be refuted because it expresses a stipulated identity' and requires citizens to 'identify the trade-offs individuals would make between what they want for themselves and for society as a whole' (Sagoff, 1998, p. 220). Habermas is also confident that democratic deliberation can and must include an interpretation of needs (Habermas, 1996a, pp. 305-306).

Furthermore, I do not accept that any of these points are incompatible with democratic deliberative associations providing welfare. In fact it fits completely with the capability requirement for people to participate equally in deliberative democracy. Stears however, also believes that people are likely to make mistakes if left to decide upon their own needs: 'An individual may...feel that she recognises a need when, in actuality, she only feels particularly enthusiastic about a particular preference' (Stears, 1999, p. 579). He also indicates that because the associational system allows individuals to define their own needs, from a subjective point of view, then they will claim much more than they actually 'need' and such a welfare process will be unfair. In response to the first argument, Stears' claim could equally be made about state representatives' interpreting needs.

In terms of the second, in a deliberative decision-making framework though, it would not be enough for one person to claim a preference is a need to have this met, because they must convince others that it is a need as well. The decision of what are needs and how they are to be met are then not individual but collective decisions, where each person will be one voice in the deliberative arena. Welfare advocacy groups will fulfil the role of representing difference, but will also appeal to commonality, in the sense

they will appeal to universal conceptions of justice. However, all groups will tend to highlight common justifications for their ideas, needs, demands etc, but it is how persuasive the reasons are, as to whether these will be accepted or not (Young, 1990, p. 185-186; Sunstein, 1985, p. 1588).

Stears thinks such an argument just undermines the normative claims of participatory associations: 'If, therefore, associationalists accept that subjective preferences should not be the determining feature in shaping welfare provision then they are left without their claim against the structure of current arrangements' i.e. that they are uniform and inflexible (Stears, 1999, p. 581). Again Stears seems to have missed the heart of the associationalist's arguments. It is not because welfare provision should be based upon subjective preferences that the welfare state's universal provision is inadequate, but because different people have different needs. The centralised welfare state is too distant from citizens to consult them and find out what their needs are and it is too inflexible to be able to supply a genuinely differentiated service. Moreover, the current mechanisms that exist are inadequate for citizens to participate in democratic debate about what their needs are and how they can be best met. The needs of each individual citizen may well be objective unlike preferences. However this does not mean that a citizens' own interpretation of her needs is necessarily accurate, prior to being involved in a process of collective deliberation where new information, perspectives and experiences of other citizens who are similarly socially situated, whereby they can gain a clearer understanding of what their needs are. Deliberative democracy can provide a range of ideas of how to meet differing needs, and associations offer the flexibility to deliver a genuinely differentiated provision of welfare and social services in general.

It seems then that associations can provide flexible social service provision and suitable locations for the participation of citizens into making social policy providing that they are devolved the necessary powers and have an internal democratic system based upon deliberative democracy. Therefore allowing an increase in autonomy as participants have the opportunity to democratically understand their needs, form a plan to meet and even aid in the practical fulfilment in some cases. In many ways then associations become primary associations, as they provide locations for both democratic governance and the provision of essential services: 'A self-governing civil society thus becomes the primary feature of society' (Achterberg, 1996, p. 168). The state becomes the secondary

association, because its role is reduced to law enforcement, protection of individual rights and the provision of public finance to the associations (Hirst, 1994, pp. 25-56). It therefore enables citizens to actualise their collective decisions and therefore enhances autonomy.

Sigrid Roßteutscher, in 'Associative Democracy' (2000), questions the democratic credentials of secondary associations. Roßteutscher argues that associative democracy is 'not primarily a democratic theory. On the contrary its main interest is to enhance government competence and improve economic performance' (Roßteutscher, 2000; p175). He questions their democratic credentials, because they require compulsory participation. If associations are to provide essential services and be locations for governance, then people have no choice, but to become members. Likewise, if associations are to become the main source of citizen representation, I have argued that choice is essential to the cultivation of autonomy, and that associations promote choice by being voluntary. If this is not the case then the democratic credentials of associations are seriously undermined. However, there are several ways that Roßteutscher's argument can be countered. Firstly, as Warren points out all associations will have varying levels of exit cost. Some will then be more voluntary than others; a point Roßteutscher fails to appreciate. Secondly, associational democracy is only intended to supplement present liberal democratic institutions, not replace them all together. Therefore, although parties will have less importance, they will still play a role of representation, and if people are satisfied with that, then they may not want an association to represent them, which would be their choice.¹⁰ Even if we accept that in an 'associative democracy' it will be necessary for all citizens to be members of at least one association, therefore rendering 'associational membership' compulsory in effect, citizens will still have a choice of a myriad of associations to choose from. Therefore it will not be compulsory to be a member of any particular association. Thirdly, I will argue that it is essential for associations to have an internal democratic structure ensuring members enjoy excellent opportunities to participate in the decisions that the associations would make, but Roßteutscher does not seem to rate opportunities for participation as an important democratic credential.

¹⁰ I certainly think associational democracy provides more choice for representation than the rigid structure of regional representation presently dominant in liberal democracies.

There are some other threats to the effectiveness of such an 'associative system'. Warren warns of the potential pitfalls of subsidiarity. If associations are to become key locations for participation and governance in an associative democracy then the current socio-economic inequalities that plague associations, as much as other modes of participation, must be addressed. This is of increasing importance if associations are to play a central role in the provision of social services to meet needs in society. It would be a disaster for democracy and the enhancement of autonomy, if welfare provision is not provided sufficiently for those who most require it. As one of the aims of welfare is redistribution as those who pay are not the same as those who receive (Warren, 2001, p. 88). There is then a 'chicken and egg' problem here, as participation is undermined by inequality, but there is no understanding of what equality consists of without participation. Whether this vicious circle can be broken, will be reviewed in chapter five.

3.7 Conclusion

The possibility of secondary associations being locations for deliberatively democratic participation has been reviewed. It could achieve this because of four democratic functions that associations have the potential to help fulfil: Firstly, they provide smaller scale units that allow citizens direct participation in democratic debate in the formation of preferences, needs and information. This is consistent with the principle of subsidiarity, which legislates for decisions to be taken at the lowest appropriate level to allow for those affected to participate and fulfil the task. Following Kohler's (1993) suggestion that subsidiarity is based upon democratic principles and that participation should be in debate, which will increase the autonomy of those participants. Secondly, as well as contributing to the democratic formation of information on preferences, associations provide useful vehicles to voice and represent this information. By producing economies of scale, achieved through the pooling of resources and due to the flexibility of being able to operate at international, national, regional and local level by territory, or in a plurality of functions they enable those usually excluded by territorial representative institutions, representation. Thirdly, they can act as schools of democracy, cultivating the democratic attributes necessary for effective participation in deliberative democracy. Fourthly, they can be locations for governance, whereby citizens can participate in the formation of policy like social policy, but also its

distribution and fulfilment. It is important to note that not all secondary associations could fulfil all the functions. The extent the membership was voluntary, the media the association was orientated and whether it was vested and the type of goal affected the potential of any particular association of performing a democratic function.

The obstacles of complexity, prevalent in modern societies, that were meant to prevent the institutionalisation of deliberative democracy, can also be overcome to some degree. Through decentralisation based upon the principle of subsidiarity, the problem of size is countered. Associations are flexible and diverse so help overcome plurality and deliberative democracy and associations can overcome some features of inequality by making inequalities be justified by reason, by allowing excluded groups to participate in the understanding of their needs and by acting as schools of democracy to enable those without the relevant democratic capabilities to gain them.

From the discussion, we also learned that to achieve these functions of associations to the greatest extent, they must be internally deliberatively democratic. The relevant powers must also be devolved and present levels of socio-economic inequality endanger the chances of an 'associative democracy' enabling equal fulfilment of any of these functions. Although it is thought an 'associative system' based upon deliberatively democratic decision-making could lead to greater equality, present inequalities endanger this potential. Neither is it clear what needs to be achieved first to enable the achievement of the other. In the following chapters I address these three issues: How can associations be made internally democratic and allow democratic debate? How will the relationships between the associations be made democratic? How will powers be best devolved to associations to make them consistent with deliberative democracy's norms? How will the problem of socio-economic inequalities be addressed in the transition to such a system?