AGENCY AND DELIBERATION:

UNDERSTANDING PUBLIC REASON AND EMPOWERMENT

A THESIS SUBMITTED FOR THE DEGREE

DOCTOR OF PHILOSOPHY (ARTS)

AT

JADAVPUR UNIVERSITY

BY

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INDIA

2023

<u>Certified that the Thesis entitled</u>

Agency and Deliberation: Understanding Public Reason and Empowerment
submitted by me for the award of the Degree of Doctor of Philosophy at Jadavpur
University is based upon my work carried out under the Supervision of Professor Jhuma
Chakraborty, and neither this nor any part of it has been submitted before for any degree
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<u>Acknowledgment</u>

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Chapter 1
Introduction

Agency and Deliberation: Understanding Public Reason and Empowerment, is a work that can be categorised as a discussion on the ethical dimensions of political philosophy. There are certain issues that find resonance to our thought, with which we identify our thinking selves. We try to reason about it, why, how, if this then what, if not this than what not are issues that need our attention. A certain incident that I came across through a newspaper article, has had such an influence on me; a group of villagers protesting against certain policy of the government that they found to be against their interest, by standing knee deep in their water-logged agriculture field for days together. It was obvious that they were protesting in this unique manner to be heard, but then there were questions regarding the agency of each individual protesting in harsh conditions, what was keeping them going? Was it the collective agency that found it's manifestation in the individual? If yes then how were it related, was there blind allegiance or rational agreement? Larger questions regarding the reaction of the state, the role of the state was also lingering in the backdrop. There was an ethical dimension to these issues which were political to its very core. Protests have had been there a long as history of man as political animal, protests are still happening, some we agree with, some are against the views we endorse, some we are just not bothered about. But then we are in this political milieu and we have questions that need to be deliberated upon, by the society at large and also by the subject experts. As I started my research work in the discipline of philosophy, ethics and political philosophy have been my interest areas. My preliminary research during my M.Phil. degree was with regard to the Capability Approach as an alternative ethical viewpoint that could address certain issues that other approaches to ethics, most prominently the Utilitarian approach have been unable to.

Studying the capability approach led me to focus on the concept of *agency* that Amartya Sen put forward and also the field of Development Ethics which tried to incorporate the Capability Approach. In my Ph.D. research I wanted to return back to the question of individual and group agency, but then the ethical aspects of development also lingered in the back drop. Since it was the individual and the groups, he belonged to that shaped the social and political landscapes around him and this relation and process had numerous interesting aspects. The question of deliberation being the primary aspect, which makes way for issues such as public reason and empowerment.

My research work starts with Christine M. Korsgaard as she focuses on action as a form of self-determination that creates an agent's identity. Further, Korsgaard locates normativity in the self, that is constituted through reason. I have focused heavily in building my research problem on the philosophy of Philip Pettit. Pettit has been a political philosopher who has been able in the literal sense to apply his thought in the real-world political system, as he worked on political reforms in Spain under José Luis Rodríguez Zapatero. Pettit's approach of considering free will and political liberty as indistinguishable and terming it as *freedom in the agent* is something that made me focus on his philosophy. He analyses human freedom with the concept of discourse. Pettit further argues for reality of group agency in the sense of an integrated entity. These aspects were relevant to my questions. Pettit gives way to Jürgen Habermas as I try to understand discourse and ethics with regard to his ideas of communicative rationality and public sphere. But then there was the larger question of development ethics that formed the backdrop of every social and political community where individuals participate, this brings forth discussion on Public Reason and Empowerment, for which I have based myself on Jay Drydyk primarily. I shall provide an outline of my chapters, that follow this introduction, which is the first chapter.

The second chapter *Agency and Freedom* deals firstly with Korsgaard's analysis of human agency and secondly with Pettit's conception of agency with its focus on human freedom. I have discussed Korsgaard's normative obligation, termed as necessitation, with regard to creating an identity consisting of a psychic unity, termed as self-constitution. This is what makes agency possible. The concept of constitutive standards, standards that apply to a thing simply in virtue of its being itself, which in turn is the normative standards that apply to it, is analysed. It is on basis of this constitutive standards that Korsgaard argues for the constitution of the will which relates to self-constitution. This discussion shall help us locate normativity to the individual agency. Further, moving on to the next section, I have studied in detail Pettit's focus on establishing a theory of freedom that can help us understand agency, starting from the psychological dimension continuing till the political side of it. Freedom of an agent for Pettit is conceptualized as being fit to be held responsible. Pettit argues in favour of freedom being considered as freedom as discursive control. In this dimension an agent shall be free when she has control in a discourse. Arguments in favour of this have been analysed in detail.

The third chapter *Integrated Collectives and Responsibility*, where the first section discusses group agency following Pettit and then questions related to responsibility is considered in the second part. I have analysed Pettit's arguments in favour of the collective agency, starting with the discursive dilemma that groups are faced with in decision making. Decisions are on opposite sides of the spectrum when on the one hand decisions are based on individual arguments and on the other hand based on premises. To address this dilemma Pettit insists on collectivization of reason. Groups that collectivize reason are termed by Pettit as integrated collectives and they apply reason at the collective level and are consistent with past decisions thus their

group identity is upheld. Collective integrates are real in the sense they display mental properties that are not just a summation of individual mental ideas and can be candidates of freedom as discursive control. The next focus is on the concept of responsibility. List and Pettit have discussed a possible bifurcation of individual and collective responsibility with the individual able to operate in multiple identities. Pauer-Studer is of the opinion that List and Pettit have only focused on the basic mechanical structure of agency. Her focus is on the constitutive account of agency, which bases itself on Korsgaard's constitutive standards. Further, she points out that for Velleman practical thought is a desire *to act in accordance* with reason. She is of the opinion that in Velleman's approach the normative standards that guides agency directs us towards morality, but are not in itself moral norms. This provides us with an important question should we argue for a non-moralizing concept of agency. I argue that we cannot, since agency has a normative self-constitutive aspect and this does not affect autonomy if we are to consider autonomy with regard to the constitutional model that Korsgaard proposes**.** Further we can ask is the individual agency overpowered by the collective? I discuss Rovane's opinion that List and Pettit while trying to retain a form of metaphysical and normative individualism, alongside arguing for the realism of group agency, is unstable and untenable, because humans achieving rational unity together at the level of the whole group, tends to produce a certain kind of *rational fragmentation* in each individual human. Rovane points out that individual's agency is determined by various factors and she may have to have participate in different settings in different groups with different agencies at various stages or settings of her life, as she suggests that a fragmented rational identity helps an individual to navigate herself. I have defended Pettit's approach by arguing that Rovane's fragmented rational identity is bound to suffer from the bystander problem.

The fourth chapter is *Deliberation and the State*. The first section considers Harbermas' idea regarding deliberative democracy. I argue that Habermas considers autonomy, agency, identity, authenticity and the self as *fundamentally intersubjective phenomena*, which shapes itself according to situations that one faces. The next discussion is of Habermas' moral theory, known as *Discourse Ethics*. Habermas' theory rather than answering the claim *What ought I to do?* aims to provide an understanding wherein a moral agent can successfully answer that question for themselves. Search for the underlying principles of morality, establishing valid moral norms and finding their social relevance and use is Habermas' concern. Moving forward Habermas' conception of deliberative democracy, termed as *discourse theory of democracy,* is discussed. Concepts of autonomy, citizenship and rights and further structures of democratic deliberation is discussed in detail. In the second section I discuss Pettit's political ideal of freedom, which is based on the theory of freedom as discursive control. Pettit proposes that freedom as non-domination should be the ideal of freedom for the state, as a counter to freedom as non-limitation and freedom as non-interference, so that citizens are free from any fear of arbitrary actions and thus establish discursive control. Pettit discusses democratic principles and freedom, wherein he pitches for a republican political philosophy. Next, I have put forward Habermas's conception of state, where he focuses on combining the ideas of liberal democracy and civic republicanism. Habermas's conception of how and why democracy should be embedded in civil society, has been discussed.

The fifth chapter is *Public Reason and Empowerment*. In the first part I have discussed Public Reason. I have introduced the concept following Drydyk and Quong, providing a brief historical outlook. The main concern for Drydyk, is the *opening of public reason to unrestricted participation by all, on a wider range of questions*, by

considering the capability approach. In the following sub-section, I have discussed the capability approach of Sen and Nussbaum, which is essential for the rest of the chapter. Further a detailed discussion follows as Drydyk argues for *capability as midwife to public reason*, where he points out that capability concept of the idea of equal consideration for all persons, simplifies the work of public reasoning. Drydyk argues that it can be assumed that the advocates of the capability approach hold that *one of public reason's procedural norms is to give equal consideration to all persons*. Moving on to the second section of this chapter, Empowerment as a concept, based on the ideas of agency, deliberation and public reason has been discussed in detail. I start my analysis based on Riddle's discussion of Khader and Kabeer and then move on to Drydyk's conception of empowerment and its relation to power. Empowerment is seen as a concept that embodies the process rather than the end result itself. Drydyk's focus on Crocker's reconstruction of Sen's ideal of agency has also been deliberated upon.

The sixth and concluding chapter is *Participatory Development and Ethics*. The first section of this chapter focuses on development ethics and how it forces participation since empowerment as concept is entagled in development. Riddle's analysis in this regard has been discussed. I have also provided a brief introduction on development ethics following Goulet. Next the concept of participation has been analysed in detail following Riddle and Jethro Pettit. In the second section that is the concluding section of my thesis I have argued for Drydyk's concept of empowerment to be supplemented by Pettit's conception of agency as discursive control to provide us with a concept that can be termed as *agency centric empowerment*. I have tried to argue in favour of *agency centric empowerment* being in sync with the ideal of deliberative democracy. Further, I have tried to analyse whether *agency centric empowerment* can

have normativity with regard to development ethics. I argue in favour by bringing forth discussion from Pettit, Habermas and Korsgaard.

The concepts of *agency* and *empowerment*, that I focus on, have had many interpretations and so have defined in many ways by philosophers and social scientists. Drydyk, following Alkire, points out that empowerment has had over thirty different definitions and agency was joining the league as development scholars are now joining philosophers to focus on agency. But this need not be a misfortune that adds to the vagueness of the terms, "but rather a sign of progress, indicating that both concepts are now being fitted and adapted in a more nuanced way to the real world of development"[1]. Another aspect that this thesis tries to consider is the call among development ethics to focus on public policy, that shall go beyond traditional dynamics of economic growth and focus more on the humanity aspect, which must move over and beyond even justice. Something in the lines of Campell's *virtuous prudence*, which "entails something more than simply enlightened self-interest and includes the notion of mutually beneficial conduct and a concern to the poor and disadvantaged in ways that will minimise dependency and increase self-sufficiency"[2]. Pettit while arguing for an attitude-based derivation of norms, which has been discussed in detail in the sixth chapter, has pointed out that "they make an interesting research agenda for political theorists who are concerned with which attractive norms are feasible, which unattractive norms are inevitable, and under what conditions"[3]. This very much gives me an understanding as to why to argue for agency centric empowerment as a norm. As Besussi writes that "the tradition of political philosophy is basically the story of an endless disagreement about

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[1] Jay Drydyk, "Empowerment, Agency and Power", *Journal of Global Ethics* Vol.9 No.3 (2013), 249
[2] Jonathan Boston, Andrew Bradstock, and David Eng. 2010. "Ethics and Public Policy", *Public Policy*, ed. Jonathan Boston, Andrew Bradstock and David Eng, (Canberra, ANU Press, 2010), 7
[3] Philip Pettit, *Rules, Reasons, and Norms*, (Oxford, Oxford University Press, 2002), 336

recurring problem"[4]. My approach in this thesis shall be a humble attempt to put

forward an idea in this endless interactive web of ideas.

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[4]Antonella Besussi, "Philosophy and Politics", *A Companion to Political Philosophy.Methods,Tools,Topics,* ed. Antonella Besussi, (Surrey, Ashgate, 2012), 7

Chapter 2
Agency and Freedom

2.1. Korsgaard's Analysis of Human Agency

Christine M. Korsgaard, follows a Neo-Kantian approach to understand human actions. Why it is that human action is distinctive? What is it that guides the choices that humans make? We shall look into Korsgaard's analysis of human agency in the first section of this chapter.

2.1.1. Necessitation of Agency

"Human beings are *condemned* to action"[5], this is how Christine Korsgaard begins her discussion. Is this statement correct? Can you and I not choose to do an act? How about deciding not to go to work? Just lying in the bed still, deciding not to brush your teeth or have the morning cup of tea. But then choosing not to move is a conscious decision that we chose. So, the choice to not act makes "not acting" a kind of action. As long as we are in control of our decisions we have to act. Failure to act is to be taken as a derailment, where we lose control. For instance, one fine morning you can be helpless with pain and remain still in the bed. Such a situation cannot be chosen to be in. So as long no such derailment happens, we have no choice but to choose and act on our choice. Korsgaard points out that action is necessary and then raises the question, what kind of necessity? In general philosophers have distinguished between logical necessity and causal necessity. Korsgaard puts forward the view that there is no logical contradiction in the idea of a person not acting: at least on any given particular occasion. Also, the general necessity of action is not an event that is caused, that is there is no

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[5] Christine M. Korsgaard, *Self-Constitution: Agency, Identity and Integrity* (New York, Oxford University Press, 2009), 1

necessity we are faced with regard to act. Further there is rational necessity that is, "if you will the end, then you must will the means"[6]. Korsgaard feels this is similar to, but is not identical with Kant. This is because following Kant necessity of action is unconditional and a fact that human condition cannot avoid. Korsgaard points out that this necessity of acting contains within itself different kinds of necessity, that we are faced with. Many laws and demands we are obliged to obey, even when we find it to be unpleasant. We find ourselves doing things that we ought to do even when we don't like doing it and more importantly nothing obvious forces us to do it. Korsgaard introduces the concept of "normativity of law" in this context. She observes that there is something that consists of the "*normativity* of a law or a demand—the grounds of its authority and the psychological mechanisms of its enforcement"[7]. She wants to identify this normativity. This normativity forces us to do things that we at that moment despise, like going to work on your birthday or thanking a host for a party even though you are thoroughly bored or going to vote on a sunny day even though you would have preferred to remain indoor. This normativity of obligation according to her is, among other things, a psychological force.[8] Korsgaard says that she names it following Kant, "since normativity is a form of necessity, Kant calls its operation within us—its manifestation as a psychological force – *necessitation*"[9].

Korsgaard says that in philosophical discourses, necessitation has been neglected. She talks about two specific images, firstly that of a "miserable sinner in a state of eternal reform"[10] a person who in order to fulfil her obligations has to constantly repress her unruly desires. The second image is that of the "virtuous human

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6 Korsgaard, *Self-Constitution*,1
7 Korsgaard, *Self-Constitution*,2
8 Korsgaard, *Self-Constitution*,1-2
9 Korsgaard, *Self-Constitution*,3
10 Korsgaard, *Self-Constitution*,4

being as a sort of Good Dog"[11], a person so perfectly trained that desires and inclinations are always towards what ought to be done. Both these images take the experience of necessitation has a negative connotation as if "something wrong with the person who undergoes it"[12]. But then necessitation is common to all humans, and this phenomenon should be analysed further. [13]

Korsgaard further observes that the two viewpoints, not only put forward an unnecessary criticism of necessitation, they do not explain how we are necessitated. She puts forward Hume's explanation of how normativity operates in a human being. Hume has taken the standpoint where moral concepts are generated from the point of view of the spectator. For instance, a person helps a blind person cross the road; the spectator observes this act and appreciates the kindness, thus judging the act as virtuous. The virtue seems to be not primarily in a person; rather it seems to operate as a secondary force. This secondary force acts as a medium of self-hatred, where a person performs an act not through motive but as a sense of duty. The person not helping the blind man cross the road shall feel self-hatred and thus help. This theory was formulated against the dogmatic rationalist who consider normativity as "an objective property grasped by reason"[14]. The dogmatic rationalist believes that normative standards operate within us as psychological force. But Korsgaard points out that "dogmatic rationalists transfer to *reason itself* the same bland—and seemingly blind—conformity to external standards that sentimentalists attribute to the dispositions of the naturally virtuous person"[15]. The norm is out there in some objective fact or moral value, but then how does reason catch them? Korsgaard is of the opinion that, just answering this

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[11] Korsgaard, *Self-Constitution*,4
[12] Korsgaard, *Self-Constitution*,4
[13] Korsgaard, *Self-Constitution*,4-6
[14] Korsgaard, *Self-Constitution*,6
[15] Korsgaard, *Self-Constitution*,6

question saying rational mind shall oblige with a rational norm, shall not explain things.[16]

Korsgaard points out further that these theories fail to explain the role of necessitation in our day-to-day actions. She explains that both the theories take goodness to be effortless. Experience of necessitation is the struggle, for which we strive, to act rationally, according to the dogmatic rationalist. They take the goal of acting rationality as granted, but there are unruly desires which deviates us and it is only then that we experience necessitation in the form of self-command. So being rational is effortless in the absence of hindrances. In the same way in Hume's understanding of natural virtue, it is only when a person is trying explicitly to be good that necessitation works. Otherwise, in the best-case scenario goodness is effortless for the naturally virtuous person. But, this not the situation we are faced within our moral life. Since, there is a kind of struggle involved in our moral life, consisting of effort and work. And when we struggle successfully then only can we be called "good" or "rational". Korsgaard puts her focus on the nature of struggle. She claims that the struggle is not only for being good or rational there must be something more going within us that constitutes the struggle for necessitation. Which Korsgaard describes as "the ongoing struggle for integrity, the struggle for psychic unity, the struggle to be, in the face of psychic complexity, a single unified agent"[17]. She further says that it is through normative standards that we attain this psychic unity. The struggle to attain psychic unity, the work and effort we experience as necessitation makes agency possible. This work of achieving psychic unity is called by Korsgaard as "self-constitution".[18]

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[16] Korsgaard, *Self-Constitution*,6-7
[17] Korsgaard, *Self-Constitution*,7
[18] Korsgaard, *Self-Constitution*,7

2.1.2. Agency and Constitutive Standards

An action requires an agent and it is essential that the agent be unified. For a movement to be your action, it must be a result of your "entire nature working as an integrated whole"[19]. Korsgaard observes that this should not make us believe, that firstly we must attain a prior psychic unity or integrity for making ourselves the master of our actions. Because, according to her, "there is no *you* prior to your choices and actions", since your identity "is in a quite literal way *constituted* by your choices and actions"[20]. The identity of a human being depends upon the conscious decisions she takes. When we are tempted due to a certain desire we can step back and contemplate, and more importantly even refrain ourselves from doing the things we have a strong desire for. When we decide the effect that we want, we are also deliberating on the cause we have to be, thus constructing the individual we are. We create a practical identity, an identity that "makes sense of our practice of holding people responsible, and of the kinds of personal relationships that depend on that practice"[21].

According to Korsgaard, we are constituted as agents by the principles of practical reason. There is a normative principle that brings together different constitutive parts to a definite whole that forms the background of Korsgaard's argument. She finds Aristotle's Metaphysics to have the clearest expression of this principle. As she expresses that as per Aristotle, "what makes an object the kind of object that it is—what gives it its identity—is what it does, its *ergon*: its purpose, function, or characteristic activity"[22]. Another aspect that is dealt with in this approach is the teleological organization of an object. It is the teleological organization that

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[19] Korsgaard, *Self-Constitution*,19
[20] Korsgaard, *Self-Constitution*,19
[21] Korsgaard, *Self-Constitution*,20
[22] Korsgaard, *Self-Constitution*,27

makes the object unified. And further it is the teleological organization that gives us the knowledge about an object.[23] As Korsgaard observes to know and understand an object, is to not only see "what it does and what it is made of, but also *how* the arrangement of the parts enables it to do whatever it does"[24].

Further, when we deal with question about normative judgement, we shall see that it is the teleological organization that explains it. For instance, a house being good or bad is explained by the teleological purpose that it follows. A house with cracks shall not attain the goals a house is meant to have. Now we turn our attention towards an essential concept that has to be understood. A good or bad house in itself, is different from a house that is good or bad thing for some external reason. A large house that blocks the main entrance route of other houses in the neighbourhood may be a bad thing for the neighbourhood, but in itself it is not a bad house. Korsgaard has introduced a concept of "constitutive standards", standards that apply to a thing simply in virtue of its being the kind of thing that it is. These constitutive standards are the normative standards which are understood through the teleological organization of the object. Constitutive principle, a constitutive standard applying to an activity, is another conept that is explained by Korsgaard. She observes that, in instances where there are "essentially goal-directed activities, constitutive principles arise from the constitutive standards of the goals to which they are directed."[25] Korsgaard argues that every object and activity is defined by certain standards that are both constitutive of it and normative of it. If an object or activity fails to meet these standards then it is bad. Korsgaard gives this badness judged by constitutive standards a name; she calls it *defect*. In the sense

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[23] Korsgaard, *Self-Constitution*,27-28
[24] Korsgaard, *Self-Constitution*,28
[25] Korsgaard, *Self-Constitution*,28

that a house that is ill equipped to shelter and protect is a *defective* house, while a house that blocks its neighbourhood is not a *defective house.*[26]

There is another aspect that Korsgaard deals with that is when she argues that the laws of practical reason govern our actions. She says that, the authority of a normative principle can be established only if we are able to establish that the normative principle is "constitutive of something to which the person who governs it is committed – something that she either is doing or has to do"[27]. She says Kant also has thought in the same lines. She says that if we consider the laws of logic which govern our thought, we know if we are not following them, we are not thinking. Illogical thinking is not merely bad, its defective. She says that in the same way the laws of practical reason shall govern our actions, and "if we don't follow them, we are not just acting"[28]. But since acting is something, we must all do, "a constitutive principle for an inescapable activity is unconditionally binding"[29].

While dealing with self-constitution, Korsgaard observes that there is a "paradox of self-constitution"[30]. A person has personal or practical identity that makes her responsible for her actions. And at the same time, it is choosing that action that creates or her identity. So here we see that she constitutes herself as the author of her actions in the very act of choosing them. Korsgaard feels this may seem paradoxical. How can someone constitute herself, create herself, unless she is already there? She tries to solve this paradox, basing herself on Aristotle. A living thing can be said to have "self-maintaining" form, "it is its own end: its ergon or function is just to be-and to continue being-what it is"[31]. For instance, a giraffe has the function to be a giraffe,

[26] Korsgaard, *Self-Constitution*,28-32
[27] Korsgaard, *Self-Constitution*,32
[28] Korsgaard, *Self-Constitution*,32
[29] Korsgaard, *Self-Constitution*,32
[30] Korsgaard, *Self-Constitution*,35
[31] Korsgaard, *Self-Constitution*,35

continue being a giraffe and produce other giraffes. A healthy giraffe is one that keeps this spatio-temporal continuous stream of giraffeness going, while an unhealthy giraffe tends towards not maintaining itself. Here Korsgaard observes that health is not exactly the goal of a giraffe, it is the "name we give for the inner condition that enables the giraffe to maintain her functions"[32]. Similarly, as she had observed that "goodness is not a goal for people, but rather is our name for the inner condition which enables a person to successfully perform her function—which is to maintain her integrity as a unified person, to be who she is"[33]. Korsgaard shows us that to be a living thing is to be engaged in an endless activity of self-constitution. And the apparent self-paradox does not apply here, since no one asks: "how can the giraffe make itself into itself unless it is already there?"[34] This same thing applies to personhood. Korsgaard observes that our function as agents must presuppose the teleological.[35]

2.1.3. Unification and Constitution of the Will

Empiricists following Hume claim that reason has only an instrumental role in human action. A rational agent would be guided by reason in the choice of her actions, But Hume defers from this idea, he observes that all necessity is causal necessity, wherein causal necessity is "the necessity with which observers draw the conclusion that the effect will follow from the cause."[36] So, we can understand following Hume that a person is caused to act only when she recognises that that the particular action shall promote her end. And someone who knows1 the person's end shall be able to predict her action. There is no such thing as practical reason at all.[37]

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[32] Korsgaard, *Self-Constitution*,35
[33] Korsgaard, *Self-Constitution*,35
[34] Korsgaard, *Self-Constitution*,42
[35] Korsgaard, *Self-Constitution*,35-44
[36] Christine M. Korsgaard, *The Constitution of Agency: Essays on Practical Reason and Moral Psychology* (New York, Oxford University Press, 2008), 34
[37] Korsgaard, *The Constitution of Agency*,32-34

Korsgaard further points out that according to Hume, an individual's concern for future is very obvious, but then this concern for future is not a requirement of reason. Korsgaard tries to analyse why Hume has believed in such an idea. She observes that Hume has observed that a desire for present pleasure may get the better of prudence. Further since at times we are not motivated by prudence it cannot be considered as a rational requirement.[38] Korsgaard argues against Hume by pointing out that to judge an instance of imprudent conduct as irrational we need to depend on "our views about whether prudence is a rational requirement, and not the reverse"[39].

Korsgaard puts forward an example of Howard, a young boy in his thirties who needs medical treatment comprising of a course of injections at present if he is going to live past fifty. But interestingly Howard decides to not undergo the treatment since he fears injections. So, Howard's fear of injection is the only reason really motivating him to not undergo the medical treatment. Korsgaard observes that there are different ways to explain Howard's conduct. Firstly, it may be that Howard's action is guided by prudence or in Hume's words "general appetite to good"[40], but somewhat miscalculated. Which means; he does not seem to know the real benefits of the injections and thus puts his fear over and above it. Korsgaard does not want to consider this situation. She wants to see Howard as choosing "his own acknowledged lesser good",[41] on being guided by considerations of prudence while fully knowing the benefits of the injection on his health. Now the next important question is whether we are to consider principle of prudence as a rational requirement. If we answer in the positive, we have to see prudence as something interfering in with Howard's rationality.

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[38] Korsgaard, *The Constitution of Agency*,35-39
[39] Korsgaard, *The Constitution of Agency*,36
[40] Korsgaard, *The Constitution of Agency*,39
[41] Korsgaard, *The Constitution of Agency*,39

On the other hand, if the answer is negative, the situation may be that Howard's is so fearful of injections that his decision does not seem to be irrational. So, if the principle of prudence is absent a person will follow her strong desire and not be irrational, because she is rational following the instrumental reason, as in the above case Howard is pursuing his end, which is a life free of injections.[42]

Korsgaard points out that Hume has discussed that actions can be irrational in two derivative ways, firstly when non-existing objects instigate our passions and secondly when actions are based on false causal judgements. Both being cases of mistakes, actions cannot be termed as strictly irrational. So as per Hume no one is ever guilty of violating the instrumental principle. But then Korsgaard points out that this puts before us an interesting and worrisome situation, how can rational action be possible, if there is no irrational action? How can there be an imperative that no one violates? This problem arises from the fact that for Hume a person's end is the same as what he wants most, and what the persons wants most seems to be what he actually does. Korsgaard observes that it will not be possible to find a case of violation of instrumental principle if no distinction is made between what a person's end is and what he actually pursues. She suggests two ways, firstly by making a distinction between actual desires and rational desires, so a person's end is what she has reason to want, not merely what she wants Secondly, a distinction can be made between what a person thinks he wants or locally wants and what he "really wants". What a person wants locally are ends shaped by their fears, as we discussed in Howard's case, so they are irrational because they do not do what they "really want" to do. So, the distinction between rational desire and actual desire, Korsgaard says that we need to have some rational principles which can determine which ends need to be given preference and

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[42] Korsgaard, *The Constitution of Agency*,39

pursued. The first suggestion takes us beyond instrumental rationality. The second suggestion which claims that people are irrational, because they are not promoting the ends, they "really want", also takes us beyond instrumental rationality. If we look further into this idea of "real" desires, as a basis to determine a person's action being rational or not, we shall have to "argue that a person ought to pursue what he really wants rather than what he is in fact going to pursue"[43]. Thus these "real" desires are to have some normative force: that shall guide a person to do what she "really wants", even when she is not inclined towards doing it.[44]

Korsgaard observes that for a person to act rationally, her motivation should be her own recognition of the appropriate conceptual connection between the belief and the desire. This combination is found in Kant's hypothetical imperative. According to Kant the person in possession of rationality is said to act not merely in accordance with, but from the hypothetical imperative. The hypothetical imperative says that if you will the end you must will the means to that end. If a person fails to take the means to a certain object, we can say the object is not her end. Hypothetical imperative is to be considered as a constitutive principle of willing. When a person wills an end, she constitutes herself as the cause of that end. Korsgaard points out that this finds reflection in Kant's understanding of rationality in which rationality is considered as the power of self-determination.[45]

Korsgaard further explain how the hypothetical imperative can unify and constitute the will. She explains with an example of her writing a book at the present moment. She may get distracted by her desires and temptations to give up writing for

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[43] Korsgaard, *The Constitution of Agency*,42
[44] Korsgaard, *The Constitution of Agency*,40-42
[45] Korsgaard, *Self-Constitution*,68-69

the moment and indulge in other activities that may seem to make life easy and enjoyable. But if she gives in to her desires and temptations, she shall not be able to write. So, willing an end, in this case to write a book, is not just to cause it but to constantly gather oneself every moment and make oneself the cause of the end. Conformation to the hypothetical imperative shall save her from getting derailed by desires and temptations. Hypothetical imperative is an essential part that shall give her a will.[46]

Korsgaard points out that she has taken the object of choice as action, and in such a case since we can never make a choice based only on the hypothetical imperative, because categorical imperative has a governing role in every choice we make. This seems as a complication, but then Korsgaard finds a way out by rejecting the view that the hypothetical imperative is an independent principle. Hypothetical imperatives capture "an aspect of categorical imperatives: the fact that laws of our will must be practical laws"[47]. Now the agent is deciding whether her doing a certain action for the sake of a certain end is fruitful or not. Now in cases, such as Howard's, where the agent suffers from fear or indecision, all we can understand is that the agent's decision is unsteady.[48]

2.1.4. Self-Constitution

Korsgaard presents two different models of understanding action. The first model closely associated with Hume's thought process is the Combat Model. In the Combat Model the agent's action is behaviour that results from the prevalence of the strongest group of desires, backed by belief, working within her over other desires. Korsgaard

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[46] Korsgaard, *Self-Constitution*,69-72
[47] Korsgaard, *The Constitution of Agency*,68
[48] Korsgaard, *Self-Constitution*,71

does not approve of the Combat Model, as she feels that it gives no clear picture of the person who chooses between reason and passion, the *agent* disappears or becomes irrelevant. The second model that Korsgaard puts forward is the Constitution Model following Plato's Republic. In this model the human soul is compared to the constitution of the polis or city-state. The agent is constituted by the ultimate executive decision making by reason. The human soul has three parts appetite, spirit and reason, as the state has three parts firstly rulers, secondly the combination of soldiers and police force and lastly the common folks like farmers, craftsmen and others. The unity of the soul is a result of a deliberation that starts from the appetites and desires wanting us to act in certain ways to achieve certain ends. Since we have reason, we don't act in a straight way based on appetites and desire. Reason decides which act is to be done and spirit carries reason's decision. The unity of the soul holds when these three parts are going on doing their own assigned roles without trying to interfere and take over the role of the other. Just like the city, which can function as a unit when there is no injustice and all parts function in their specified roles. Justice is when no one's role is usurped and there is collective action.[49]

Korsgaard further tries to incorporate Kant's thought into Plato's understanding of the soul. Kant has his view that as someone is a rational being, she shall act under the law of free will. And according to Kant this free will is not determined by an outside force. Korsgaard observes, following Kant that the law that determines the free will must be "autonomous", acting on a law that free will gives itself. If our free will were being acted upon by a heteronomous force, we would be inclined to follow our desires. But then this is not the case. We are autonomous, and desires are not a law for us. We will our own maxim, testing whether it passes the categorical imperative test. So, for

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[49] Korsgaard, *The Constitution of Agency*, 100-109

Kant, the categorical imperative is the law of free will. We can say that a person acts well when she acts according to her constitution. If reason guides her to overcome her passion, she should act according to reason. But not in identifying herself with reason, but because she identifies herself with her constitution which only reason can uphold.[50]

Korsgaard questions, what we can say of a person who acts badly? If we follow Plato and Kant, Korsgaard observes it looks at first that nothing exactly counts as a bad action. This is because for Plato a person not unified by the constitution rule is not able to act, since only a just person can act. And for Kant action should take place following the autonomous free will, if it under outside passion or desire it ceases to be an action, rather it becomes something that has happened to us. So, both Plato and Kant have identified a metaphysical property, constitutionality and autonomy respectively. They both have in turn identified it with a normative property justice for Plato and universalizability for Kant. These metaphysical properties show us that action is something that the person does, not something that happens to her. Korsgaard argues that a person who acts badly is not doing something different from acting in a good manner, but it is "the same activity- the activity of self-constitution- badly done"[51]. Someone may choose a maxim, which is not universalizable and thus fails to be a categorical imperative. Or if we draw an analogy, the city state which adopts laws in constitutional procedures, but the laws are in itself defective. But Korsgaard argues that someone cannot deliberately choose a maxim that is not universalizable. All the bad choosing we end up is because we are guided by desires and inclinations. Here we can refer back to the previous discussion on what it means to have built a bad house. A person whose house blocks a gorgeous view is making a bad house, but then she may

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[50] Korsgaard, *The Constitution of Agency*,109-113
[51] Korsgaard, *The Constitution of Agency*,120; Korsgaard, *Self-Constitution*,180

choose to do so. But building a house that does not provide shelter is a defective action, because then she is not building a house. In this way someone acting on a maxim must at the same time will it to be a universal law.[52]

2.2. Pettit's Conceptualization of Freedom

In this section, we will look into the concept of freedom related to human agency, which is freedom in the agent, following Philip Pettit.

2.2.1. Freedom of an Agent

Pettit argues for a theory of freedom that does not take free will and political liberty as detached from each other. He points out that Thomas Hobbes and Immanuel Kant had "distinguishable things to say about free will and political liberty, they clearly did not think of those topics as isolated and distinct"[53]. Pettit while rejecting the distinction between psychological and political matters of freedom, uses the term "freedom in the agent"[54]. In doing so, firstly, he avoids suggestions to psychological aspects that use of free will brings. Secondly, he rejects the autonomous domain of theory that political liberty suggests.[55]

Freedom in the agent is when the agent is fully fit to be held responsible. The action must be truly theirs, without any coercion and further they must relate to the action, not view the action as a bystander. Pettit observes that any concept of freedom must look into the "connotations of responsibility, ownership and underdetermination"[56]. These connotations must explain how the concept of freedom

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[52] Korsgaard, *The Constitution of Agency*,113-126

[53] Philip Pettit, *A Theory of Freedom: From the Psychology to the Politics of Agency* (New York, Oxford University Press, 2001),1

[54] Pettit, *A Theory of Freedom*, 3

[55] Pettit, *A Theory of Freedom*, 1-2

[56] Pettit, *A Theory of Freedom*,7

applies at the level of action, self and person. Pettit wants to give priority to the responsibility connotation. It is because he thinks that responsibility can save all the three connotations. Pettit argues that an action which is wholly owned by the agent or an action that is underdetermined may not be an action where the agent can be held responsible. But an action in which the agent is held responsible has to have certain elements of ownership and underdetermination. For instance, if someone is responsible for doing an action A rather than B, then her choice of doing A connotes a degree of ownership. In a similar way responsible awareness that A needs to be done and B need not be done, makes the agent capable of doing A and not B. Thus, the agent is involved in the process of choice itself.[57]

Pettit points out that there are certain conundrums of freedom related with each of the connotations of freedom. Firstly, the connotation of underdetermined choice leads us to the problem of modal possibility How is it that a certain action is done by the agent, it may have been the case that some other action could have been chosen by the agent. Secondly, the conundrum that connotation of ownership leads us to is the first-personal aspect of freedom. How the agent can see herself in the process associated with free action, owing or claiming it as bearing her signature, without seeming to be third-person characterization. Thirdly, the connotation of responsibility puts forward the conundrum related to recursive nature of responsibility. How is it that when an agent is responsible for an action, there may be other conditions on which the action depends, such as the beliefs of the agent. Now the agent has to be responsible for those beliefs too, if that is not the case responsibility connotation fails. Now if the beliefs are based on habits, responsibility of the habit is also to be with the agent, otherwise the conceptualization of freedom as responsibility fails. Pettit observes that this "recursive

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[57] Pettit, *A Theory of Freedom*,7-8

nature leads to an infinite regress back along the lines of controlling influences in virtue of which the action is put down to an agent in the first place"[58]. Pettit is of the opinion that since he is focusing on conceptualizing freedom in terms of responsibility, the discussion shall be focused on the free agency, on the recursive conundrum. But the other conundrums shall also be resolved as he discusses further how freedom is to be analysed.[59]

Pettit observes that the fitness to be held responsible has three aspects. Firstly, it is fitness prior to choice to be held responsible for whatever one does. Secondly, it has to be personalized fitness, not just any standardized criteria for ascribing responsibility. Thirdly, it has to be fitness to be held properly responsible, and not because of developmental reasons. Pettit tries to argue for conceptualizing freedom as fitness to be held responsible, by putting forward an argument. Which is that there is an *a priori* connection between being free and being held responsible. And this *a priori* connection does not conform if freedom is conceptualized as ownership or underdetermination. As there seems to be no way we can find it compelling, that freedom under ownership or underdetermination connotes responsibility. Now Pettit's argument further clarifies a point that conception of freedom to be held responsible should not be seen as a non-explanatory thing. Because an agent's freedom meaning she should be held responsible, is not to merely say that being fit to be held responsible is why she should be held responsible. An agent shall be fit to be held responsible and free only when a number of distinguishable conditions are fulfilled. First being the agent having the knowledge of the options before him and being able to evaluate them and further respond to such evaluations. Secondly, the agent must be able to endorse

[58] Pettit, *A Theory of Freedom*,11
[59] Pettit, *A Theory of Freedom*,7-11

the action done as their own. Thirdly the agent should not be under coercion or pressure of other people.[60]

Pettit provides ten advantages of conceptualizing freedom a responsibility. The first advantage, the one that has been discussed earlier, is that freedom as responsibility can include certain aspects of freedom as ownership and underdetermination. The second advantage is that freedom as responsibility is that it is rooted in human life and its tendency to hold responsible. This human tendency is seen in many emotions such as resentment, gratitude, indignation, approval etc. The third advantage is that this connotation gives us the clear picture as to why we should speak of freedom in the three domains of action, self and person. The fourth advantage is that this connotation can explain that freedom as we conceive of can come in degrees; one can be wholly responsible for an action or may be partially responsible under certain conditions. The fifth advantage is that this connotation explains the difference between choosing an action A when, A and B are the given choices is different from choosing A when A, B and C are the given choices. The sixth advantage is that it avoids the asymmetry built into the system of holding people responsible, that only looks for good and avoids bad. This formulation allows us to look at freedom symmetrically. For instance, an agent has a choice between A and B, A being something that needs to be done and is right. The freedom in choice of responsibility is the ability to be responsible to choose between A or B. The seventh advantage of the responsibility perspective is that it explains that the freedom of the agent is not affected by choices or offers but restricted by threats. The eighth advantage is that this perspective gives importance to why being free is an important good in human life. This leads to us to understand that to be held responsible is to be a certain sort of a self or person, who has a suitable personal status

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[60] Pettit, *A Theory of Freedom*,18-20

or a suitable self-constitution, to be able to perform that action. The ninth advantage is that this explains why humans are only supposed to have freedom and not non-human animals. Non-human animals may have desires and beliefs, but responsibility is something we cannot ascribe to them. The tenth advantage is that in this perspective we can see that why we hold people responsible for certain consequences of action, and why some of those consequences but not others are understood to be freely sustained by the agent. The consequence of free action that we hold an agent responsible is usually the consequence of a past action.[61]

Further, we shall see how Philip Pettit argues for a theory of freedom based on the concept of freedom discussed above. His argument is structured by putting forward three theories of freedom, namely freedom as rational control, freedom as volitional control and freedom as discursive control. He analyses how each theory holds when looked into as theories of free action, free self and free person. In doing so he defends freedom as discursive control over the other two. We shall look into the structure of his argument.

2.2.2. Analysing Freedom as Rational Control

Pettit observes that the theory of freedom as rational control starts from the account of the free person and then extends itself to the analysis of free self and free person. An agent can be said to have rational control, so far as they function according to their intentional states, desires and beliefs. Pettit further divides rational control into two aspects. First aspect is action related, based on how the agent acts based on her desires and beliefs. Second aspect is evidence related, whereby the agent makes changes to her

desire and belief based on evidence, so that unsupported beliefs and unimplemented desires can be rooted out.[62]

Pettit says that theory of freedom as rational control says that free action is "an action that materializes under the control of the rational agent"[63]. but then there are five instances where rational control does not act. Firstly, are actions which are involuntary, such as a yawn or a blink. Secondly, when the action is produced by belief and desires but is not intentional, rather they are actions that occur due to a distraction. Thirdly, when the act that occurs is not intended such as when the agent strike a tennis ball with her racquet, but the ball hits a bird accidentally. Fourth are actions that are based on irrationally held beliefs and desires. And fifth are actions where the agent does an act A on her beliefs and desires, but then there is no such alternative for not-A available for the agent, for instance her acting under hypnosis.[64] Another important aspect that Pettit observes, following David Lewis[65], is actions done by habit, which can still be considered rational, because the habit is based on his beliefs and desires. If there is a conflict with reason then the habit shall be overridden and corrected.[66]

Pettit criticises theory of free action based on rational control. As per the concept of freedom, an agent act is free if and only if the agent can be held responsible for the act. This does not seem to be the case with theory of free action based on rational control. For instance, non-human animals have always acted on beliefs and desires, but they cannot be counted as having freedom because they are not held responsible for their acts. Only agents who have the capability to evaluate, through recognizing and responding to, their beliefs and desires can be taken to have free action. Davidson tries

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[62] Pettit, *A Theory of Freedom*,32-34
[63] Pettit, *A Theory of Freedom*,37
[64] Pettit, *A Theory of Freedom*,36-39
[65] Pettit refers to Lewis (1983)
[66] Pettit, *A Theory of Freedom*,39

to argue that human rationality has these powers[67], but Pettit points out that this power departs from rational, and tends towards reasoning, which is separate from the scope of freedom as rational control.[68] Now the theory of freedom as rational control applies itself to free self. An agent shall have free self only if they have the capacity of free action; that is the ability to have rational control in action. This theory may seem satisfactory in the first instance. Because we think that subjection to pathologies, such as compulsion, obsession, paranoia etc are enemies of self's freedom, and when rational control is applied an agent can free her from these pathologies. But Pettit observes that this satisfaction is a hasty one. This is because the theory should be able to explain why and how the absence of pathologies, that rational control brings forth, is to be counted as the agents own act. Pettit, points out that even proponents like A.J. Ayer[69] are not able to answer what makes beliefs and desires consistent with freedom in self and what makes pathologies as constricting causes for free self.[70]

Lastly the theory of freedom as rational control applies itself to free person. An agent shall be a free person, in relation to other people, if they retain rational control over their actions. But this formulation lands up in a problem, according to Pettit, who observes that it fails to undertake how an individual is treated by other persons. It may be the case that an agent is in rational control of her actions, but that actions are being coerced upon her. We can take the example of a burglar pointing a pistol at a person and saying, "Your money or your life?" Here the person may act with his freedom of rational, in choosing life over money, but then is the agent really a free person in doing so?[71]

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[67] Pettit refers to Davidson (1980)
[68] Pettit, *A Theory of Freedom*,39-42
[69] Pettit refers to Ayer (1982)
[70] Pettit, *A Theory of Freedom*,42-44
[71] Pettit, *A Theory of Freedom*,44-47

2.2.3. Analysing freedom as Volitional Control

According to Pettit, the theory of freedom as volitional control firstly is a theory of the free self, and then is applied to free action and free person. The theory of freedom as rational control failed to persuade us into accepting its application for a free self, as it suffered from the bystander scenario, wherein an agent is a helpless bystander to her own psychology, as an observer and not its author. Theory of volitional control basically tries to solve this issue, given the fact that if an agent has both rational and volitional control, there does not seem an agent shall be a helpless bystander. Pettit tries to put forward and argue upon the views of Frankfurt[72] which is related to Dowrkin[73], while discussing freedom as volitional control. He acknowledges that there are many philosophers with different versions of this line of thinking. Like Stump[74] has the Aristotelian and Thomistic notions of deliberative control, Korsgaard[75] has the Kantian idea of autonomous agency; Sartre[76] has the existential image of self-determining consciousness, Chisholm[77] who talks about agency causation.[78]

Pettit explains volitional control, following Frankfrut's idea.[79] Wherein, an agent shall be able to identify with an action, A, only if they have a second-order volition to do A. And such a volition shall be there only if they have a desire to do A. There are two different ideas in Frankfurt's approach according to Pettit. First is the idea that free agents are capable of having a second-order desire to have a first-order desire. Second-order desires being desires that can only be specified by mention of

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[72] Pettit refers to Franfurt (1988, 1999)
[73] Pettit refers to Dowrkin (1970)
[74] Pettit refers to Stump (1996,1997)
[75] Pettit refers to Korsgaard (1996, 1999)
[76] Pettit refers to Sartre (1958)
[77] Pettit refers to Chisholm (1982)
[78] Pettit, *A Theory of Freedom*,49-51
[79] Pettit has based his understanding on Frankfurt (1971)

other desires, this is not the case with first-order desires. Second idea is that a second-order desire may have a first-order desire as its will. This shall differentiate between those second-order desires that count as second-order volitions from other second-order desires that are just to have. Thus, an agent that acts on his second-order volition, can will and fully identify with her act. So, the bystander problem does not occur. But there are other problems with this approach. There are ways in which an agent may fail to be a free self. Firstly, by having no capacity to form second-order volitions, as is the case with non-human animals. Secondly by having the capacity, but not being able to form second-order volition, such as a person who is of unstable mental state with lesser cognitive abilities. Thirdly is having a capacity for second-order volition, but not able to exercise that capacity in certain situations. This third position may have two aspects. One in which an agent is not able to act in accordance to her actual volition; for instance, an unwilling drug addict. Two is a situation where the agent acts in accordance with one's own volition, but shall not be able to act in an opposite volition; for instance, a willing drug addict. In this second case Pettit observes that Frankfurt is hinting towards a higher ordered volition that shall force an individual not to take drugs. Pettit also point out that Frankfurt's notion of volitional control requires that there be rational control that can guide an individual's volitional control. But does this volitional control solve the problem of the free self? Pettit observes that if first-order desires can be looked into as an outsider, why not the same can be applicable to second-order volitions? Pettit explains with an example that many of us may relate to, that is the act of keeping our desk clean. May be an agent does not relate to keeping his desk clean and organised, he finds order in the chaos. But then he is guided by a second-order volitional desire to keep the desk clean. This volitional desire can be something that the agent does not relate to and does not make it her will. It may be that her upbringing has installed in her

a principle which says cleanliness is next to godliness and this is what brings the desire or may be what an onlooker may think about the agent if by chance they view her desk, so the agent has the desire to clean her desk. So, the bystander problem still persists. Pettit observes that there are defenders of this theory, who try to give volitional control to higher level desires and belief, rather than second-order desires but then this is not a satisfactory defence. The bystander problem shall still persist, even with volition at higher-level of desire, if the agent is unable to identify with the desire.[80]

Now the theory of freedom as volitional control as applied to free action points out that an agent's action is free when it is "rationally controlled by rationally held beliefs and desires that conform to the volitional requirement" of the agent.[81] So there are some controlling factors that make the action free, absence of which deems it not free. The problem with freedom as volitional control is that free self is still there when applied to free action. Further there are other shortcomings. The problem with theory of freedom as rational control is that an agent need not have to endorse her beliefs and desires. This was the case with non-human animals. Freedom as volitional control tends to overcome this problem as higher-order volitions of agent can be treated as giving certain standards to the act. Lower-level beliefs and desires are immediate controllers of action, but they are in turn controlled by higher-order volitions, thus the agent can be held responsible. But then we have seen earlier that responsibility is inherently recursive in nature. So, an agent cannot be held responsible for something in virtue of some given factors involvement for which she is not responsible. Pettit is of the view that freedom as volitional control applied to free action does not take into account this

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[80] Pettit, *A Theory of Freedom*,51-57
[81] Pettit, *A Theory of Freedom*,57

recursive nature of responsibility[82], and thus this approach does not give a satisfactory account of free action.[83]

Lastly, freedom as volitional control is applied to free person. It says that an agent shall be a free person so far as their relations with others is consistent with their being free persons. This means they have rational-cum-volitional control over their actions. This has a serious problem, as it still does not make a person free from hostile coercion. Hostile coercion seems to be consistent with rational-cum-volitional control of what they do. An agent who is coerced is still in a position to exercise rational and volitional control. If we again consider the example of the burglar, higher-order volition in case of being threatened with death, may be to hand over the money and not be defiant or angry. So, Pettit observes that freedom as volitional control does not provide us with a sound conception of free person.[84]

2.2.4. Freedom as Discursive Control

Freedom as discursive control firstly analyses what it is to be a free person, and then moves to free self and free action. A person is free when two things fall in place; firstly, there is agency in the person, which is they are fit to be held responsible for their actions and they are not under any coercion. And secondly, when an agent has an environment where she can make choices from different available options, if this is not the case and an agent has restrictive options, either naturally or through some social arrangement, we shall not be able to call the agent free person. Pettit point out here that discussion about environment shall be made later and at this present discussion it is put aside, if

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[82] Pettit points out that Frankfurt is not able to point out this because according to him freedom is considered as ownership and not as being held responsible.
[83] Pettit, *A Theory of Freedom*,57-60
[84] Pettit, *A Theory of Freedom*,60-62

not ignored. We shall keep these points in mind while we discuss what discursive interaction is and a theory of freedom can be based on it.[85]

Pettit, following Scanlon[86], says that to discourse is "to reason and, in particular, to reason with others"[87]. It may be the case the one discourses with herself, but then it has to modelled in a way that it is a social activity with oneself. When people discourse or reason together, about a theoretical or a practical problem, they recognize it as a common problem. By recognizing it as a common problem they can search for options that can recognised as common for its resolution. Discourse can be done in many ways, can be done in small groups of two and three people, or may be done for a problem that concerns everyone, or may still be done for a problem that concerns only a few people, but others are there involved in the discourse for advisory guidance. When people reason together, they have decision-making influence on others. Some may have more influence than others, by pointing out to relevant considerations that may have been ignored or by challenging a consideration that may be gaining influence. There are many possible angles in which a discourse can bring about consideration from different quarters of the group involved in the discourse. Any given individual consideration may or may not bring result in eventual consensus, but then each view point is important and cannot be ignored. Any individual's consideration must not be objected by others, because each view point enriches and advances the discursive task at hand. That no one should have objection in a discourse to an individual's consideration also points out to the fact that the individual agent with a consideration is fit to be held responsible for her influence to the discourse.[88]

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[85] Pettit, *A Theory of Freedom*,65-67
[86] Pettit refers to Scanlon (1998)
[87] Pettit, *A Theory of Freedom*,67
[88] Pettit, *A Theory of Freedom*,67-69

Pettit now distinguishes between discourse-friendly and discourse-unfriendly relationship. Relationships that do not obstruct or jeopardize or restrict discursive influence on one another and do not make discourses difficult are to be considered as discourse-friendly. On the other hand, discourse-unfriendly relationships are the ones that do not allow discursive influence on one another. Pettit observes that most of our relationships are perfectly capable of being discourse-friendly. In normal dealings with friends, family, acquaintances and colleagues, we are generally not discoursing, but then we may always have recourse to reasoning together. Our non-discursive activities do not serve as hindrances to the possible discourses that we may have. Pettit further observes that discourse-friendly relationship preserves an individual's freedom as person.[89]

An agent's freedom as a person can be naturally identified by how much control she enjoys in a discourse-friendly relationship. An agent shall be a free person if she has the ability to have a discourse and also have access to other discursive influences. This shall make an agent "fully fit to be held responsible for what they decide and do"[90]. Pettit calls this whole concept discursive control. Discursive control has two aspects. Firstly, capacity, that is the capacity to take part in a discourse and secondly, relational capacity, that marks an individual enjoying relationship that are discourse-friendly. But there are two complexities that Pettit thinks we need to keep in mind, related to this connection. Firstly, relational capacity presupposes that an agent is always in some type of social interaction with others and secondly, the ratiocinative capacity has the ability to improve based on the practice an agent has on discourses.[91]

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[89] Pettit, *A Theory of Freedom*,69-70
[90] Pettit, *A Theory of Freedom*,70
[91] Pettit, *A Theory of Freedom*,70-71

Now freedom as discursive control applied to free person, can help us get overcome of the problem with regard to hostile coercion, which both freedom as rational control and freedom as volitional control could not deal with. When a burglar threatened a person with death if she did not part with her money, the agent in her could act in both rational control and volitional control, in giving away the money. But we can never say that the agent is a free person in this particular situation. The burglar is discourse-unfriendly, so the agent is not responsible for her actions and thus is not free. Hostile coercion is inconsistent with discursive control; it restricts the range of discursive interactions. This is because discursive control has social and psychological dimensions, which are not present in rational control and volitional control, which were privatized. This social and psychological dimension shall never allow the agents action in giving away money for saving her life as an act of a free person.[92]

Another aspect that Pettit draws our attention to is that friendly coercion is consistent with discursive control. He says that friendly coercion occurs when the agent allows herself to be coerced up to a certain extent, so that she does not lose focus of her best interests. Pettit draws the analogy of a mast in a ship, which binds the ship towards a particular intended direction, against the wind. In a friendly coercion the agent is free, because the agent is fully responsible for what happens under the friendly coercion.[93] Pettit observes that manipulations, domination, intention to punish are all forms of influence that are inconsistent with discursive control. These should never be acceptable forms of friendly coercion.[94]

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[92] Pettit, *A Theory of Freedom*,72-75
[93] Pettit, *A Theory of Freedom*,75-77
[94] Pettit, *A Theory of Freedom*,77-79

The theory of freedom as discursive control applied to free self has been explained by Pettit in three stages: the first stage deals with person and self, the second stage deals with personal identity and self-identity and the third stage deals with free self. Now starting with person and self, these words are used for those agents who can speak and think of themselves under the aspect of first person indexical "I" and "me", "my" and "mine". We are to exclude humans who do not have this power, like babies, from other humans who can identify themselves as self. Further such a person can identify their own intentional states, such as I believe or I desire or I intend, from states that are ascribed to others. An agent can enter discourse and be in discursive control only when she can identify themselves and their influences in first person. So, discursive control takes a person who has such control as a person or self. Now Pettit points out that can there be a possibility for the agent to have discursive control when she thinks of herself as a name, say P, and not in the first person as "I" or "me". He answers in the negative because the use of name P shall always make the agent think, what would P do? When she thinks about what should I do? This leaves a deliberative gap, which shall not be there if the agent here to express in her own first person. In a discourse setting discursive partners must find the agent capable of first-person thought. And the agent must be ready to acknowledge in first-person mode the things that she says.[95]

The second stage is that of personal identity or self-identity, wherein Pettit observes that discursive control shall prove us an explanation. He observes that his argument is similarly defended by Rovane[96] as she argues that this can be traced to Locke[97]. As we know that an agent who is in discursive control is expected to follow

[95] Pettit, *A Theory of Freedom*,79-82
[96] Pettit refers to Rovane (1997)
[97] Pettit refers to Locke (1975)

up with the claims she had made earlier or the deeds she had done. An agent in discursive control is situated on an intertemporal trajectory, wherein the agent's current claims can be questioned if her earlier claims were contradictory. So, the agent must maintain a consistency throughout, if she is to be in discursive control. But the agent shall never be questioned with regard to some other discursive agent's claim. This explains to us personal identity, wherein an agent of the past is the same agent in this time, as she is bound by discursive practice to answer for, or answer to. Pettit says that he is trying to connect personal identity of an agent with the concept of an agent being responsible over time, for what she has said or done in the past. An agent with such discursive control can create a narrative that can be seen as self-construction or self-specification.[98]

The third stage is that of the free self. Pettit observes that to enjoy discursive control an agent must satisfy two conditions that depend on the nature of self. Firstly, an agent must endorse her legacy from her personal history and live according to that legacy. Secondly, the agent's commitment to her legacy must be reflected in the discourses she participates in. And following these, the free self is the one that discursive control presupposes. There are two ways in which an agent shall not be free-self according to freedom as discursive control: firstly, if she is fickle minded and keeps changing her decisions and secondly, if she fails to live to her commitments that she owns or the self she endorses.[99] We have seen that the theory of freedom as rational control and the theory of freedom as volitional control have failed to deal effectively with the bystander problem. But Pettit, points out that the theory of freedom as discursive control applied to the free self shall successfully solve this problem. An agent

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[98] Pettit, *A Theory of Freedom*,82-85
[99] Pettit, *A Theory of Freedom*,85-87

in discursive control over her own psychology, shall firstly not have a weak self, that fails to live up to one's past legacy and secondly, shall not have an elusive self, which fails to own up to one's legacy. Thus, such a self shall avoid the problem of pathologies, by being not weak and further avoids the bystander problem by being not elusive.[100]

Lastly, Pettit applies the theory of freedom as discursive control to free action. He observes that free action shall be that which "is consistent with the authorship of the free person and the free self"[101], such an action that takes place under discursive control. Further discursively controlled actions can be looked into in two ways. Firstly, would be a narrow way of interpretation in which a free action by an agent has to be "controlled by explicit discursive reflections, private or public".[102] The idea is that if an agent is to act, she must always do so on the basis of a logical process which provides the ground for considering a certain position among many possible situations; that is, she must act ratiocinatively. Pettit observes that in this narrow interpretation it would not be possible for most actions that people perform to be free. This is because even though we have ready access to discourse, we mostly act, out of habit or inclination or impulse, without initiating this access to discourse. The second interpretation is the board interpretation, whereby an agent's discursive considerations are to be in virtual control of the action, and not necessarily active control. In this board interpretation any agent in her regular action, by habit or inclination or impulse, may not activate her discursive control, but then the discursive ability is always in standby mode, ready to be initiated when needed. Pettit provides an example, think of a ticket–seller at a railway station, he is busy giving away ticket in the routine way he has always done. But if the routine is broken then the discursive ability is initiated, for instance if the

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[100] Pettit, *A Theory of Freedom*,87-90
[101] Pettit, *A Theory of Freedom*,91
[102] Pettit, *A Theory of Freedom*,91

ticket seller sees a traveller carrying unwanted weapons, with a potential of being violent and causing harm, he has to initiate an action that shall stop the given traveller and that action shall be guided by discursive control.[103]

We have seen that, when an agent guided by discursive control, in the active or virtual sense, does an action, she is guided by her values. The agent can be considered to be responsible for her actions. But we had seen that responsibility was recursive, when free action was considered under the theory of freedom as volitional control. There was another problem similar to this responsibility connotation of freedom which was related with the undetermined connotation; that is modal problem. In which we could assume a free agent could have done any other act instead of the one she has done. Pettit observes that freedom as discursive control can help us navigate both these problems. Firstly, an agent who is in discursive control can do any other act instead of the one she does, this depends not on the process leading to what is done, but rather on the nature of the agent herself. The agent, who is free and responsible, can choose to be in another discursive group or rather not being in any group, if she feels she does not have discursive control. This sorts the modal problem. Secondly, the recursive problem of responsibility: which is in place when free action is analysed through freedom as volitional control. Pettit points out that we have seen in the resolution of the modal problem, that an agent who has discursive control is fit be held responsible for her action or belief or desire. This makes us understand that the agent's action or belief or desire is not to be held responsible in virtue of any preceding event, because her discursive control takes care of that aspect, as we saw while dealing into free-self analysed under discursive control. This takes care of the recursive problem.[104]

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[103]Pettit, *A Theory of Freedom*,90-93
[104] Pettit, *A Theory of Freedom*,93-100

Pettit further observes that, the last aspect that theory of freedom as discursive control gives us an edge over other theories is the aspect of permissibility. We may hold an agent responsible if she is to have freedom in her agency. But there is another aspect, which is of permissibility: holding the agent responsible must be permissible under the practice by which we hold her as free. Permissibility may find its reflection in the praise or blame we give to an agent for an act. In this case we have to leave aside habit-forming punishment or reward we generally associate with children or pets, and which finds its reflection in day-to-day human behaviour too. This seems not subject-friendly, as an agent in such a situation may think of praise or blame in some other perspective, which acts as an outside influence. Praising or blaming an agent should reinforce the agency and autonomy of the agent. An agent should be praised and blamed for an activity only when the agent gives her permission for that particular activity. This is exactly what freedom as discursive control is all about. An agent shall be involved in a discourse-friendly relation, being fully aware that she is providing and getting discursive status from other members of the group, thus her actions are with reason and without outside influence.[105]

There is an important aspect of Pettit's analysis leading to freedom as discursive control, wherein he says that this theory presupposes rational control and volitional control. Reason plays a primary role in an agent's agency. Discursive control tries to build further upon reason and volition. Pettit has placed Korsgaard's approach as the one that deals with volition with its focus on autonomy. Korsgaard's formulation of autonomy does find its reflection in the way Pettit talks about a free-self capable of discursive control. As when, Korsgaard talks about action being something that a person does, and not something that happens to her. This is exactly where discursive

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[105] Pettit, *A Theory of Freedom*,100-102

control tries to differentiate itself from rational and volitional control, as it tries to ascribe responsibility to the agent. On the other hand, there are issues in Korsgaard's approach where Pettit's approach of an agent with discursive control may play a role. For instance, the example of Howard: an agent who denies vaccination. If Howard was to act freely under discursive control, in a discourse-conducive environment, then may be his agency would have established itself in a different way. His desires and beliefs could have been shaped by the discourse in a way more beneficial to him. Another aspect is Korsgaard's incorporation of the hypothetical imperative and the categorical imperative, where reason plays an important role. If we look at a moral agent who can form the imperatives, we see an agent who is capable of discourse with herself, who puts reason to understand her relationship with others. Such an agent can be said to have discursive control. After analysing an individual's agency and freedom, in the next chapter we shall look into group agency and see how discursive control and autonomy finds its reflection in a collective scenario.

Chapter 3
Integrated Collectives and Responsibility

3.1. Possibility of Group Agency

When we talk about an individual's agency, and that too specifically in the discursive sense, we are bound to consider an individual location in a group of individuals. This section shall be an attempt to consider how an individual's freedom is related to a group's freedom, and further can we move from individual agent to consider the group itself as an agent. Pettit argues in favour of a parallel application of freedom in an individual to the freedom of a group, that consists of collective agents. He does so by two main arguments, firstly, by establishing the fact that there are collective subjects capable of both being held responsible and of holding others responsible. Secondly, by pointing out that the theory of freedom as discursive control is applicable to groups, that means a group can enjoy discursive control. These arguments shall be analysed in this section.

3.1.1. Discursive Dilemma

Pettit puts forward the approach of eliminativism about collective subjects, following Anthony Quinton[106]. Quinton is of the view that judgements, intentions can be ascribed to social groups, only in a metaphorical way, it is an indirect way of ascribing it to the individual members. What proponents of eliminativism point out is that: "groups and groupings of individuals only have mental properties in a summative and metaphorical sense, and can constitute subjects only in a summative and metaphorical sense."[107] So,

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[106] Antony Quinton, "Social Objects", *Proceedings of the Aristotelian Society 75*, (1975), 17
[107] Philip Pettit, *A Theory of Freedom: From the Psychology to the Politics of Agency* (New York, Oxford University Press, 2001), 105

to say a farmer-union is anti-government policies, is to mean that all or most of the farmers, as individual members of the farmers union are anti-government policies.[108]

Pettit observes that eliminativism regarding collective subjects has been questioned by Gilbert, Tuomela, James, Meijers and Searl,[109] but even then "the general tendency is to support an analysis of collective intention that make it difficult to avoid eliminativism"[110], as is seen in Bratman[111]. Pettit argues for realism of collective subjects that shall counter the justifications raised by eliminativism. Pettit begins his argument with a dilemma, which he refers to as a discursive dilemma, that collectives are faced with. There are two options, one to individualize reasoning and the second is collectivizing it.[112]

Pettit observes that the discursive dilemma is a generalized version of the doctrinal paradox that is discussed in jurisprudential circles. This paradox is: Multiple judges making their individual decisions on a case and then aggregating their votes, as is the standard practice, can lead to a hugely different result from the situation where, if each had voted instead on specific matters or relevant considerations relating to the cases and let those votes decide how the case should be resolved. Pettit illustrates the dilemma with an example of a simple case where a three-judge court must decide on whether a defendant is liable under a charge of breach of contract. Pettit points out that according to the legal doctrine, a breach of contract would occur if firstly there is a valid contact in place and secondly the defendant's behaviour was in breach of the

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[108] Pettit, *A Theory of Freedom*, 105-106
[109] Pettit refers to Gilbert (1989), Tuomela (1995), James (1984), Meijers (1994) and Searl (1995)
[110] Pettit, *A Theory of Freedom*,106
[111] Pettit refers to Bratman (1999)
[112] Pettit, *A Theory of Freedom*,106

contract. So, considering the three judges A, B and C vote as follows regarding the issue:

Judges	Contract?	Breach?	Liable?
A	Yes	No	No
B	No	Yes	No
C	Yes	Yes	Yes

There are two ways in which the court may make decision in this case. Firstly, by considering the decision of individual judges based on their reasoning and then aggregating their view on the conclusion, in this case the liability issue. In this way the defendant shall be not liable. Secondly, the court may aggregate the judge's opinion on individual parameters, in this case contract and breach issues. This shall result in the defendant being found liable, since each individual parameter is seen to be "Yes" by majority. So, we see that the two ways of coming to the decision are placing us on two opposite sides.[113]

Pettit further is of the opinion that, it is not only legal cases where certain considerations are already in place based on which a certain conclusion is reached, such as the example discussed above, which are faced with this paradox. This paradox shall arise whenever there is discourse in a group of individuals with a view of forming an opinion on a certain matter that rationally connects with other issues. Pettit considers another case, this time in a workplace, among employees of a company. The issue of deliberation is regarding forgoing a pay-rise so that work on the electric lines as a safeguard against electrocution can be done with the money saved. Pettit considers three

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[113] Pettit, *A Theory of Freedom*,106-107

issues on which the employees are to make up their mind regarding sacrificing their pay-rise. These issues are, firstly, is there a serious danger of electrocution; secondly, shall the pay cut be able to buy an effective measure against the issue; and thirdly, shall the employee be able to bear the loss due to the pay cut. Now after deliberation the employees vote, let us consider three employees A, B and C as an illustration.

	Serious Danger?	Effective measure?	Bearable loss?	Pay- Sacrifice?
A	Yes	No	Yes	No
B	No	Yes	Yes	No
C	Yes	Yes	No	No

Now if employees vote in this pattern, we can clearly see different decisions shall be made depending on whether the group judgement is based on members judging on premises or them judging on conclusion. If we consider individual premises, then pay sacrifice seems to be justified, but goes other way while considering only the individual conclusions. Pettit is of the opinion that if individual group members enter a deliberation and cast their vote on the issue that they are discussing on, their individual conclusion shall be the basis on which the group decides. On the other hand, if the decision is to be made considering individual premises, then there should be a chairperson who makes the group vote on each premises on which the deliberation is based, and then arrive at the logical conclusion.[114]

Pettit observes that when the group goes the first way, then it individualizes reasoning. The problem that arises from individualizing reason is that the group will be rejecting a conclusion that is supported by the premises it endorses. When the group

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[114] Pettit, *A Theory of Freedom*, 107-109

goes the second way, it does not leave all matters of reasoning to individuals, rather it tries to make reason applicable at the collective level. The main issue here is the collectivization of reason, which is gained through the second way. Acting based on individualizing reason shall be "allowing collective unreason".[115] So, Pettit discusses how the collectivization of reason is possible.

3.1.2. Reason Collectivized

So far, we have discussed that when a group enters a deliberation, faces a dilemma. If they impose the discipline of reason only at the individual level, they may end up supporting inconsistent views. On the other hand, imposing the discipline of reason at the collective level, may give rise to acceptance of such decisions, that each individual in her own capacity rejects. Pettit observes that "any collectivity that embraces a common purpose will face this sort of dilemma" and on facing such a dilemma they "shall be forced to collectivize reason".[116] Now, why does Pettit think that collectivizing reason is the only option? We shall discuss.

Pettit following French, Stoljar and Sunstein[117]observes that "group and groupings come in many different varieties"[118]. Groups can be classified broadly into organized and unorganized. Among the organized "some are merely networks of interacting individuals; others are committed to the pursuit of common goals".[119] And further among the committed ones, some are guided by specific considerations, while others decide depending on individual preferences. Pettit points out that the example of workers deliberating on forgoing a pay-rise, may be considered as a purposive group

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[115] Pettit, *A Theory of Freedom*, 109
[116] Pettit, *A Theory of Freedom*, 110
[117] Pettit refers to French (1984) Stoljar (1973) and Sunstein (1997)
[118] Pettit, *A Theory of Freedom*, 110
[119] Pettit, *A Theory of Freedom*, 110

that agrees on how to make up their mind. Pettit observes whatever may the case regarding a purposive group, being able to agree on some consideration or not, they are bound to face the discursive dilemma. And when faced with this dilemma they will be tending towards imposing the discipline of reason at the collective level.[120]

Pettit tries to argue for the fact that purposive groups will inevitably be faced with discursive dilemma. Firstly, he says that any group that pursues a goal based on a purpose shall be based on reasoning and judgement. In such a group a record a history of judgements, based on how goals are being pursued, shall be generated. Secondly, when a new debate is in hand, these recorded past judgements shall further shape how the purpose is to be carried forward in a consistent and coherent manner. Thirdly, we must keep in mind that the group shall be faced with discursive dilemma, in this backdrop of rationally connected issues. Fourthly, we must understand that the group should not be seen as promoting inconsistency or incoherence in its judgements across time, if it has to be effective promoter of its purpose. So given this situation Pettit says that "every purposive group is bound to try and collectivize reason, achieving and acting on collective judgements that pass reason related tests like consistency".[121] If collectivization of reasoning is not done, then the purposive group shall be found struggling to find coherence among its current judgement and past judgements.[122]

Pettit tries to explain this with an example of a political party, that must make various decisions, and the decisions must be coherent. Let us assume a political party, in January based on a majority vote among its members decides that it will not increase taxes. Again, in the month of June it decides that increase in defence spending is

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[120] Pettit, *A Theory of Freedom*,110-111
[121] Pettit, *A Theory of Freedom*, 111
[122] Pettit, *A Theory of Freedom*, 111-112

necessary, basing itself on a majority vote among its members. Now, in September if the party has to decide on increasing government spending in other areas of policy, can it allow a majority vote?

If the party allows majority voting, let us consider a probable case with three members.

	Increase Taxes?	Increase Defence spending?	Increase other spending?
A	No	Yes	No
B	No	No	Yes
C	Yes	Yes	Yes

In such situation the party cannot allow such inconsistency among its members. When looked at individually the members may seem disconnected to the purpose of the party at large. So, the party cannot allow judgements to be made at the individual level and it must collectivize reason.[123]

Pettit further says that "groups or groupings that collectivize reason may be usefully described as integration of people, or integrated collectives, or perhaps social integrates".[124] This is mainly because what necessarily happens in collectivization of reason is that members get integrated into collective patterns of judgement and decisions. In contrast a group or grouping that does not collectivize reason may be described as "an aggregations of people, or as aggregated collectives or just as aggregates"[125]. This integration of people may range from smaller numbers to large numbers. These integrations may endure over long period of time and can maintain the

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[123] Pettit, *A Theory of Freedom*,112-113
[124] Pettit, *A Theory of Freedom*,113
[125] Pettit, *A Theory of Freedom*,113

rule of collectivization of reason over the change of memberships too. Further, deliberation and decision making can occur in variety of patterns.[126]

3.1.3. Understanding Collective Subjects

Pettit now turns his focus towards understanding how collective subjects display their mental properties and further how they qualify as candidates for freedom. Collectives must be genuine subjects and they must display mental properties: in their own right, and not just as a reflection of mental properties, in a summative, metaphorical way as displayed by their individual members. The judgements and intentions of social integrates that collectivize reason are in many instances seen to be dramatically discontinuous with those of their members. For instance, we can look into the case that we discussed earlier wherein workers were deliberating about forgoing pay-rise. Now if the workers submit themselves to the rule of reason at the collective level, then we can see that they shall accept to forgo the pay-rise, even when individually each one of them were opposed to it. Pettit also points out that this extends itself to the intention of the integrated collective. As in the example we considered, the person over-looking over the deliberation may inform the workers that their intention is to forgo the pay-rise. So integrated collectives may form intentions that are discontinuous from the intentions of individuals who form that collective. This claim is counter to what Anthony Quinton opined, that collectives are "only ever subjects in a metaphorical, summative sense"[127]. Pettit points out that this discontinuity claim is what "vindicates in the most compelling"[128] manner the claim that there are collective subjects in real.[129]

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[126] Pettit, *A Theory of Freedom*,113-114
[127] Pettit, *A Theory of Freedom*,115
[128] Pettit, *A Theory of Freedom*, 115
[129] Pettit, *A Theory of Freedom*,114-115

3.1.3.1. Freedom in Collective Subjects

As we have discussed earlier that Pettit has shown the concept of free agent as someone who is "fit to be held responsible because of the way their actions materialize, their self or psychology operates, and their person relates to others"[130]. Pettit accordingly is of the opinion that a collective subject can be considered as a candidate for freedom "only if it is a centre of personhood, selfhood and action"[131]. Now, collectives have been seen as having intention, so they are sources of action. But even non-human animals have intention, but they are not regarded as persons or selves. So, can collectives be ascribed personhood? Pettit answers in the affirmative as he says there has been a long tradition in this regard, even though there are some critics of this tradition, such as Runcimann[132]. Individuals whom we can refer to as person, in addition to having beliefs and desires and intentions, can give expression to those states in words and further they can be held to those words. If this criterion holds, Pettit agreeing with Rovane[133], integrated collectives too can count as persons, as we have seen the discipline of reason at the collective level is in play in integrated collectives. Integrated collectives with the first-person point of view can engage in deliberation with another individual or group and can keep a record of its commitments. This is important because a condition for self-identity is that a person does not disown her past actions. An integrated collective can own up for its past judgements and so can be termed identical with the collective from the past. The term "self" related to collectives must not be taken in a literal sense, as in the self with a neuronal or psychological architecture.[134]

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[130] Pettit, *A Theory of Freedom*, 115
[131] Pettit, *A Theory of Freedom*,116
[132] Pettit refers to Runcimann (1997)
[133] Pettit refers to Rovane (1997)
[134] Pettit, *A Theory of Freedom*,115-119

Pettit has argued that discursive control is an important aspect from wherein freedom of action, self and person should be evaluated. He explains that this holds true for the integrated collectives too. Firstly, if we consider an agent to be a free person if they can have discursive control in their relations with other persons. This can easily be applied to integrated collectives, which can enter into a relation with other persons, individual or collective, and have discursive control in those relationships, with can make their relationship discourse friendly. Secondly, a person can be a free self if they do not suffer from the bystander perspective and own up to their past commitments. We have already discussed that integrated collectives can owe up to their past commitments and thus can be free selves. Lastly, a person can be said to have free action, if they act in such a way that they can defend their action with the support of relevant discursive considerations. This is also applicable to integrated collectives, since collectives can defend their action based on discursive consideration.[135]

Since we have discussed about freedom as applicable to the collective subject, we can now turn our focus towards an important concept of responsibility. The question that we are concerned with is: Are group agents fit to be held responsible? How far can an individual be held responsible in collective? Pettit, along with List[136] have discussed these aspects. If we consider the case that we discussed before of the employees voting for the pay-sacrifice. We have seen acting as an integrated collective the group ends up opting for pay-sacrifice. Now the group should be held responsible and can be appreciated for being far sighted to opt for pay-sacrifice for a reasonable cause. Can the individual members be also appreciated or even held responsible, since every one of them individually was not in favour of the pay-sacrifice? Most probably we are tempted

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[135] Pettit, *A Theory of Freedom*,119-121
[136] Cristian, List and Philip, Pettit, *Group Agency: The Possibility, Design and Status of Corporate Agents* (Oxford, Oxford University Press, 2011)

to answer, no. But can we not consider this case as such that each individual member can be held responsible for acting in accordance with the procedure and agreeing to the consideration an integrated collective. Pettit observes that "we need to allow for a possible bifurcation between individual and collective responsibility"[137].We can also consider another example of a court case where a company CEO may be convicted of a wrongdoing related to a certain section of that company, despite the lack of the CEO's personal involvement in the day-to-day actions of that section. Now this is a tricky situation, someone may rightly question as to why the company, here represented by its CEO be held responsible. List and Pettit seem to be in favour of the court's verdict in this case, since they point out that group agents are fit to be held responsible.[138]

3.2. Evaluating Group Agency: Constitutive Standards and Individualism

The discussion collective integrates brings forth the question regarding an individual's agency in the context of an integrated collective. Is the individual agency overpowered by the collective? Or can an individual operate in multiple identities, as suggested by List and Pettit. These issues shall further come into picture in this section, where we deal with two dimensions of criticism of List and Pettit, by Carol Rovane[139] and Herlinde Pauer-Struder.[140] In this section, we shall look into questions with regard to normativity and along with that we shall look into is the nature of the individual in the group he belongs.

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[137] Pettit, *A Theory of Freedom*, 122
[138] Vincent Chiao, "List and Pettit on Group Agency and Group Responsibility", *The University of Toronto Law Journal, 64:5*, 2014:761-762
[139] Carol Rovane, "Group Agency and Individualism*", Erkenntnis(1975-)* Vol. 79, Supp. 9 2014
[140] Herlinde Pauer-Struder, "A Constitutive Account of Group Agency", *Erkenntnis(1975-)* Vol. 79, Supp. 9 2014

3.2.1. Constitutive standards

Pauer-Studer is of the opinion that List and Pettit have only focused on the basic mechanical structure of agency. It is the case when an agent's agency must have representational states, such as beliefs, motivational states such as, desires or preferences and the capacity to process the representational and motivational states so that see can act on their basis. But Pauer-Struder says that in addition to the agent's capacity to process desires and belief, an agent also needs to consider whether she has a reason to act on that on a desire. This aspect of agency, which deals with the scrutiny and assessment of the normative status of one's ends and desires, is missing in Pettit and List. She observes that Pettit and List are aware of the limitations that functional model of agency, that is why they supplement the conception of agency with ideas regarding capacity for practical reasoning and critical reflection. But List and Pettit add these normative components to the functional model of their agency, without providing the normative considerations its due and further without explanation as to how this unification is to be understood. Pauer-Studer claims that the constitutive account of agency can explain in a better way group agency. She focuses on the views of Christine M. Korsgaard and David Velleman; and in doing so she also explains a bit of difference in between them.[141]

Pauer-Studer points out regarding agency we can have either a causal story or a normative story. The causal story being a person feels hungry, he believes that the café outside serves something to eat and thus goes to the café. The normative story goes beyond the belief-desire model; here the person is concerned with the normative question that should she go to the café, being hungry may be the reason to consider so

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[141] Pauer-Struder, "A Constitutive Account", 1623-1624

but is not the cause. In this normative story the agent may think that shall it be not better to have a hot home cooked meal, rather than go to the café, there is a deliberation. She may at the end go to the café, but that is because of the result of the deliberation. The focus of the constitutive account of agency is to connects these two stories, by closing the gaps in between.[142]

Pauer-Struder tries to explain what is meant by "constitutive standards of agency". This concept following Korsgaard was discussed previously in our discussion about the concept of agency too. According to Korsgaard constitutive standards are those "normative standards to which a thing's teleological organization gives rise."[143] We should recall the example of the house, which even Pauer-Struder points out, the different structures of the house must be organized in such a way that they serve its purpose of providing shelter. A "good house" being the one that fulfils this function in a proper manner. In a similar way according to Korsgaard one must be constituted and guided by principles of practical reasoning that make agency possible to be an agent. If we do not deliberate to decide we cannot be agents. Action is a form of self-determination. As Pauer-Studer quotes Korsgaard[144]

> When you deliberate, when you determine your own causality, it is as if there is something over and above all your incentives, something which is you, and which chooses with incentive to act on. So, when you determine your own causality, you must operate as a whole as something over and above your parts when you do so.

[142] Pauer-Struder, "A Constitutive Account",1629-1630
[143] Pauer-Struder refers to Korsgaard (2009)
[144] Korsgaard, *Self-Constitution*,72

Pauer-Studer points out that Velleman also points out that agency requires 'me' in a certain way such as someone is directing and overlooking over the actions, through a "lens of critical reflection".[145] She further points out that for Velleman practical thought is a desire to act in accordance with reason. Velleman considers the defining element of agency as "a mental state, namely the drive for self-understanding and making sense".[146]

Pauer-Struder observes that Velleman and Korsggard were pursuing a 'more ambitious philosophical program than just giving an account of action' their claim was that the foundations of normativity lay in the constitutive standards of agency. Korsgaard approached this aspect by pointing out that to be agents we need to be guided by principles of practical reason, and these principles are the hypothetical imperative and the categorical imperative following Kantian principles. Hypothetical imperative helping us in the means-end coherence, and the categorical imperative in the principles of autonomy. On the other hand, Velleman's claim regarding this matter is more modest and more plausible, according to Pauer-Struder. What Velleman observes is that the normative standards that guides agency directs us towards morality, but are not in itself moral norms. Pauer-Struder sides with Velleman as she says that Korsgaard's moralizing account of agency, provides autonomy with a problem, as she writes[147]:

> Korsgaard identifies the constitutive standards of agency with principles of morality by endorsing a conscient concept of autonomy. Autonomy is indispensable for agency, but the Kant-Korsgaard form of autonomy is tied to the categorical imperative. An obvious strategy to save the basic idea of

[145] J. David Velleman, "What Happens When Someone Acts", Mind, New Series, Vol. 101, No. 403 (Jul., 1992): 477

[146] J. David Velleman, *How We Get Along* (Cambridge: Cambridge University Press, 2009), 123

[147] Pauer-Struder, "A Constitutive Account", 1633

constitutive account of agency, while giving up the more presumptuous aim of anchoring morality directly in agency, would be to fall back on a non-moralising conception of autonomy, just associating autonomy with critical reflections and having control. An agent would thus be someone having the capacity for reasoning but there would be no specific normative direction and guidelines in the reflection of the autonomous agent.

Pauer-Studer points out that this gap is bridged by Vellema's approach of considering agency as a controller which helps in tending towards morality, rather than just being morality.[148] Pauer-Studer says that the claim she makes regarding the constitutive account of agency is applicable to group agency also. This happens when the group agent considered itself as a "deliberating me", by taking into consideration its normative identity and decision procedures. The normative identity of the group is tied to the constitution of the group agent, which defines the precise identity of a certain group agent and its legal rights and duties.[149]

3.2.2. Individualism

Carol Rovane is of the opinion that Pettit and List trying to retain a form of metaphysical and normative individualism while alongside arguing for the realism of group agency, is unstable and untenable. Let us discuss how Rovane argues in this regard. Rovane begins with distinguishing between methodological individualism and metaphysical individualism. Methodological individualism being committed to reduction of social facts to facts about individual psychologies of human beings. This is not acceptable to proponents of group agency, as they focus on the fact that group agency is real and not reducible to individual agency. On the other hand, metaphysical individualism which

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[148] Pauer-Struder, "A Constitutive Account", 1632-1634
[149] Pauer-Struder, "A Constitutive Account", 1635-1638

proposes the theory that "whenever individual human beings bring about or participate in group agency, they nevertheless remain individuals in their own rights"[150]. Rovane says that List and Pettit are supporting metaphysical individualism with normative individualism, which precisely wants group agents to be expressly organized so that they do not dominate their human members. To counter this metaphysical and normative individualism, Rovane[151] argues that,

> when human beings achieve rational unity together at the level of the whole group, this tends to produce a certain kind of rational fragmentation in their lives, because not all the thoughts and actions associated with their brains and bodies proceed from the same point of view –some proceed from the group agent's point of view, while others proceed from a point of view that is somewhat smaller than human size.

Rovane, says that this exact rational fragmentation is denied by List and Pettit, in their explanation of group agents, where individual agents are considered as natural persons. Rovane further says that the nature of this denial, is uncertain to her, that is whether List and Pettit are claiming that "rational fragmentation is not able to follow up on such participations or they are claiming that even if it can follow up it nonetheless is not allowed. Rovane says whatever the case Pettit and List are mistaken.[152]

Rovane in her paper discussed about Rousseau and Rawls, and how in each of their theories, common will is formed at the level of a whole political group, thus being directed towards safeguarding individual rights and interests. But these groups cannot be considered as having group agency the way Pettit, alongside List, envisage. But then

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[150] Rovane, "Group Agency", 1664
[151] Rovane, "Group Agency", 1665
[152] Rovane, "Group Agency", 1663-1667

even Rousseau and Rawls and other proponents of the social contract theory seem to realize that their approach cannot be based on each of the issue that groups are faced with. May be that is why they kept themselves limited to soe basic political commitments and claimed that other issues can be handled in a democratic manner, the one based on majority rule. Both Pettit and List are clear of the view that decisions based on majority do not form an adequate basis for group decision making, as we have also discussed above. Rovane while discussing about the discursive dilemma that Pettit encounters, points out that individual members may be voting similarly based on different convictions, and they could easily have been voting differently. Thus, the group itself has no common set of rational considerations. Rovane terms Pettit's approach of arriving at rationality for the group itself as optimism, which may be because they have, as she terms it, "sympathy for functionalism"[153]. But to add to this "sympathy", List and Pettit also bring into focus the normative considerations regarding group agency.[154] In this context Rovane[155] tries to ask a pertinent question:

> What, in *general*, or in the *abstract* does rationality require of individual agents? How do they normally achieve rationality when they do and if they can't fully achieve it how do they still strive to achieve it? Is there any obstacle to supposing that a group of human beings might follow these very same rational methods?

Rovane focus her attention to cases of reflective rational agency, which explains as "agency that is exercised from a particular point of view, which is a site of deliberation and choice, and a site from which actions proceed"[156]. She further explains

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[153] Rovane, "Group Agency",1670
[154] Rovane, "Group Agency",1667-1670
[155] Rovane, "Group Agency",1670
[156] Rovane, "Group Agency",1670

that on many occasions an agent must face multiple options. The agent must choose from these multiple options and present the grounds on which she has made the choice stop. This is exactly where the occasion for deliberation arises. And in these occasions the agent must evaluate the options keeping in consideration all the sides. These options are all from the agent's perspectives. As Rovane explains that to deliberate from a point of view is considering "various thoughts that constitute that point of view"[157]. Rovane points out that being a rational agent does not mean that in all the cases and agent shall deliberate before acting. Rather agents sometimes rather often act without deliberating or even if they do deliberate, they sometimes fall sort of the understanding and arriving at the expected standpoint. But even then, an agent who is committed to being rational shall try to take into account the outcome of an all-things-considered judgment. Explaining further Rovane observes that there are three stages under which an agent shall operate her rational capacity. The first being to resolve conflicts and contradictions in one's attitude beliefs and priorities. The second is to take into consideration the options that one can choose keeping in mind the specific circumstances one's beliefs and abilities. The third step please do workout and arrive at one's conclusion based on all-things-considered judgement. It is in this situation that an agent committed to rational ideal, can be held responsible, which means we can ask why they did what they did.[158]

Rovane further explores how a group of individuals may come to be committed to the ideal of rationality. She begins with an example; about the faculty members of a certain Department of Philosophy who are deliberating among themselves that what should be the requirements for PhD. What the Department can do yes take suggestions

[157] Rovane, "Group Agency", 1671
[158] Rovane, "Group Agency"1670-1671

from different faculties and employ a voting procedure. This voting procedure according to Rovane may even consider Pettit's concern regarding applying appropriate constrains on the members voting, such as only such groups of requirements are to be voted on which are coherent with each other. Taking into consideration such a procedure, when students ask why is it that the Department imposes certain restrictions in the form of requirements for its PhD program, the director of graduate studies shall simply say this is because majority faculty had voted for them. Reasons why such a voting took place shall be different for each faculty member. and it should certainly be the case that the members deliberated on these different reasons before the voting. now let us consider if for certain reasons, in the near future the Department find some of its requirements for the PhD program as not effective, and it considers revisiting and re-evaluate its PhD program. Such a situation the problem with the aggregative methods of voting as pointed out by Pettit comes to the forefront. How is it that the Department shall explain the ideal behind its previous decisions? To avoid such a problem, it is better for the Department to consider a system based solely on the deliberative principles that shall be guided by normative ideals; ideals which can in a certain way explain what exactly the Department needs in its prospective PhD students.[159]

Rovane points out that these types of deliberation shall not be achieved applying the method that Rousseau and Rawls proposed to achieve a group will. She further continues explains the example she has provided through a rather personal experience at her department at Columbia University. When the faculty members sat together to put forward their views regarding what should be the criteria based on which PhD students were to be admitted, many different opinions came forth to the table. Some were in favour that there should be no specific requirement; a certain group of faculty

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[159] Rovane, "Group Agency",1671-1673

members felt that there should be a foreign language requirement: within them they were divided as to whether one language shall be sufficient or are two languages are needed; for certain group felt that there should be a logic requirement; well for a few a comprehensive knowledge of history was the prerequisite for serious study into the history of philosophy. Now this sort of diverse viewpoints demanded genuine group deliberation. Rovane here express an important aspect of her understanding. she says that "if a group is to pursue its goals in rational manner, it must undertake group deliberations which are carried out by the *group itself*."[160] This is because she feels that when individuals deliberate as individuals there is a certain limiting to the group point of view.[161]

Rovane tries to further make the point clearer, by pointing out that and easier imagination of genuine group deliberation would be a case of scientific inquiry. It tries to draw historical example, of the Manhattan Project being directed by Robert Oppenheimer. an army officer in charge by the name general Groves wanted to keep the various teams of scientists isolated from one another due to security reasons, this was opposed by Oppenheimer. What Oppenheimer wanted was that different groups of scientists will be able to communicate so that the various results together would provide the work with far greater significance and further add on to the scientific progress. But then he also advised the different teams of scientists not to come to the meetings armed with prior conclusions that where to be used to convince others. Such attitude would lead to arguments which would impede scientific progress. According to Rovane, Oppenheimer wanted the scientists to work out the joint significance of all the respective findings, you provide them with all-things-considered significance. What it

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[160] Rovane, "Group Agency", 1674
[161] Rovane, "Group Agency",1672-1674

meant was that the individual scientists or the subgroups where to be prepared with their respective opinions with regard to the ultimate motive of the project. The matters that the Manhattan Project dealt with where such that even if certain disagreements came to the forefront among the member scientists, voting on them was out of question. This is what led to genuine group deliberations.[162]

Rovane comes back to the original example, regarding the group discussions on the requirements for PhD students. In her personal capacity she believed any standardised requirements were not necessary for PhD students, other than the fact that in the end they can produce an original scholarly contribution. She says that even when she thought so, she realised that neither was she the dictator of the Department nor was the opinion of others immaterial regarding the question in hand. What was important was the fact that deliberations on all possible requirements for the PhD that the Department should consider would have to weigh the merits of the program. One issue the Department deliberated was that of the language requirement. There were some options in front of the Department: one was to stick strictly to English; but then certain philosophers or philosophical schools could have been studied in a better way if a certain foreign language were known. Now the Department has to decide what level of proficiency in that language is acceptable; basic level of knowledge may not stand sufficient in understanding the philosophies; so, should the Department ask for a high level of proficiency, but then the focus should happen primarily on the philosophy studies not on the language. Rovane points out that she must be a part of this deliberation even if she does not believe that language requirements should even be considered. She has been able to undertake this role in the group because when she goes into the Department meeting a part of intentional life associated with her brain and body

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[162] Rovane, "Group Agency",1674-1675

can help her to debate on these relevant matters of the Department, even when these deliberations are not a part her personal point of view. Rovane is of the opinion that is the Department proceeds in this way it shall not fall into the trap of the discursive dilemma that Pettit point out. In her opinion this is how groups should deliberate. Rovane is proposing is a rational fragmentation of the self. This fragmentation may not be acceptable to the proponents who claim metaphysical individualism. They may put forward the objection that what if the decision that the department of Philosophy at Columbia University arrives at is turning out to be detrimental to certain group of PhD scholars. Can Rovane be blamed or held responsible. She says that yes, she can be held responsible, because it was her fragmented self that participated in the group deliberation, keeping in mind the larger goal of the group. What if there are certain issues in the Department that she does not agree with? Rovane says that if she shall have an option of withdrawing from the group, this shall give strength to the metaphysical individualism, on the assumption that being a natural person, she would bear responsibility for one contribution to the groups life and she ought to leave the group when the group's view does not match her viewpoint. She points out a similar situation where scientist left Manhattan group, when they realised that the group was working on atomic bomb. Rovane points out that it is the individual who is responsible for her contributions towards a group, withdrawing when opinion does not match is not useful, because the group agent may continue to be engaged in that activity. Rovane points out that this is where the problem with Pettit and List surface out, why should we hold on to metaphysical and normative individualism if we are supposed to keep the group agent as the locus of responsibility.[163]

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[163] Rovane, "Group Agency",1676-1678

Rovane tries to further explain that since existence of an agent is always a product of effort and will, we should get over with metaphysical and normative individualism. She argues further by analysing the deliberative point of view. Starting with the question, how do they form in our understanding? One conception maybe the idea of consciousness presupposes this point of view, through a phenomenological point of view. The second conception regarding the point of view is the bodily point of view from which an animal perceives or moves. Rovane points out to the arguments propounded by Locke, wherein in differentiating between personal and animal identity, he observes that consciousness can persist in anew or different body, or without any body too. Rovane, also says that Descartes also observed in a similar way when he opined that he was not a man, but a purely thinking being. Rovane says that in both sides of the debate, the Lockean side or the animalistic side, it is the deliberative point of view that coincides with the phenomenological point of view. This assumes that deliberation is a conscious process, which provides us with rational unity of the individual. But then there is group agency which can be formed without phenomenological unity. And since group agency allows for rational fragmentation of an individual agent. So, phenomenological unity of consciousness seems to be neither the necessary nor the sufficient cause for rational unity of the agent in a group. Rovane has reached a conclusion regarding this aspect, which she herself terms as *controversial*; she observes that "although normal cognitive development may ensure that each human being comes to have its own phenomenological point of view and its own body point of view, it does not ensure that each human being comes to have its own deliberative point of view"[164]. Rovane is still struck with her question that how exactly does the deliberative point of view comes to be? The answer to this, according

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[164] Rovane, "Group Agency",1680

to Rovane is that "any deliberately point of view, no matter what it size, comes to be *through* the process of deliberation itself"[165]. Rovane further observes that human beings are born with the capacity to deliberate, and along with this they are also born with the "potential to form a deliberative point of view by coming to recognize different deliberative considerations as things to be taken into account together"[166]. To summarize this concept by quoting Rovane[167]:

> The acts by which such considerations are recognised as things to be taken into account together are the first steps in the deliberative process, and it is really through them that these various recognised considerations—which are really just *thoughts* about various methods of fact in value—come to constitute single point of view from which deliberations proceed the aim of which is to work out there all-things-considered significance.

Rovane says that this is exactly what she wants to emphasise when she talks about the group deliberation at the department of philosophy: the process of deliberation provides the group with its own deliberative point of view, the one that arises out of the various suggestion of the different faculty members participating in the deliberations.[168]

Based on this discussion Rovane substantiates her view that "if a group agent has its own autonomous voice that is not reducible to the voices of its human constituents"[169]. She also points out that individual's agency is determined by various factors and she may have to have participate in different settings in different groups with different agencies at various stages or settings of her life, as she suggests that a

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[165] Rovane, "Group Agency",1680
[166] Rovane, "Group Agency",1680
[167] Rovane, "Group Agency",1680
[168] Rovane, "Group Agency"1678-1684
[169] Rovane, "Group Agency",1684

fragmented rational identity helps an individual to navigate herself.[170] For example, a person who works as an house help in an upscale locality during the day, in the evening she fights for her rights in the workers' union she is part of and then in the end of the day she comes back to her children, in her modest apartment, and enquires about their homework and what they would like for dinner. She must fragment her rationality to channel her agency with respect to the different group agencies that she is dealing with. But can we agree with Rovane in rejecting Pettit's view regarding individual unity. There are certain questions that can be discussed in this regard.

3.3. What next and Why?

As we discuss Pettit's view regarding Discursive Dilemma and how this shape the collectivization of reason to form integrated collectives, we can think of the fact that humans are supposed to live in collectives and they do sometimes think as collectives, but do not always collectivize reason. Democratic principles in the modern-day political scenario are based on majority voting, that itself is so full of theoretical loopholes. The discursive control in deliberation based on which Pettit puts forward his conception of agency-freedom is something that needs to be understood with respect to democratic practices. This is where the concept of discourse in democracy needs to be discussed. We shall discuss this concept in the next chapter.

Another aspect that needs to be discussed, is regarding the two concepts: non-moralizing concept of agency and fragmented rationality. With regard to Pauer Struder, she is in support of the opinion that we find in Velleman's approach, that the normative standards that guides agency directs us towards morality, but are not in itself moral norms. So should we support a non-moralizing concept of agency. I argue that we

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[170] Rovane, "Group Agency",1683

cannot, since agency has a normative self-constitutive aspect and this does not affect autonomy if we are to consider autonomy with regard to the constitutional model that Korsgaard proposes[171].

The second concept of fragmented rationality that Rovane discusses is also important in our discussion of deliberation. But there are certain issues regarding fragmented rationality that needs to be discussed. Rovane points out that fragmented rationality of an individual agent shall help the group agency to avoid discursive dilemma. Further if we look into the aspect of freedom from the discursive control, an individual with fragmented rationality seems to check the boxes of free person, as she has discursive control. But does she really count as a free self, can she really avoid the bystander problem. Let us discuss; in the given case if a member, say Z, who teaches in the University strongly believes that a sound knowledge on logic is essential of PhD dissertation, based on her experience of guiding research students. But sadly, she is in minority in her group as the group decides that the logic requirement is quite basic and need not be notified, and it is something that a student can navigate through the course. Now as per the concept of fragmented rationality, this individual shall keep her convictions in the background, so that the group agency that she belongs to can deliberate in a fruitful manner. Does she tell the group about her convictions? If she does, how shall the group react? Shall be assure the group that she has depended on her fragmented rationality to further the group agency? And on the other hand, if she does not tell the group about her convictions, then in her fragmented self she shall be a constituent of the group agency, responsible for the group's actions. In this scenario shall she not be a bystander to her past judgements of believing that a sound knowledge of logic is needed for every PhD student in the Department of Philosophy, failing to

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[171] Discussed in Section 2.1.4.

endorse it in the present context. Now let us place her, in the similar situation of the employees debating pay-sacrifice. An employee who votes against pay-sacrifice, but agrees to the collectivization of reason, shall be someone who stands true to his conviction and someone who understands the logical significance of collectivizing reason. If we shall consider that Z does not fragment her rationality and stands up to her conviction regarding Logic. The possible scenarios for the group may be—a majority vote that can bring forward the discursive dilemma and is highly recommended to be done away with or forming an integrated collective, basing reason at the group level, this shall help individuals to stand to their convictions. When we consider questions regarding empowerment, an individual standing ground on her convictions shall be an important aspect. Next we shall be discussing deliberation and the state, both concepts have significance with regard to empowerment.

Chapter 4
<u>Deliberation and the State</u>

4.1 Discourse and Habermas

Habermas's point of philosophical approach that is concerned with discourse begins from his linguistic turn. Which Finlayson terms as "not just a turn towards language, it is a turn away from what he calls 'the paradigm of the philosophy of consciousness'."[172] What exactly does Habermas mean by philosophy of consciousness? Finlayson is of the opinion that it is a "broad philosophical paradigm" which consists of characteristic ideas as Cartesian subjectivity, metaphysical dualism, subject-object metaphysics, foundationalism, first philosophy, social atomism and society as a macrosubject. The last two ideas are of importance with regard to social theory.[173]

Finlayson points out important characteristics of Habermas's theory. Firstly, Habermas's social theory conceive of the social world as a medium we inhabit and not an object or collection of objects beyond us. Secondly, for Habermas philosophy works cooperatively alongside the natural and social sciences and does not argue for a position of privilege for philosophy. Thirdly, Habermas focuses on the intersubjective dimension of social reality. Finlayson observes that the positive side of Habermas linguistic turn is his "attempt to transform social theory with particular kind of theory of meaning - a pragmatic theory of meaning." This theory of meaning differs from the truth-conditional theory of meaning, which caters to only the propositional or descriptive part of language. while Habermas's pragmatic theory of meaning deals with what language does, rather than why language says. Habermas focuses on Buhler, who

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[172] James Gordon Finlayson, *Habermas: A Very Short Introduction* (New York, Oxford University Press, 2005), 28
[173] Finlayson, *Habermas*,29-30

assigns three functions to language, first is the cognitive function which represents a state of affairs, second is the appeal function which directs requests to addressees, and third is the expressive function which discloses the experience of the speaker. Habermas is of the opinion that the truth-functional theory of meaning focuses only on the cognitive function, and thus cannot explain how we use language. The pragmatic theory of meaning "brings interlocutors to I said understanding and establish into subjective consensus, and that this function enjoys variety always function of denoting the way the world is"[174]. As Finlayson quotes Habermas[175]

> One simply or not know what it is to understand the meaning of a linguistic expression if one did not know how one could make use of it in order to read understanding with someone about something.

Finlayson is of the opinion that the basic function of speech according to Habermas is "to coordinate the actions of a plurality of individual agents and to provide the invisible tracks along which interactions can unfold in an orderly conflict free manner"[176]. Further as reasons are shared or public, meaning based on reason too are shared or public. Habermas's opinion is that a speech of sincere can make three validity claims: to truth, to rightness and to truthfulness. Finlayson observes that "Habermas claims that in any act of communication, the speaker must make all three validity claims. Depending on the type of speech act, whether, for example, it is an assertion, a request or a declaration. Only one validity claim will be the thematized or taken up by the

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[174] Finlayson, *Habermas*, 33

[175] Jürgen Habermas, *On the Pragmatics of Communication Polity*, ed. Maeve Cook (Cambridge, Polity Press, 1998) 228

[176] Finlayson, *Habermas*, 34

hearer"[177]. Now when can we say that the meaning of a speech act is understood. It is when the hearer can make out the validity claim of the speaker. Finlayson points out four factors following Habermas to understand the meaning of utterances, that a hearer must have[178]:

1. The recognition of his little meaning

2. The assessment by the year of the speaker's intentions

3. Knowledge of the reasons which could be reduced to justify the utterance and its content

4. Acceptance of those reasons and hands of the appropriateness of the utterance

Finlayson further discusses "What happens when communication breaks down, when a validity claim is rejected by the hearer? When a hearer demands that the speaker make good her validity claim by adducing reasons for it".[179] It is in such situations that discourse happens. Finlayson observes "discourse is communication about communication, communication that reflects upon the disrupted consensus in the context of action"[180].

Finlayson points out four points about discourse.[181] Firstly, discourse is "a technical term for a reflective form of speech that aims at reaching a rationally motivated consensus"[182]. Secondly, discourse is not something that is exclusive for philosophers and pedants, it is something that draws from arguments and justification of daily life communication. Thirdly, the concept of validity has a role to play in discourse. Finlayson writes, "as there are three types of validity claim (truth, rightness, and

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[177] Finlayson, *Habermas*, 36
[178] Finlayson, *Habermas*, 38
[179] Finlayson, *Habermas*, 41
[180] Finlayson, *Habermas*, 41
[181] Finlayson, *Habermas*,41-42
[182] Finlayson, *Habermas*,41

truthfulness) there are three corresponding types of discourses- theoretical, model, and aesthetic".[183] Fourthly, discourse consists of a "highly complex and disciplined practice"[184]. It is in this context Habermas provides us the rules of discourse[185]:

1. Every subject to the competence to speak and act is allowed to take part in the discourse.

2. a) Everyone is allowed to question any assertion whatsoever.

   b) Everyone is allowed to introduce any assertion whatsoever into the discourse.

   c) Everyone is allowed to express his attitudes, desires, and needs.

3. No speaker maybe prevented, by internal external question, from exercising his rights is laid down in (1) and (2) above.

Finlayson mentions that these rules of discourse are termed by Habermas as "pragmatic presuppositions". These rules are necessary since "no one who participates in a discourse - in the give and take of reasons - can avoid making them"[186]. There is another aspect to this necessity, as "there is no available alternative to communication and discourse as a way of resolving conflicts"[187]. These rules of discourse are idealizing since they "direct participants towards the ideal of rationally motivated consensus"[188]. There is one more aspect that needs analysis, how are we to identify a genuine rule of discourse. Finlayson writes that for Habermas this can be "ascertained by seeing whether it's explicit denial generates a performative self-contradiction"[189], for instance

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[183] Finlayson, *Habermas*,42
[184] Finlayson, *Habermas*,42
[185] Finlayson, *Habermas*,43
[186] Finlayson, *Habermas*,43-44
[187] Finlayson, *Habermas*,44
[188] Finlayson, *Habermas*,44
[189] Finlayson, *Habermas*,45

if someone were to point out that a discourse was successful after they left out a few members, the "discourse" she is referring to is not a real discourse as they have violated rule 1.[190]

4.1.1. Habermas's idea regarding Agency and Autonomy

Joel Anderson observes that Harbermas does not agree with the dominant concept that autonomy and authenticity are primarily individual concerns, which later manifests itself to examine socio-political situations that one faces. This view of the self-sovereign self is ideas of Locke and Hobbes and finds its resonance in contemporary liberalism. Habermas has, on the other hand, considered autonomy, agency, identity, authenticity and the self as "fundamentally intersubjective phenomena", which shapes itself according to situations that one faces.[191] Habermas has himself reflected on his experiences that have shaped his conception. Anderson refers to Habermas as a "staunch defender of individual autonomy, authenticity and self-determination"[192]. Anderson points out five theoretical contexts wherein Habermas has reflected upon autonomous agency and authentic identity. First being, deliberative democracy, where political autonomy is considered to be safeguarding oneself from illegitimate domination from others. Second context being moral philosophy, where an individual should be capable of forming one's will, based on intersubjective shared reasons, to be able to maintain moral autonomy. Thirdly, free will where accountable agency is preserved by acting on reason rather than being swayed by compelling forces. Fourth dimension is social theory, where personal autonomy guarantees the ability to engage in critical reflection with regard to an individual's aims and goals. Lastly, the fifth

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[190] Finlayson, *Habermas*,43-45
[191] Joel Anderson, "Autonomy, Agency and the Self", in *Jürgen Habermas: Key Concepts*, ed. Barbara Fultner (New York, Routledge, 2014), 91
[192] Anderson, "Autonomy",92

context is personal identity, in which authentic identity has one's claim to recognition.[193]

Habermas has focused on three aspects of autonomous agency, intersubjectivity, performativity and historicity, which is overlooked by the standard liberal empiricist view.[194] According to Habermas, when we are to consider philosophical analysis of the autonomous agency, we must prepare to locate the agency with respect to communicative interactions that constitute the surroundings or the background. In the philosophy of consciousness, attitude is considered as how individuals represent the world. But in Habermas's post metaphysical approach attitudes are considered to be playing the role of performatively undertaken presuppositions. Attitudes are to be considered as something done with regard to the world, that is performatively undertaken, rather than being seen as a thought about the world. Now since reality is considered as practical engagement, this provides us with a history. Anderson observes that Habermas, following the tradition of Hegel and Marx, considers metaphysical concepts such as reason, morality or mind, "as real-world phenomena that emerge in particular social and historical contexts, rather than as timeless facts, relations and essences"[195].

Political philosophy provides us with a great understanding of the tension between individualistic and social understanding of autonomy. There are two dimensions, the first, which Habermas terms as "private autonomy", being the sense of autonomy where an individual is free from illegitimate interference in what she chooses to do. He considers this to be "indisputably important principle"[196].The second dimension is that of "public autonomy", which is the "form of self-governance that one

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[193] Anderson, "Autonomy",92-93
[194] Anderson, "Autonomy",93-95
[195] Anderson, "Autonomy",95
[196]Anderson, "Autonomy",95-96

exercises together with others in authorizing laws and other forms of collective action"[197]. With public autonomy an individual involved in collective decision making shall see themselves as an integral part of the decision making, but this does not imply that an individual shall force his way through, nor does it imply that she shall be forced in an interfering way. The example that is put forward by Anderson is that of a fair and inclusive debate, where someone participates and puts forward her opinion, but at the end the decision the collective arrives on is contrary to her opinion, but still then her political autonomy is preserved in the process. Private and public autonomy are not be regarded as conflicting with each other, rather both are compatible and they presuppose each other. Rather it may be looked into in such a manner that they are formed together. Only in a legitimate political order that guarantees individual rights and liberties that private autonomy exists.[198] Autonomy, Anderson observes, is "a social construction to the very core"[199].

The moral autonomy of the agent is reflected when the agent acts according to reason in the absence of external interference, including individual desires and passions that are counter to reason. Habermas, following Kant, observes that the autonomous will is "entirely imbued with practical reason"[200]. The self-authorship is not undermined when an individual's will, is guided by reason, rather in the whole process of giving and asking for reasons the agent is a full and equal participant. So, we see that moral autonomy requires being able to grasp, understand and respond to the concerns raised by others.[201]

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[197] Anderson, "Autonomy",96
[198] Anderson, "Autonomy",96
[199] Anderson, "Autonomy",96
[200] Jürgen Habermas, *Between Facts and Norms*, tr. William Rehg (Cambridge, Polity Press, 1996), 164
[201] Anderson, "Autonomy",97-99

The next area is free will, the question being can the autonomous agency be held responsible. Or is free will, as neuroscience and psychology term it, an "illusion", since the universe is guided by deterministic natural laws which determine all things that occur, including bodily movements and mental states. Habermas's view regarding this is that "the reality of free will is bound up with the reality of our social practices of holding one another accountable." Habermas tries to further explain this concept by drawing an analogy with the game of chess. In the game of chess, everything can be explained in terms of "microphysical causal chains"[202], but doing so shall leave no paws and knights, just pieces of wood. But this is not what the chess player thinks, she does not imagine the piece of wood to be a pawn, she is in no illusion with respect to the game of chess. If someone were to believe so, we can simply say they are not familiar with the concepts of chess. This is exactly what can be said with regard to reasons for acting which exist in the social practice where we give and ask for reasons.[203]

Further, issues regarding personal autonomy are in general considered to be questions regarding "timeless and universal standards of reasons-responsiveness, internal cohesiveness"[204], and further concepts that base itself on philosophy of consciousness. Habermas has a different approach to this issue of autonomy, since he focuses on the "socio-historical development of personal autonomy as a real social phenomenon"[205]. So, the capacity to form decisions for one's life and to determine what freedom one is capable to exercise is dependent on a contingent historical process that consists of the history of the individual along with the history of development of the society.[206]

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[202] Anderson, "Autonomy",100
[203] Anderson, "Autonomy",99-102
[204] Anderson, "Autonomy",102
[205] Anderson, "Autonomy",102
[206] Anderson, "Autonomy",102-105; Habermas has been influenced by Durkheim (1984) linking of obligation to be an autonomous agent with roles in society

Lastly, there is the question of self-realization, identity and authentic selfhood that Anderson focuses on. The first clarification that Anderson provides regarding Habermas's intersubjectivist account of authentic identity and autonomous selfhood is that when an individual tries to understand individuality in oneself, she has to move beyond ascertaining certain descriptive facts, but rather she has to make "sense of the significance of one's actions, feelings, thoughts, desires, experiences and so on"[207]. Anderson observes that according to Habermas this process of making sense of "who one is and wants to be"[208] is bound to have contradictions and such contradictions are to be resolved through discourse, and not by harsh self-assertion nor by societal pressures of majority. The second aspect that Anderson focuses on is that of self-examination with regard to the search for authenticity and autonomy. Here Habermas's view is clear that self-examination done in a private manner can turn out to be inauthentic, due to factors of self-deception that an individual may be inclined towards. The third dimension that Anderson focuses on is with regard to the performativity of claims to self-authenticity. Habermas, according to Anderson, has provided us with "the idea of vouching for oneself and being recognized by others for doing so"[209], as the basis of his intersubjectivist account of personal identity and authentic selfhood. The process of vouching for oneself is always combined with the aspect of wanting recognition from others. An individual's aspirations are a private affair, but her vouching for herself is beyond her private self and can only manifest among others.[210]

[207] Anderson, "Autonomy",107
[208] Anderson, "Autonomy",107
[209] Anderson, "Autonomy",109
[210] Anderson, "Autonomy",105-110

4.1.2. Habermas's Discourse Ethics

Finlayson terms discourse ethics as "the normative heart" of Habermas's philosophy. The discussion on Habermas's moral, known as "Discourse Ethics", should start with the conceptual analysis of the terms "moral" and "ethical", on which Habermas has his own conceptualization. There is a general tendency among many philosophers to consider ethics as broadly equivalent to moral theory, but for Habermas the term "ethics" holds a narrow sense when considered with the "moral". This distinction shall be discussed as we analyse the concepts moral discourse and ethical discourse that Habermas brings forth. Finlayson points out that the discourse theory of morality is not concerned in the search for a direct answer to the question: *What I ought to do?* rather it is the search for the conditions under which a moral agent can themselves answer the question.[211] Finlayson further mentions that while we can consider Habermas theory as a "pragmatic theory of the meaning of moral utterances", and also "the theory can be understood as an explication of what it means to make good a validity claim of rightness", but this is not the main aim of Habermas[212]. Habermas's concern is with regard to "What are the underlying principles of morality? How do we establish valid moral norms?; and What is their social functions?"[213]

How does discourse come into picture, Finlayson explaining Habermas points out that, denial of the validity claim to rightness gives rise to conflict. In such a situation the norm that backs the validity claim of individual is pushed into "the explicit medium of discourse"[214]. Habermas explains norms as behavioural rules. Justifiable norms which can be termed as valid norms regulate our actions and help us in forming an understanding of what to expect of others; thus norms "create avenues of conflict free

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[211] Finlayson, *Habermas*, 76-78
[212] Finlayson, *Habermas*, 77
[213] Finlayson, *Habermas*, 77
[214] Finlayson, *Habermas*, 78

action". In trying to answer his concern Habermas relies on "valid moral norms to resolve conflicts between agents and replenish the stock of shared norms"[215]. We shall further be analysing the moral standpoint of Habermas, but to do so we need to understand the two principles of discourse ethics that Habermas has focused on.

Habermas's discourse ethics draws a connection between objective validity of moral statements and their public justifiability. With regard to justification of norms Habermas mentions two principles. Firstly, there is the more general "discourse principle" (D) which states that: "Only those action norms are valid to which all possibly affected persons could agree *as participants in rational discourse*"[216]. Secondly there the universalization principle (U), which Habermas terms as the "moral principle", which states that "a norm is valid *if and only if* the foreseeable consequences and side effects of its general observance for the interests and value-orientation of *each individual* could be freely and *jointly* accepted by *all* affected"[217]. (U) is a second order principle, which is there to test the validity of first order moral norms; and is not a norm in itself. Finlayson observes that (D) "is supposed to capture the procedure of discourse"[218]. If we are to consider that a discourse has been conducted properly and even then, we are not able to reach consensus about a norm, then the norm itself must be not valid.[219] Rehg points out that (D) specifies to whom good reasons must convince[220], which is "all those possibly affected"[221] by the norm being considered through discourse. Other than the condition that good reason be convincing in the rational discourse, there is no other specification with regard to what can be considered

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[215] Finlayson, *Habermas*,77-78
[216] Habermas, *Between Facts and Norms*,107
[217] Jürgen Habermas, *The Inclusion of Others*, tr. C. Cronin and P. De Greiff, (Cambridge, Polity Press, 1988), 42
[218] Finlayson, *Habermas*,80
[219] Finlayson, *Habermas*,79-81
[220] William Rehg, "Discourse Ethics", in *Jürgen Habermas: Key Concepts*, ed. Barbara Fultner (New York, Routledge, 2014),120
[221] Rehg, "Discourse Ethics",120

as good reason; this is because "the content of good reason varies by norm type"[222]. Finlayson brings forth another aspect[223]: if we consider the formal structure of (D) we can see it as a validity to consensus conditional (V implies C); but we cannot consider (D) as a consensus to validity conditional (C implies V); (D) can "only function negatively, by indicating which norms are not valid"[224]. (U) has a major structural difference with (D), the formal structural form of (U) is biconditional between validity and consensus (V if and only if C). Thus (U) is a stronger principle than (D), (U) can "function both *negatively* and *positively*"[225]. Improving upon (D), (U) can further determine which norms are valid. Finlayson writes that according to Habermas, "a valid norm just is a norm that can be accepted by all affected as participants in discourse in light of their values and interests"[226].

Regh observes that there are three similarities to Kant in the way Habermas formulates (U) and thus we can "place discourse ethics firmly in the neo-Kantian tradition"[227]. The first similarity being that Habermas too has focused on the *deontological* approach to the moral domain. As Regh puts it "when we accept a moral norm, we accept the foreseeable ways in which that norm governs and affects the pursuits of goods, whether by individuals or groups"[228].The second aspect that Regh puts forward is that Habermas maintains an *impartial perspective*, but unlike Kant does not associate impartiality with a realm of freedom as an abstract concept. Impartiality for Habermas is obtained by "developing arguments that forge common ground among differences, transforming interests and values into reasons that make a claim on all

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[222] Rehg, "Discourse Ethics",120
[223] Finlayson, *Habermas*,82-83
[224] Finlayson, *Habermas*,82
[225] Finlayson, *Habermas*,82
[226] Finlayson, *Habermas*,82
[227] Rehg, "Discourse Ethics",121
[228] Rehg, "Discourse Ethics",121

persons and thus deserve consideration"[229]. Thirdly Habermas, like Kant, takes a procedural approach to ethics. (U) provides a "method for testing substantive norms for their moral acceptability"[230]. Regh provides us with one concept where Habermas and Kant differ, which is the way moral deliberation is presented. For Kant it a monological moral deliberation, but (U) as formulated by Habermas is dialogical, which requires real discourse. Finlayson while discussing about moral discourse as a process of universalization points out that Kant was the first to "construe the moral principle as a test of universalizability." But there is problem with regard to Kant's universalization which is that it does not specify why there is a moral obligation towards a certain maxim that is universalizable in itself in a rational or logical standpoint. For instant the maxim "Always keep one's promises" is very well logical in being universalized, but what is the moral obligation behind is not explained. This is mainly because Kant considers universalization of the maxim as an individual mental procedure, but Habermas considers universalization as a social process.[231]

Finlayson further mentions that Habermas is influenced by American pragmatist social philosopher George Herbert Mead, in the manner in which he conceptualizes universalizability. Mead[232] argues that human being integrate in a social order as moral agents, just like players in a team game, by working together to project themselves into position of other moral agents; Mead terms this as *ideal role taking*. Integrating into a team, Finlayson observes, is a "demanding" process wherein, "each agent in society must modify what he does in the light of his expectation of what others do"[233], further this expectation is gained by the individual agent by understanding the

[229] Rehg, "Discourse Ethics",121
[230] Rehg, "Discourse Ethics",121-122
[231] Rehg, "Discourse Ethics",120-122
[232] Habermas is influenced by Mead (1934)
[233] Finlayson, *Habermas*,84

perspective of others towards her and vice versa. When an agent modifies one's interest in the process of adopting the perspective of others, we can term such behaviour as moral behaviour. Finlayson has pointed out that Habermas draws several aspects from Mead, the first being that "participants in moral discourse are not ideal reasoners or merely rational choosers"[234], rather they are individuals involved in moral obligation through the first-person perspective. The second point is that justification of a norm demands that a real discourse be carried out. The third aspect is that discourses are inherently dialogical, unlike Kant's monological process. The fourth lesson that Habermas draws from Mead is that individuals integrate themselves into society through the process of discourse[235]. Finlayson observes that[236]:

> A properly socialized moral agent brings his individual interests and identity into line with the collective interests. By acting on valid norms, individual agents serve the common good. Habermas takes the thesis that valid norms contain 'universalizable interests' to be equivalent with the claim that valid norms are 'equally good for all'. In this way, a kind of impartiality is achieved but not at the cost of abandoning the first- and second- person perspective.

Regh mentions that there are three assumptions behind the (U) principle. The first assumption contains the Topical Assumption, which is stated as[237]:

> a moral discourse concerns a general rule that (a) states unconditionally binding requirements for treating persons with due concern and respect, and (b) according governs and affects the pursuit of goods (by persons and groups)

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[234] Finlayson, *Habermas*,84
[235] Finlayson, *Habermas*,84-85
[236] Finlayson, *Habermas*,85
[237] Rehg, "Discourse Ethics",122-123

The second assumption is the Consensus Assumption, which specifies (D) for morality and is stated as[238]:

> A moral norm N_M is justifiable on the basis of good reasons only if all those (a) whose social role falls under the requirements set by N_M, or (b) whose pursuit of goods would be governed or affected by N_M could accept N_M in a reasonable discourse about it.

The third assumption is the Process Assumption which provides us with the pragmatic presuppositions of argumentation, it states that[239]:

> a discourse on a moral norm is reasonable only if it satisfies these conditions: (R_1) everyone capable of making a relevant contribution (i.e., considerations bearing on the moral question at issue) has been included and given equal voice, (R_2) the participants have not been deceived or self-deceived about the reasons, but understand the relevant reasons and their import, and (R_3) the participants are free to consider all relevant reasons and potential defeaters and judge them on their merits.

These three assumptions lay out the core dimensions of moral discourse.[240]

The next issue that follows is that of ethical discourse and the relation between the ethical and moral that Habermas brings forth. Finlayson provides us a historical timeline with regard to Habermas's use of terms moral and ethical. In the 1980's during Habermas's original program of discourse ethics the terms "morality" and "ethics" were used interchangeably. In 1991, Habermas began to make a distinction between the terms, but still stuck to using the term "discourse ethics", rather than calling the revised program as the "discourse theory of morality." The revised program of 1990's has a

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[238] Rehg, "Discourse Ethics",124
[239] Rehg, "Discourse Ethics",126
[240] Rehg, "Discourse Ethics",122-127

distinction between three different usages of practical reason: moral discourse, ethical discourse and pragmatic discourse. But the main two categories that Habermas was concerned with and which "reconfigured the programme of political theory"[241] were the ethical discourse and moral discourse is concerned with. Pragmatic discourses are only concerned with the rational choice of means to a given end, they are not concerned about the choice of ends. Habermas is of the opinion that pragmatic reasoning is akin to "hypothetical imperative" in Kant's scheme of things and as such cannot be equated or reduced to moral discourse.[242]

Finlayson provides with seven distinguishing features with regard to Habermas's conception of ethical discourse. Firstly, ethical discourse is teleological as it is concerned with "the choice of ends" and the "rational assessment of goals"[243]. On the other hand, pragmatic discourse is concerned with the best means to achieve the desired end. Secondly, ethical discourse is concerned with the particular ends and not the universal ends; in the form of what is "good for me" or "for us". Moral discourse is concerned with universalization of the concepts good (or bad). Thirdly, ethical discourse is prudential, as Finlayson puts its concern to be "the ways in which we organize the satisfaction of our desires and ends with a view not just to present but also to future happiness and to our happiness all things concerned"[244]. Fourthly, ethical discourse is concerned with the values that are connected and relevant to the particular tradition or cultural group to which the individual belongs. The concept of value as "a basic symbolic constituent of culture or ethical life"[245], is a specific concept of value to Habermas. Preferences are determined by values and it is never the case that values are

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[241] Finlayson, *Habermas*, 91
[242] Finlayson, *Habermas,*91-92
[243] Finlayson, *Habermas*,92
[244] Finlayson, *Habermas*,93
[245] Finlayson, *Habermas*,93

determined by preferences. Values arise from the individual's self-identity and they are not independent of the individual. Values can be interpreted and are open to gradual changes; on the other hand, norms are absolute and can be either valid or invalid. Fifthly, ethical discourse can provide us with only "relative" or "conditional" validity, but norms arising out of moral discourse are universal and unconditionally valid. Sixthly, ethical discourse aims at "self-clarification, self-discovery, and to an extent also self-constitution"[246] of the individual or the group. Seventhly, ethical discourse "makes a validity claim to authenticity"[247]; authenticity can be understood to be an analogue of truthfulness in the practical domain.[248]

Finlayson further asks, what we should understand when we say that ethical discourses have "relative" or "conditional" validity? Though Habermas has not said "too much", what Finlayson observes is that unlike valid moral norms that are universally binding, ethical values or judgements are "only binding upon members of the relevant group"[249]. Finlayson terms the relevant group as cultural group to which ethical values relate. But then, "what counts as a cultural group and thus as a legitimate framework for evaluation"?[250] Finlayson provides four points in this regard. Firstly, individuals within the group are conditioned by the common characteristics of the group that is intermingled in the life of members. Secondly, individual members must have mutual recognition within the group. Thirdly, group membership is an important aspect through which an individual can obtain self-identification and self-understanding. Lastly, membership is not an administrative mechanism, like entry into a club, rather membership is a "matter of belonging".[251]

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[246] Finlayson, *Habermas*,94
[247] Finlayson, *Habermas*,95
[248] Finlayson, *Habermas*,92-95
[249] Finlayson, *Habermas*,95
[250] Finlayson, *Habermas*,95
[251] Finlayson, *Habermas*,96

Given that ethical discourse is concerned with relevant groups and given a multicultural modern society where competing traditions and cultures have divergent conception of good, values that need to be shared are likely to be the reason of conflicts. Finlayson gives an example of second or third generation daughters of immigrant parents in Britain who disagree to arranged marriage, the parents see it as a continuation of customs and practices; while the daughters see it as counter to the culture, they have grown up in. Since conflicts are due to values, can we resolve by avoiding any appeal to values? Habermas's (U) in his moral discourse tries to do so, since norms are not values, they are "behavioural rules, anchored in the communicative structure of lifeworld, based on very general and universally shared interests"[252]. So, we must turn towards moral discourse at the first instance, and if we are not able to locate a universally valid norm, we can then take recourse in ethical discourse. Going back to the example Finlayson says that the parents and the daughter may mutually adjust, refine and reinterpret their values; may be the parents allow the marriage to be arranged in consultation with the daughter.[253]

Habermas's discussions with regard to democratic and legal theory shall focus more on ethical discourse, but still then the priority he gives to moral discourse is evident. Finalyson points out this is because of three reasons. Firstly, since ethical discourse leaves behind values from justification, the only option left for the resolution of conflicts between agents in this lifeworld is moral discourse. Secondly, moral discourse has "a certain socio-ontological priority"[254] over ethical discourse, because it bases itself on the communicative structure of the lifeworld. Thirdly, Habermas's regard

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[252] Finlayson, *Habermas*,97
[253] Finlayson, *Habermas*,97-99
[254] Finlayson, *Habermas*,99

for Kohlberg model is supported by priority over morality[255]. Finlayson further writes[256]

> The upshot is that morality sets limits to ethics. According to Habermas, ethical discourse are sources of justification that already operate within the bounds of moral permissibility… In Habermas's scheme however, we'll justify the ethical consideration, however, important a particular cultural value might be, it can always be overridden by a valid moral norm. Moral norms, when available, trump any ethical values that conflict with them.

This is explained by returning to the previous example: if the parents of the girl decide on sending her back to the native country against her will, to force her to abandon her ideas of romance. The situation shall be such that their actions shall be have to be looked into through the moral discourse as to why they are doing something wrong.[257]

4.1.2.1. Habermas and Rawls

Rawls has put forward his concept of justice as fairness as a political concept and not a metaphysical concept. This is because, as Finlayson observes that according to Rawls modern societies are " no longer culturally homogeneous; they comprise of plurality of worldviews and 'comprehensive doctrines' competing for loyalty"[258]. There is no one particular world view on which the legal and constitutional framework of a well-ordered society depends, is the negative connotation of must be political not metaphysics, according to Finlayson. On the other hand, the positive connotation shall be the adherence to the view that "political justifications appeal to general ideas and values that command widespread assent across all different cultures and world

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[255] Finlayson, *Habermas*,99-100
[256] Finlayson, *Habermas*,100
[257] Finlayson, *Habermas*,100,97
[258] Finlayson, *Habermas*,100

views"[259]. Rawls terms it as "overlapping consensus" of values. Finlayson warns us against understanding consensus as some agreement, what Rawls means by "overlapping consensus" with regard to an idea is that everyone has a reason to accept such an idea, regardless of the traditions or world views they accept. Finlayson points out that for Rawls, "one of the most crucial of these is the very idea of society as a fair system of cooperation between free and equal citizens"[260], which is put forward by Rawls as a moral idea, one that "is not bound by anyone comprehensive doctrine: it finds resonance in all of them"[261]. For Rawls any conception of right or justice which can meet this justification is acceptable, and we are not to concern ourselves with the truth or probability for truth of that concept. Truth or untruth are not relevant for political justification, the fact that "it provokes least controversy and commands the most loyalty"[262] is. Rawls theory can be considered as a liberal political framework, "within which each individual is free to revise, refine and pursue her conception of good to the extent that this s compatible with everyone else's freedom to do so"[263].

Finlayson points out that Habermas and Rawls have a large measure of agreement in certain issues, firstly both accept the fact of reasonable pluralism. Secondly both agree on a fundamental distinction between "something like morality/the right and ethics/ the good and that an adequate theory has to make room for both"[264]. Thirdly the agreement is on priority of rights over goods. Fourthly, on the question of "a functional or pragmatic aspect to the priority of right"[265], both have agreed in the

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[259] Finlayson, *Habermas*,101
[260] Finlayson, *Habermas*,101
[261] Finlayson, *Habermas*,101
[262] Finlayson, *Habermas*,101
[263] Finlayson, *Habermas*,101
[264] Finlayson, *Habermas*,101-102
[265] Finlayson, *Habermas*,102

affirmative.[266] But it is the disagreements between the two that captures our interests. As Finlayson points out that for Habermas secular moral considerations are essential with regard to a culturally pluralistic society. But Rawls does not think so, he is rather agnostic in this regard, since this is a metaphysical concern that is better kept aside for him. The next issue is with regard to Rawls's political conception of justice, which Habermas is not satisfied since this theory does not take into consideration the rational acceptability of the concepts in question, rather focusing only on the social stability part that concerns functional or instrumental aim. Habermas's (U) very much focuses on rational acceptability.[267] As Finlayson writes[268]:

> According to discourse ethics, moral rightness is internally linked to validity and is analogous with truth. Habermas thus takes himself to have provided epistemic and cognitive grounds, not just functional ones for the priority of the moral cologne he had someone that morality is knowledge rather than the expression of contingently held values.

Rawls on the other hand disagrees with Habermas by pointing out that Habermas theory of meaning is just another metaphysical doctrine. Finlayson points that, Rawls's opinion is that political philosophy "should avoid taking needless theoretical hostages to fortune"[269]. Finalyson points that Rawls may be correct in this regard, since Habermas does entangle himself with a "whole bundle of controversial philosophical views"[270]. But Finlayson does argue in favour of Habermas as he writes[271]:

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[266] Finlayson, *Habermas*,101-102
[267] Finlayson, *Habermas*,102
[268] Finlayson, *Habermas*,102
[269] Finlayson, *Habermas*,102
[270] Finlayson, *Habermas*,103
[271] Finlayson, *Habermas*,104

Habermas's chief concern is to deny that the discourse theory of morality is metaphysical in the specific sense that it expresses particular cultural values. Moral discourse captures of formal and universal procedure, to which there is no viable alternative, and by means of which participants determine for themselves, in concert, what is morally right. Thereby it establishes the bounds of moral permissibility within which ethical discourse can go to work.

4.1.3 Habermas's Discourse Theory of Democracy

Habermas's idea with regard to politics is that it forms the basis on which people organize the environment they want to live in, with regard to rules and norms. And this politics is a structure that is based on communication, with regard to which there are certain presuppositions that the participants have to agree on concerning certain norms and attitudes required for the communication to take place. Olson observes that the basic idea that finds its reflection in Habermas's approach to communication with regard to politics is that deliberative participants have to presuppose that the discourse is open to all and further the participant to the discourse can put forward her opinion, even those that stand counter to the claims being made in the discourse. In doing so another aspect is to be seriously considered that the participant in the discourse is under no compulsion, from any quarters. And further each deliberative participant of the discourse must be considered as "equals", by each other. The communication with regard to politics can be considered as deliberative only if these presuppositions are considered in the backdrop.[272]

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[272] Kevin Olson, "Deliberative Democracy", in *Jürgen Habermas: Key Concepts*, ed. Barbara Fultner (New York, Routledge, 2014), 140

Olson points out that the democratic theory that Habermas focuses on is based on deliberative political communication. The discourse principle, "D", which states that "Just those action norms are valid to which all possibly affected persons could agree as participants in rational discourses"[273]. The basic structure of political communication is the same as other forms of communication. The structure being: people put forward validity claims, other people take a favourable or opposite position towards claims advanced by others, and then presuppositions are made "about the character of the practice they are engaged in"[274]. But according to Habermas the main differentiating factor between political communication and communication in the general form is that political communication has a legal character to it. This is because political communications are structured by legal norms. Legal norms base itself on the idea that people are to agree to certain laws which govern their lives. Olson points out that Habermas does not directly apply the discourse principle, "D" to political communication. Habermas puts forward the concept of "democratic principle" for political discourses, which states that: "only those statutes may claim legitimacy that can meet with the assent of all citizens in a discursive process of legislation that in turn has been legally constituted"[275]. Olson points out that the democratic principle that guides the political discourses gives rise to the "intuitive" discovery of presuppositions with regard to equality, reciprocity, inclusion and generalizability, among actual citizens. A theorist may be aware of these presuppositions acting in the backdrop, but for the actual citizens who are participants these are "pragmatic presuppositions". Now given this situation a theorist can find the implicit norms and commitments that the participants agree upon. Olson observes this to be an "interpretive enterprise" which is

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[273] Habermas, *Between Facts and Norms*, 107
[274] Olson, "Deliberative Democracy",141
[275] Habermas, *Between Facts and Norms*,110

"an important innovation in democratic theory"[276]. The way Habermas puts forward his democratic theory, we can consider it to be a reconstruction of the "inner rationality of practices, showing what participants would implicitly presuppose"[277], given they completely know their goals and objectives. Now this democratic theory can show an individual the unseen aspects that they ignore in the general outlook.[278]

In this context of pragmatic presuppositions, Olson points out there is another aspect of Habermas's theory that we must consider. Habermas used the phrase "ideal speech situation" in his 1972 essay, *Wahrheitstheorien*, this means that the presuppositions that we are discussing must exist in full-form for legitimate democracy to function. And this is where there is a general misunderstanding regarding "ideal speech situation", and critics have labelled Habermas's theory to be ideal theory that cannot be realized, because to consider that all participants must be actually equal for deliberative democracy to function is not viable. But Habermas has opposed this interpretation of the "ideal speech situation", he does not consider that "presuppositions of communication need be fully or perfectly realized in speech or democratic practice"[279]. What is to be understood is that this "ideal speech situation" is a process that is implicit in the political communication itself, this "constitutes the practice itself"[280]. But then in any given political communication there are chances that people may disagree to such an extent that communication fails. Habermas approach allows for this type of circumstances, this is because this whole process of idealization has a constantly evolving dynamics, which sometimes succeeds and sometimes fails. Olson

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[276] Olson, "Deliberative Democracy",141
[277] Olson, "Deliberative Democracy",142
[278] Olson, "Deliberative Democracy",141-143
[279] Olson, "Deliberative Democracy",143
[280] Olson, "Deliberative Democracy",143

observes that this gives deliberative democracy an "open ended, ongoing character"[281].

Now given the presuppositions with regard to political communication, we need to discuss the participants of the political communication. Habermas's analysis of autonomy provides us with the conception that an individual citizens' autonomy is intersubjective and it is on this basis that citizens have to form mutually acceptable laws and live according to the laws. So, citizens are among themselves both the addressees of the law as well as the authors of the law. The freedom that is there as the addressee of the law is "private autonomy", and the freedom as authors of the law is "public autonomy".[282] Olson puts forward the relation between private autonomy and public autonomy as[283]:

These two forms of autonomy are interlocking and mutually supporting in the sense that each presupposes the other. A secure status as a private individual is needed to participate in public political process. It is a form of private freedom that gives people the security and material capabilities to engage as equal in politics. At the same time public autonomy is needed as participatory freedom to spell out the details of private life and protect it. Political participation allows citizens to specify the concrete protections they need from the legal system.

Habermas points out that the liberal democratic tradition has these two forms of autonomy coded as rights. Habermas points out that there are three defined categories of rights that "specify the status of the participant" in a political communication based

[281] Olson, "Deliberative Democracy",143
[282] Olson, "Deliberative Democracy",143-146
[283] Olson, "Deliberative Democracy",143

on deliberation. They are firstly, rights to equal liberties as subjects of the law; secondly, right defining membership in a political community and thirdly, rights to assert claims that one's right have been violated and to have these violations remedied. But these three in itself are not democratic in character, they are in a way provided to the participants. To enable the process to be democratic a further fourth category with its focus on political capability of citizens is envisaged, namely rights giving them equal opportunities to participate in the political processes that create law. Along with these four categories another category is also considered to address the difference caused in political participation due to unequal circumstances based on material inequality. The fifth category is the right to material circumstances needed to have equal opportunities to use their rights.[284] Olson writes[285]:

> Habermas's conception of deliberative democracy is built on three different ideas: the idea that discourse is basic to politics; the idea that political discourse is organized through legal means; and the idea that the legal institutionalization of political discourse tells us a lot about how democracy should be organized, if we assume that it relies on legal devices already known to us.

Habermas, according to Chambers, has always vouched for a theory of democratic legitimation that is based on discourse ethics. If we look into the structure of debates surrounding discourse ethics, we shall see a focus on moral philosophy based on neo-Kantian approach.[286] Habermas has termed that discourse ethics as more descriptive than normative, as it deals with "a reconstruction of everyday intuitions underlying the impartial judgement of moral conflicts of action".[287] In a democratic

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[284] Olson, "Deliberative Democracy",143-147
[285] Olson, "Deliberative Democracy",146
[286] Simone Chambers, "Discourse and Democratic Practices", in *The Cambridge Companion to Habermas*, ed, Stephen K. White (Cambridge, Cambridge University Press, 1995), 233
[287]

setup discourse can be considered as better model of democratic legitimation than moral validity. This is because moral validity is something that concerns universal standards on the other hand democratic legitimation is concerned with certain communities and discourse can be a better standard to test democratic legitimization, with regard to certain norms that can deliberated upon by citizens of that community. Chambers following Habermas has argued that discourse can accomplish "a rationalization of public opinion and will formation"[288]. She discusses this aspect following Kant's principle of publicity, which tries to combine the requirements of right, concerned with justice and general interest with the requirement of politics, concerned with obedience and stability. Publicity demands that maxims with regard to human good ought to be compatible when made public and further if a maxim brings forth a certain resistance against an individual's plans that is reflective of something unjust. Publicity further enables the process by which even while considering each individual as an autonomous agent, a sense of obedience or stability is constructed; this is possible because each individual is rational in their approach. Chambers observes that though Kant was not democratic in his approach, his theory of publicity when combined with modern day concept of democracy can give us the deliberative theory of democratic legitimization. In this process the main focus is on the deliberative process that can convince citizens through reason. This convincing of citizens plays an important role as a marker, since institutions and norms which cannot be convincible to the citizens fail the test. "Convince by reason" following Kant is convinced by public reason[289], that is when reason is used for the common good or general interest. Chambers further observes that it is discourse ethics that brings democratic legitimization to this idea of public reason

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[288] Chambers, "Discourse", 235
[289] Public reason is discussed in Chapter 5

and thus we can have rational public opinion and will formation. There is another interesting dimension that she has focused on, the difference between strategic action and communicative action. In a strategic action bringing about behavioural changes is the goal. While on the other hand communicative action brings forth genuine understanding and "discourse is an idealized and formalized version of communicative action"[290]. Habermas has observed that communicative actors are supposed to be interested in mutual understanding rather than external settings. This makes convincing of the other genuine. Further no one should be excluded from the discourse, discursive equality is essential. Habermas in his later works adds pragmatic discourse dealing with the means and end issues and ethical discourse dealing with self-understanding of individuals and groups in addition to moral discourse. The rules with regard to discursive equality are applicable to these additions too.[291]

The next issue that needs to be discussed following Chambers is how can a discourse be set up. Following Habermas's view point that communication does not have to be established as an ought, but rather it is an intrinsic process in our life. Further Habermas is of the view that social and political structures in our surroundings cannot be controlled through force or strategic games. This is when discourse is needed, when certain changes are needed to bring into the cultural dimensions of the citizens in a particular given society. What discourse provides is a certain window for democratic legitimization wherein the norms that are introduced are put into the test of conviction by reason. There are two dimensions that need further understanding while understanding discursive theory. The first dimension is that there is an underlying system of justice that a is sought after in real world discourse and culture and

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[290] Chambers, "Discourse",237
[291] Chambers, "Discourse",235-241

communication are the bases of this process. These discourses bring forth consensual foundation to norms and rules. Further ethical and social dimensions of the norms are also analysed using rational. Habermas's discourse ethics focuses on stability. The second dimension that needs our attention is that in the modern democratic setup the norms may turn out to be susceptible to certain unexpected changes. And this is because the shared understanding on which these norms are formed based on discursive legitimization may be fluid-in-itself. What Chambers concludes is that there is "no need for a special mandate to set up a discourse"[292]. Rationality along with cultural and social setting can form the discourse and shape in in certain ways, but then the rules that Habermas focuses on should be primarily adhered to if we are really concerned about democratic legitimization of the discourse ethics.[293]

4.2. Deliberation and the State

4.2.1. Pettit's conception on State

We have discussed in the previous chapter that Groups that collectivize reason are termed by Pettit as integrated collectives and they apply reason at the collective level. In doing so groups are consistent with past decisions and their group identity is upheld. Pettit further has explained that the collective integrates are real in the sense they display mental properties that are not just a summation of individual mental ideas. We can better understand these aspects by considering the previous example regarding employees arguing for pay sacrifice, if reason is collectivised it is most likely that electric repair shall be prioritised and pay sacrifice mandated, even though the majority of individuals had disagreed on pay sacrifice based on other reasons. And in doing this the group shall hold on to this decision even in the future where it can prioritize

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[292] Chambers, "Discourse",246
[293] Chambers, "Discourse",241-247

important issues, above individual interests. Pettit has also argued that collective integrates can be candidates of freedom as discursive control, as integrates can interact in discourse with other integrates or individuals. Further, integrates qualify for free person, free self, and free action.[294]

4.2.1.1. Freedom as a Political Idea

Pettit in his discussion about Freedom and Politicization, argues that question that are related to the freedom of the person connects in a direct way with political concerns, because Pettit's freedom a discursive control is concerned not only with psychological dimensions but also takes into consideration "a social power in relation to others"[295]. Now the shift in the discussion shall be towards the conception of freedom as a political ideal. This ideal of freedom Pettit observes is what a state or polity ought to do to "enable its members to enjoy freedom"[296], and this must be something more specific than discursive control. Let us see further what exactly Pettit deliberates regarding freedom as a political ideal.

Pettit considers the state as a collective subject, with citizens as its members. Further, the state can act as a whole on behalf of its members and also against any individual member. Pettit is of the opinion that, if we are to agree that the state should be concerned with freedom or liberty, then we must analyse about the ideal of liberty. Firstly, can we consider this ideal to be the conception of freedom as discursive control? Pettit answers in the negative. He points out three reasons why freedom as discursive control is not suitable as an attractive political ideal. First reason that Pettit points out is that "the conception of freedom as discursive control applies as much to collective subjects as it does to individual"[297]. To explain this Pettit says that a state that has the

[294] Pettit, *A Theory of Freedom*,104-124
[295] Pettit, *A Theory of Freedom*,125
[296] Pettit, *A Theory of Freedom*,125
[297] Pettit, *A Theory of Freedom*,126

task in hand of furthering the discursive control of collectives as well as individuals would be "highly counter-intuitive"[298]. Since there are many instances where the interest of a collective may be in direct conflict with the interest of an individual. Pettit observes that the interest of the state should be the discursive control of individuals, and even the discursive control of collectives must be in correspondence with the discursive control of individuals. This is because collective subjects are conceptualised and materialised to look into the interest of the individuals. Pettit says that this view "represents a sort of moral or ethical humanism but not one that is likely to prompt serious misgivings"[299]. Secondly, Pettit points out is that freedom as discursive control is "dependent on variables in individual psychology that are better insulated from the concerns of the state." Discursive control depends upon psychological or intrapersonal factors, such as the strength of will and others. And the state cannot do anything useful on the intrapersonal front and even if the state tries to interfere the state can "degenerate into an intrusive and oppressive agency"[300]. Then can the state be concerned with interpersonal requirements of discursive control among individuals? Pettit in this regard mentions the third reason why freedom as discursive control is not the ideal for the state to espouse. Discursive control talks about agency but does not take into consideration the environment in which the agency functions. But the state should be concerned with the environment in which the agency functions. Pettit here reflects that[301]:

> A political ideal of freedom, then, will be in one way more astute, and in another way more enriched, than freedom as discursive control. It will be more austere, so far as it will only bear on the interpersonal, not on the intrapersonal preconditions of discursive control, and only on the requirements of control in

[298] Pettit, *A Theory of Freedom*,126
[299] Pettit, *A Theory of Freedom*,127
[300] Pettit, *A Theory of Freedom*,127
[301] Pettit, *A Theory of Freedom*,127-128

individual subjects. It will be more enriched, so far as it will articulate the requirements for enjoying discursive control on two fronts: not just on the side of agency, but also on the side of the environment where agency is exercised; not just on the side of interpersonal relations but also on the side of impersonally determined opportunities.

Pettit is now concerned with looking into the suitable ideal of freedom that the state must hold onto. He brings us back to discuss the positive and negative ideal of liberty,[302] and tries to go beyond this by following a different way of analysing the political ideal of freedom. The first ideal that Pettit points out is the ideal of non-limitation. These ideal points out that individuals shall enjoy political freedom if they are able to escape limitation in all its forms, intentional and non-intentional – interpersonal and impersonal. Further, if two or more individuals differ in the extent of interpersonal or impersonal limitations, their success in avoidance of these limitations shall not be taken to differ in measure in the ideal of non-limitation. Pettit says that this may at first instance look like striking simple concept, similar in lines to Berlin's negative conception of freedom. Pettit further observes that non-intentional restrictions on freedom should be included in the idea of interference, as this is generally overlooked. But this ideal of non-interference is not satisfactory. Pettit observes that when we are concerned about enjoyment of discursive control by agents, we shall see that there is a difference in the way we look at limiting factors, which is exactly what the ideal as non-limitation does not adhere to. Pettit explains this further by pointing out that there is a difference between interpersonal obstructions arising from obstruction or coercion of others and obstructions arising from impersonal environment of choice. The interpersonal obstructions deny discursive control while impersonal limitations do

[302] Pettit refers to Berlin (1969)

not deny discursive control. Pettit has illustrated this aspect with the help of two scenarios, firstly where someone parking her car at a certain location is threatened with damage to her car by another person and secondly someone parking her car at a certain location is warned that her car may get damaged due to an upcoming storm. The first situation poses a threat to the possession of discursive control which the second situation does not. This difference can have "direct implications" on discursive freedom of individuals (and groups) when applied by state. A state can very easily tend towards such policies, which though seems consistent with the ideal of non-limitation, shall seriously impact the discursive control an individual or group has. We can understand this with respect to coercive policies a state can apply pointing towards a goal which consists of removal of other limitations. So, the political ideal of freedom as non-limitation does not satisfy itself as a counterpart of an agent's freedom as discursive control.[303]

The second political ideal of freedom that Pettit tries to understand is the ideal of non-interference. Pettit describes interference to be "the paradigmatic or unique form of interpersonal inhibition on freedom"[304], and freedom as non-interference "requires the reduction of such interference"[305]. Further analysis of interference leads us to see interference as obstruction or agenda rigging such as removal of an option, or as coercion which makes an option more difficult to attain or even as manipulation of an agent's psychology by making sure the knowledge of the option is denied. Pettit further mentions two components of freedom as non-interference: first is formal freedom as non-interference wherein an agent is politically free if they are not subject to interference by others, second is effective freedom as non-interference, which requires

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[303] Pettit, *A Theory of Freedom*,129-132
[304] Pettit, *A Theory of Freedom*,132
[305] Pettit, *A Theory of Freedom*,132

"not just a capacity for acting without interference, but an environment of opportunity in which there is ample scope for the exercise of that capacity"[306]. Though there have been philosophers who have taken the stand that formal freedom as non-interference is all that a state should be concerned with, Pettit is of the opinion that since discursive control is to be kept in mind we are concerned with effective freedom as non-interference. But, moving further even freedom as non-interference is not effective, Pettit gives us two grounds. The first being that freedom as non-interference does not take into account the numerous dimensions in which a state has to function. If interference is taken as a blanket explanation, then there are certain acts of state which may fall under interference and provide us with a difficult situation. For instance, a welfare state which is concerned with certain ills that its citizens face such as poverty, inability or a certain handicap and works towards fighting these ills and in this manner improve the overall discursive capacity of the citizens. Now interestingly such a welfare state shall have to act in manners that are limiting the freedom of certain individuals. So here freedom as non-interference seems to be not constitutionally rich enough. The second ground the Pettit points out is that there are certain instances where an agent's freedom as discursive control is severely challenged by agents or agencies that never actually exercise any interference and further such agents or agencies may bring certain changes in the agent's dispositions that they shall maybe never interfere. Pettit describes this relation that has the power of arbitrary interference, which is rarely exercised as domination. Pettit provides us with many examples of the forms in which domination presents itself. Let us analyse a single example to understand the situation better; the case of the wife of the occasionally violent husband. Here the husband may be normal at most of the times but the possibility of him being violent shall make the wife act in

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[306] Pettit, *A Theory of Freedom*,133

ways, where she shall be self-inhibiting or self-censoring herself and this shall reduce her discursive control over her actions. This is applicable to all cases of domination where someone lives in the mercy of others.[307] Pettit thus refers to freedom as non-limitation to be "sociologically too poor to recognize domination"[308].

Lastly, Pettit argues for freedom as non-domination as an account of political freedom, that takes into consideration the requirements of discursive control, that freedom as non-limitation and freedom as non-interference failed to. Freedom as non-domination brings forth the aspect that an agent shall not be "exposed to an arbitrary power of interference on the part of others"[309]. There are two aspects where freedom as non-domination differs from freedom as non-limitation. Firstly, freedom as non-domination is concerned with only arbitrary interference and secondly, not just the experience of arbitrary interference but even the environment where the power for such arbitrary interference is considered, irrespective of the fact whether such power is exercised. Pettit thus avoids the two grounds of dissatisfaction with regard to freedom as non-interference. Pettit argues for freedom as non-domination as a constitutionally rich ideal. Firstly, since the state's action shall not be arbitrary, the possession of discursive control in its citizens shall be unaltered. Even if there is a situation where the decision of the state is against the interest of an individual, she has the discursive reason to endorse the decision. Secondly, instances where the state is involved in interference in the lives of its citizens, such as taxation or coercive legislation, are to be considered to resemble the action of Ulysses's sailors in keeping it bound to the mast. Pettit observes the common avowable interests are in favour of the state's action even when individual self-serving interests may not be in favour of such action. Pettit further

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[307] Pettit, *A Theory of Freedom*,132-138
[308] Pettit, *A Theory of Freedom*,136
[309] Pettit, *A Theory of Freedom*,138

observes that freedom as non-domination is a sociologically rich ideal, since it takes into consideration the question of how discursive control may be disturbed in a social relation where a group or individual holds more power than others, even if the power is arbitrary. Pettit writes[310]:

> Not only is the idea of non-domination attractive, then, for pointing us towards the possibility of a state that respects and recognizes the discursive control of its citizens. It is equally attractive for pointing us towards a way in which discursive control may be jeopardized without the presence of any actual interference. It enables us to say, on the other hand, that state action did not be inimical as such to political freedom and, on the other, the state action may be required to put right problems that arise from the bare fact of asymmetrical powers of interference.

There is a third attraction for freedom as non-domination, according to Pettit, that it does take care of "impersonal and non-personal obstacles and costs"[311]. These factors "reduce the range over which non-domination can be enjoyed or the ease with which it can be exercised"[312]. The ideal of non-domination takes care of the environmental aspect also along with the agency aspect. Non-domination strives for an environment where the capacity for "undominated choice"[313], associated with free agency, are ideal.[314]

4.2.1.2. Democratization

Pettit has put forward his view that non-domination has strong historical roots, present in the Roman and neo-Roman tradition of republican thought.[315] Pettit's motive is to

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[310] Pettit, *A Theory of Freedom*,141
[311] Pettit, *A Theory of Freedom*,142
[312] Pettit, *A Theory of Freedom*,142
[313] Pettit, *A Theory of Freedom*,143
[314] Pettit, *A Theory of Freedom*,138-144
[315] Pettit, *A Theory of Freedom*,144-145

shift back towards a republican political philosophy, which since about the end of eighteenth century has been replaced by "characteristically liberal ideal of non-interference"[316].

Pettit begins by classifying two powers that are prevalent in the social world. First there is imperium of the state, or public power and second there is dominium or private power of interference that "certain agents, individual and collective, enjoy in relation to others"[317]. Pettit points out that the state that bases its freedom as non-domination shall be able to put up a restriction to both these powers. The fact that the state can deal with dominium has been argued for. Pettit's point of concern is with regard to imperium. He considers that the state should have limits to imperium, and the state that acts beyond such limits are bound to be a danger to freedom as non-domination. This is because in case of the state the members have no power to exit the collective. What should be that ideal state which avoids this concern? Pettit points out that it should be a state that takes into consideration the common avowable interests. How are we able to identify such common interests? Pettit[318] writes:

The definition of common interest that I find most persuasive roles that are certain good will represent a common interest of the population. Just so far as co-operatively admissible considerations support its collective provisions. Co-operatively admissible considerations are those that anyone in discourse with others about what they should jointly or collectively provide can reduce without embarrassment as relevant matters to take into account. They are not selfish or sectional considerations...Assuming that there are many cooperatively admissible considerations available to the potential citizens of a common state,

[316] Pettit, *A Theory of Freedom*,151
[317] Pettit, *A Theory of Freedom*,152
[318] Pettit, *A Theory of Freedom*,156-157

why form a common state? If there are none, we can think of common interest of the citizens as those things that such considerations would argue for collectively providing.

Pettit has pointed out that there has to be an attitude of forcing the state to track common avowable interests and only such interests. He mentions Hirschman's[319] study that the three *great* options available in political life are exit, voice and loyalty. There is no option of exit with regard to the state and loyalty does not "achieve anything by way of ensuring that the state is not arbitrary and dominating"[320]. Thus, voice is the "only remaining alternative". And it is democratic arrangements where "the voice of authorization and contestation"[321] is available. This voice has to be used to force the state, and democratic institutions must have "a positive search-and-identify dimension" and also "a negative scrutinize-and-disallow dimension" for tracking common avowable interests[322]. Pettit argues that the first thing that needs focus with regard to this is a robust electoral system and the second aspect is that the electoral system needs to be complemented by a contestatory form of democracy that "enables people as individuals and groups to raise an effective voice against policies and practices that do not, by their light, reflect common avowable interests"[323]. The state should provide "procedural, consultative and appellate resources" with regard to consultation. Pettit observes that only such an account of "two-dimensional democracy represents the right sort of response to the problem raised by imperium of the state"[324]. Democracy has its lacunae, but then these are ideas that cannot be ignored.[325]

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[319] Pettit refers to Hirschman (1970)
[320] Pettit, *A Theory of Freedom*,156
[321] Pettit, *A Theory of Freedom*,156
[322] Pettit, *A Theory of Freedom*,159
[323] Pettit, *A Theory of Freedom*,174
[324] Pettit, *A Theory of Freedom*,174
[325] Pettit, *A Theory of Freedom*,152-174

4.2.2. Habermas and the State

Finlayson observes that "Habermas's programme of democratic and legal theory begins with the recognition that modern social orders are forged not just by moral norms, but also - and to an increasing degree - by political institutions and laws"[326]. This be considered as Habermas's philosophy taking a political turn, but then Habermas's moral theory forms the anchor on which his political and legal theory holds ground. Finlayson further observes that Habermas has put forward two basic spheres of politics. The first sphere is the informal political sphere which " consists of a network of spontaneous, 'chaotic' and 'anarchic' sources of communication and discourse", which are not institutionalised, Finlayson terms this as "civil society", examples are voluntary organizations, political associations and the media. The second sphere is the formal political sphere which is concerned with "institutional arenas of communication and discourse that are specifically designed to take decisions"[327]. Examples are such as parliaments, cabinets, elected assemblies. Finlayson warns us against identifying formal political sphere with the state, as he writes that for Habermas

> A political system functions well when it's decision-making institutions are porous to the input of civil society, and it has the right channels through which the input from below civil society and public opinion can influence its output policies and laws. Healthy democratic institutions will tend to produce policies and laws that are in tune with discursively formed, public opinion, and thus rational or justifiable.

Habermas has combined the political conceptions of liberal- democracy and civic republicanism. Liberal Democracy centres around the idea of human rights and

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[326] Finlayson, *Habermas*,107
[327] Finlayson, *Habermas*,108

privileges private autonomy, that is individual self-determination. Civic republicanism centres around the idea of popular sovereignty and privileges public autonomy, that is the self-realisation of the political community. The state must be neutral with regard to "values and conceptions of the good pursued by its members"[328], if private autonomy is to be preserved. In doing so the freedom of opportunity of individuals to pursue interests is maintained. On the other hand, the civil Republican idea of public autonomy is an exercise concept, rather than being an opportunity concept. The concern is with regard to "collectively realizing public autonomy, rather than of securing the private autonomy of individuals"[329]. The idea of freedom for civic republicanism lies not in opportunities for individuals, which itself is possible only if it can be derived from the values and ideals of a political community.[330]

> Habermas's conception of politics, Finlayson writes[331]:
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> shows that human rights and popular sovereignty are equiprimordial and reciprocal, which means that neither comes first and that each mutually depends on the other. At the same time, it conjoins and gives equal weight to, the notions of private and public autonomy. Politics, according to Habermas, is the expression of 'the freedom that springs simultaneously from the subjectivity of the individual and so each other people'.

Habermas has rejected three basic assumptions of liberal democracy, since they signify the character of philosophy of consciousness, which are[332]:

1. that right belong to pre-political individuals;

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[328] Finlayson, *Habermas*,110
[329] Finlayson, *Habermas*,110-111
[330] Finlayson, *Habermas*,109-111
[331] Finlayson, *Habermas*,111
[332] Finlayson, *Habermas*,111-112

2. that memberships in the political communities valuable, merely as it means to safeguard individual freedom;

3. that the states would remain neutral in respect of the justification of its policies or laws, where neutrality implies everything appeal to values and ethical considerations.

Habermas also rejects three key civic republican assumptions, because modern society "made up of a plurality of competing traditions and world views"[333] do not consider them, they are[334]:

1. that the states would embody the values of political community;

2. that participation in the community is the realization of these values;

3. that subjective rights derived from and depend on the ethical self-understanding of the community.

Finlayson observes Habermas has recognized a modern idea of public sovereignty which is " not embodied in a collective subject, or a body politic on the model of an assembly of all citizens', it resides in "subjectless" forms of communication and discourse circulating through forums and legislative bodies"[335]. Another important aspect is that the civil society must be protected for the sake of democracy, since the democratic state is embedded in civil society. In it for this that Habermas discusses the system of rights which "states the conditions under which the forms of communication necessary for the genesis of legitimate law can be legally institutionalized"[336]. Finlayson further holds that for Habermas moral norms and legal norms work side by side and it is considered that "laws produced by political institutions that are open to

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[333] Finlayson, *Habermas*,112
[334] Finlayson, *Habermas*,112
[335] Habermas, *Between Facts and Norms*,136
[336] Habermas, *Between Facts and Norms*, 103

input from civil society will tend to be rational"[337]. This a valid law has a normative side and a factual side. That means it has to have a legitimate side, which ensures that "there are appreciable reasons for obeying it"[338], and not just the fear of punishment. This legitimacy must "elicit voluntary rational compliance"[339], which is not to be confused with allegiance. But this legitimacy is not a sufficient condition it further needs to be positive, which signifies that it is laid down by a recognised authority. Finlayson points out that Habermas formulated his notion of legitimacy with regard to a democratic principle, which states that: "Only those laws count as legitimate to which all members of the legal community can assent in a discussive process of legislation that has intern been legally constituted"[340]. This democratic principle is a specification of the discourse principle (D) and in a way enriches (D), as Finlayson observes, "by introducing differences of scope and justification"[341]. Democratic principle is concerned with all members of the legal community with regard to a legal valid norm, which is not the case in (D) where everyone affected by the norm is to be considered.[342] Next let us discuss public reason and empowerment that shall help us explain the democratic process better.

[337] Finlayson, *Habermas*,114
[338] Finlayson, *Habermas*,115
[339] Finlayson, *Habermas*,115
[340] Habermas, *Between Facts and Norms*,110
[341] Finlayson, *Habermas*,116
[342] Finlayson, *Habermas*,111-116

Chapter 5
Public Reason and Empowerment

5.1. Understanding Public Reason

5.1.1. Public Reason's History

In this section we shall mainly focus on Drydyk's connection between public reason, capabilities and democratic deliberation.[343] Drydyk has differentiated between "public reason" and "public reasoning" which are sometimes used interchangeably. He points out that the difference lies in the fact that, "public reasoning" refers to "arguments actually given in the public sphere"[344], while "public reason" is concerned with the arguments meeting "standards of evidence and inference along with norms of consideration towards all voices and everyone's good"[345].

Drydyk provides a short historical background to public reasoning. While looking into the work of Kant, he points out that ideas of public reason and public reasoning have been discussed in relation to enlightenment, which for Kant meant overcoming submission to moral and intellectual authority: and gaining the ability to use one's own understanding without guidance from others. It is use of the term understanding that needs explanation as reasoning is not sufficient, as people's reasoning in many instances take support of other's reasoning; and that according to Kant shall not fulfil the goal of enlightenment. This is where Kant distinguishes "private use of reasoning" from "public use of reasoning"; and it is the latter that is essential for enlightenment. Kant wants individuals to firstly, think for oneself; secondly, to think

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[343] Jay Drydyk, "Capabilities, Public Reason and Democratic Deliberation" in *The Cambridge Handbook of the Capablity Approach*, ed. Enrica Chippero-Martinetti, Osmani Siddiqur and Mozaffar Qizilbash (Cambridge, Cambridge University Press, 2020), 660-676
[344] Drydyk, "Capabilities", 660
[345] Drydyk, "Capabilities",660

form a universal standpoint and thirdly, to be consistent in their thought process. Drydyk observes that may be due to Prussian censorship Kant must have missed out on proposing that "the public use of reason has authority over governments"[346]. Drydyk points out that it took nearly two hundred years for it to be credible to think that governments are accountable to public reason. Habermas' work with regard to the public sphere, where he traces the idea of accountability to salons in 18th century Europe. Habermas holds that public opinion has with time disengaged itself with public discourse since public opinion has been shaped through mindless "public barrage and propagandist manipulation"[347]. This on the other hand leaves behind organizations and institutions who are free from public process of scrutiny. Drydyk observes that Habermas's understanding is that "the challenge to create a middle ground engaging both sides in 'critical publicity' is 'of decisive importance."[348]. The approach of Habermas with regard to this challenge has been discussed in the previous chapter; Drydyk also mentions that Habermas proposes (D) as the principle that the public sphere is subject to. Drydyk further also mentions how moral validity and democratic legitimation are not the same thing.[349]

On the different side of the debate on public reason, Drydyk locates Rawls theory as a "straightforward model of public justification based on the idea of public reason alone"[350]. This difference between Rawls and Habermas has also been discussed in the previous chapter.[351] Drydyk mentions that the Rawlsian approach to public reason has been the prevalent theme around which the contemporary debates on public reason

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[346] Drydyk, "Capabilities",661
[347] Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, tr. T. Burger (Cambridge, Polity Press, 1989), 245
[348] Drydyk, "Capabilities",662
[349] Drydyk, "Capabilities",661-662
[350] Drydyk, "Capabilities",662
[351] See Section 4.1.2.1.

constructs itself. Drydyk summarizes Rawls' idea of public reason in eight points. Firstly, a just society has a shared conception of justice to make the state power accountable of its decisions and also further to suggest the state power. Public reason builds upon this shared conception of justice. Secondly, Drydyk observes that Rawls has at times limited the scope of public reason to judiciary and officials, while opinions of all citizens are to be considered in an electoral setup. Thirdly, public reason shall form a constitutive norm based on the strongest arguments: based on inferential strength and weight of shared values and factual evidence. Fourthly, public reason expects rationality, clarity of thought regarding goals, in its participants. Fifthly, public reason further expects that the participants be reasonable and considerate: "seeking terms of cooperation that could be accepted by each"[352]; without betraying their rationality. Sixthly, public reason should provide normative ideas that are purely political: concerned only with the political sphere; and not concern itself with comprehensive doctrines or moral norms. Seventhly, Drydyk points out that a participant may analyse herself, or discuss with other participants, how their comprehensive moral normative doctrines relate with purely political ideas that are subject to public reason, but these discussions cannot form the justificatory basis of these political ideas. Eighthly, Rawls' idea is such that a consensus prevails when political ideas worked out through public reason are in consonance with the larger comprehensive moral normative doctrines. Given these points we can understand more clearly the points that have discussed earlier that Rawls' theory is different from Habermas.[353] Drydyk looks into public reason through the capability approach, of Sen and Nussbaum, which differs from Rawls' conceptualization in many key areas. We shall analyse Drydyk's understanding of

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[352] Drydyk, "Capabilities",663
[353] Drydyk, "Capabilities",662-663

public reason in the next section, but before that a few more aspects with regard to public reason needs discussion.

Quong gives us a detailed discussion on public reason.[354] He says that public reason is to be located between the two sides of understanding moral and political philosophy: the first being the one that focus on consent of the people governed as being the criterion for political legitimacy, the other being the view that moral and political principle can be true. Public reason "requires that our moral or political principles be justifiable to, or reasonably acceptable to, all those persons to whom the principles are meant to apply. The aim of public reason is neither consent nor truth. Quong further traces the history and writes that public reason is[355]:

> an idea with roots in the work of Hobbes, Kant, and Rousseau, and has become increasingly influential in contemporary moral and political philosophy as a result of its development in the work of John Rawls, Jürgen Habermas, and Gerald Gaus, among others.

Quong also discusses the difference between Habermas and Rawls regarding public reason. Habermas considers public reason as the core constituent of the discourse about moral norms. But Rawls is critical of Habermas understanding of public reason, as Rawls puts forward political values that public reason caters to are "not moral doctrines, however available or accessible these may be to our reason and common-sense reflection"[356]. Quong further points out that Rawls considers that the attempt of locating public reason as a justification for *comprehensive doctrines*, which are philosophical

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Jonathan Quong, "Public Reason", *Stanford Encyclopaedia of Philosophy*, substantive revision April 20, 2022. https://plato.stanford.edu/entries/public-reason/
Quong, "Public Reason", Para. 1
Quong, "Public Reason", Sec.1.1; Rawls and Habermas has been looked into in 4.1.2.1.

theory of truth and rationality, cannot justify the presuppositions of rational discourse.[357]

Quong mentions Gaus argues that there are certain core characteristics of our daily moral habits and reactive attitudes that shape the idea of public reason. This signifies that "social morality is a form of interpersonal reason giving, we cannot grasp it without grasping what is involved in giving another the right sort of reason, and so we must understand what is involved in claiming that another has a reason"[358].Since different people are guided by "different epistemic positions and sets of justified belief"[359], public reason is necessary for making moral demands of others. Quong is of the opinion that although Gaus's conceptualization "differs from discourse ethics in important respects, this account also promises to ground public reason in a broader account of the nature of social morality and epistemology"[360]. Autonomy is the next concept that public reason appeals to. Public reason ensures that the moral and political principle that is adhered to is justified rationally to all the stakeholders of that principle; each and every one is guided by reasons that they themselves justify. Philosophers of public reason appeal to this connection between public reason and autonomy, Gaus being one of them.[361] The other dimension that public reason takes into consideration is that of coercion and respect; as Quong writes that a "widely endorsed view regarding the moral basis of public reason appeals to a particular conception of what it means to treat others with the respect they are due"[362]. Quong, following Lamore[363] points out that, when someone is coerced into something they are treated as merely as a means to

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[357] Quong, "Public Reason", Sec. 1.1
[358] Gerald Gaus, *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World*, (Cambridge, Cambridge University Press, 2011), 184
[359] Quong, "Public Reason", Sec 1.1
[360] Quong, "Public Reason", Sec 1.1
[361] Quong, "Public Reason", Sec. 1.2
[362] Quong, "Public Reason", Sec. 1.3
[363] Quong refers to Lamore (1999)

an end, and not as the end itself. Public reason ensures that even when coercion is in play the ends of the person or group coerced upon is taken into consideration. Since each one is a rationally justifying agent so coercion with respect is possible.[364] Quong further point out another "alternative, though largely neglected"[365], conception that public reason points towards, that is conception of political community or civic friendship. Public reason provides us with a valuable relationship among the members, and more so in the multicultural society. Quong points out that Rawls[366] has pointed out the relationship in a democratic society among free and equal citizens forms the basis of public reason, and thus public reason outlines, at the most fundamental level, the fundamental moral and political principles that should guide how a constitutional democratic government interacts with its people and with other people. Drydyk also points out that Rawls and Gaus have mentioned that public reason is a necessary condition for democratic legitimacy.[367] The concept of justice also has its relation to public reason, Quong observes that by grounding the idea of public reason in the value of justice the distinctive political nature of public reason can be explained.[368] Drydyk also mentions that Frost[369] has considers public reason as a fundamental condition for justice.

5.1.2. Drydyk's conception of Public Reason

Drydyk writes that the "idea of public reason arguably proposes to hold the state and what it does accountable, namely to the strongest arguments"[370]. In this regard he brings forth the capability approach put forward by Sen and Nussbaum. I shall discuss briefly

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[364] Quong, "Public Reason", Sec. 1.3
[365] Quong, "Public Reason", Sec. 1.4
[366] Quong refers to Rawls (1999)
[367] Drydyk refers to Rawls(1999) and Gaus (1996)
[368] Quong, "Public Reason", Sec 1.5
[369] Drydyk quotes Forst (2012)
[370] Drydyk, "Capabilities", 660

the main idea behind the capability approach and try and understand Drydyk approach of locating public reason as a benchmark "to judge whether decision-making is conducted more democratically or less so"[371]. Drydyk very interestingly terms capability as "midwife to public reason"[372], so for him it the capability of an agent that helps in bringing forth public reason to life.

5.1.2.1 Capability Approach: An Overview

Robeyns and Byskov have observed that the "capability approach is a theoretical framework that entails two normative claims: first, the claim that the freedom to achieve well-being is of primary moral importance and, second, that well-being should be understood in terms of people's capabilities and functionings"[373]. Let us understand the terms functionings and capability, Sen writes that functionings "represents parts of the state of a person—in particular the various things he or she manages to do"[374]; he further points out that a person's capability is "the various combinations of functionings that a person can achieve, and from which he or she can choose one collection"[375]. It may seem that functions and capabilities are similar but they are distinct as Sen writes[376]:

> A functioning is an achievement, whereas a capability is the ability to achieve. Functionings are, in a sense, more directly related to living conditions, since they are different aspects of living. Capabilities, in contrast, are notions of

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[371] Drydyk, "Capabilities",660

[372] Drydyk, "Capabilities",663

[373] Ingrid Robeyns and Morten Fibieger Byskov, "The Capability Approach", *The Stanford Encyclopedia of Philosophy* (Winter 2021 Edition), Para 1
https://plato.stanford.edu/archives/win2021/entries/capability-approach/

[374] Amartya Sen, "Capability and Well-Being", *The Quality of Life*, ed. Martha Nussbaum and Amartya Sen, (Oxford, Clarendon Press, 1993), 31

[375] Sen, "Capability and Well-Being", 31

[376] Amartya Sen, "The standard of Living Lecture II, Lives and Capabilities", *The Standard of Living*, ed. G. Hawthorn, (Cambridge, Cambridge University Press, 1987), 36

freedom, on the positive sense, what real opportunities you have regarding the life you may lead.

Robeyns gives the example of two individuals one suffering from hunger due to famine and the other on a hunger strike to protest against an unjust political regime, the individual on hunger strike has the capability to achieve the functioning of being not hungry, while the one suffering from famine lacks this capability. This example explains the above-mentioned difference between functioning and capability.[377]

Sen's capability approach does not equate well-being with either opulence or utility. Capability approach is very considerate with regard to interpersonal human diversity. This is explained by Robeyns, in explaining the conversion factors which help convert commodities to functionings. There are three conversion factors; firstly, personal which accounts into the individual agent's potential to convert commodities into functioning; secondly, social and political factors that influence an agent's capability and lastly, the environmental conversion factors, which also influence how a commodity shall be used. The example Robeyns provides is of a bicycle which provides the functioning of mobility: an agent with disability who is unable to ride lacks personal conversion factor; a female who is in a regressive society and is not allowed to go out in public by herself lacks social and political factors to utilize the functionings provided by the bicycle; an agent in a hilly area shall lack the environmental conversion factor to utilize the bicycle. Capability approach is concerned with these conversion factors, which are reflective of the interpersonal human diversity, not only with regard to individual capacities but also taking into consideration economic, social, cultural and

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geographical viewpoints. This aspect further point towards the fact that in the capability approach individual freedom has intrinsic importance.[378] Robeyns observes that the capability approach in principle is concerned with the real freedom of opportunity. As is explained by the contrasting cases of a professional boxer and a victim of domestic violence with regard to the capability of preserving bodily integrity, in the latter case it is important for us to be concerned about this capability as the victim lacks real freedom of opportunity. This brings forth another important distinction, that Sen's capability approach holds, between well-being and agency. Well-being can be equated with the standard of living; but when well-being faces itself with commitments that may affect the well-being of the agent herself, we are dealing with agency.[379] Which is explained by Robeyns with the example of two sisters, both having the same achieved well-being levels, but one among them goes on to protest against the governments blind eye towards global justice, thereby exerting her agency freedom to raise her voice against a political concern bothering her; she gets arrested there and as such her achieved well-being is compromised. On the other hand, the other sister, even though politically aware of her agency freedom chooses not to compromise on her achieved well-being.[380]

Drydyk's focus has been on Sen's concept of agency, I shall analyse Sen's concept of agency further. Crocker and Robeyns are of the opinion that Sen's capability approach has an "agency-oriented view"; an approach whereby individuals and group "effectively decide" matters for themselves and put forward their effort rather than being inert receivers of bestowed aid. In maintaining this "agency-oriented view", Sen's capability approach differs from other theories where normative importance is laid only on the well-being freedoms irrespective of who contributes towards it. The distinction

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[378] Robeyns, "The Capability Approach",12-13
[379] Robeyns, "The Capability Approach",13
[380] Robeyns, "The Capability Approach",15-16

that Sen makes between well-being and agency in his capability approach brings forth the conception of freedom and responsibility.[381] As Sen observes that if focus is on agency aspect rather than only on well-being then "promotion of social justice need not face unremitting opposition at every move"[382]. Crocker and Robeyns have pointed out that the normative ideal in Sen's conceptualization of agency, which focuses on human agency as something we have reason to value, is evident in his post 1992 work.[383] The agent, having agency, according to Sen is "someone who acts and brings about change, and whose achievements can be judged in terms of her own value and objectives, whether or not we assess them in terms of some external criteria as well"[384]. Sen has further observed that active participatory agency is closely related to the nature of our values.[385] Crocker and Robeyns have analysed in detail what Sen's means by "agency". They specify four conditions wherein a person (or group) can be an agent with respect to their action they are self-determination, reason orientation and deliberation, performance of the act and impact in the world.[386] Crocker has been critical of an aspect of Sen's approach towards agency. Sen has pointed out that if an individual's goal, that she could have realized herself, is realized by the action of others, it can be considered to be a case of that individual's agency. Crocker is of the opinion that only wishful thinking, irrespective of that being fulfilled, cannot be considered as agency.[387]

Let us now discuss Nussbaum's capability approach. Nusabaum version of capability approach is universalist as well as responsive to cultural variations, wherein

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[381] David A. Crocker and Ingrid Robeyns, "Capability and Agency", *Amartya Sen*, ed. Christopher W. Morris, (Cambridge, Cambridge University Press, 2009), 75-76

[382] Amartya Sen, *On Ethics and Economics*, (Delhi, Oxford University Press, 1990), 54

[383] Robeyns, "The Capability Approach",76

[384] Amartya Sen, *Development as Freedom*, (Oxford, Oxford University Press, 1999), 18

[385] Amartya Sen, *Inequality Re-examined*, (Oxford, Oxford University Press, 1992), 57

[386] Crocker and Robeyns, "Capability and Agency", 80-82

[387] David A. Crocker, *The Ethics of Global Development: Agency, Capability and Deliberative Democracy*, (New York, Cambridge University Press, 2008),153-156

she retains the relativists' claim that regarding focus on historical and cultural variations. Two intuitive ideas form the basis of Nussbaum's approach. Firstly, she considers certain functions as central in human life and secondly, she observes that these functions are to be done in a humane manner, drawing this idea from Marx. Nussbaum's focus is on the core idea of human dignity which she considers has extensive cross-cultural character and instinctive authority. Nussbaum arguments are based on Aristotle's "function argument", that lays stress on human virtues being activities of the soul according to reason, and on these activities human good depends.[388] Nussbaum lists her central human capabilities[389] as follows:

1. Life: Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living.

2. Bodily Health: Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.

3. Bodily Integrity: Being able to move freely from place to place; having one's bodily boundaries treated as sovereign, i.e. being able to be secure against assault, including sexual assault, child sexual abuse, and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.

4. Senses, Imagination, and Thought: Being able to use the senses, to imagine, think, and reason – and to do these things in a 'truly human' way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being

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[388] Martha Nussbaum, *Women and Human Development: The Capabilities Approach*, (New York, Cambridge University Press, 2000), 73-74
[389] Nussbaum, *Women and Human Development*, 78-80

able to use imagination and thought in connection with experiencing and producing self-expressive works and events of one's own choice, religious, literary, musical, and so forth. Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to search for the ultimate meaning of life in one's own way. Being able to have pleasurable experiences, and to avoid non-necessary pain.

5. Emotions: Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one's emotional development blighted by overwhelming fear and anxiety, or by traumatic events of abuse or neglect. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)

6. Practical Reason: Being able to form a conception of the good and to engage in critical reflection about the planning of one's life. (This entails protection for the liberty of conscience.)

7. Affiliation: A. Being able to live with and toward others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another and to have compassion for that situation; to have the capability for both justice and friendship. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.)

B. Having the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails, at a minimum, protections against discrimination on the basis of race, sex, sexual orientation, religion, caste, ethnicity, or national origin. In work, being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.

8. Other Species: Being able to live with concern for and in relation to animals, plants, and the world of nature.

9. Play: Being able to laugh, to play, to enjoy recreational activities.

10. Control over One's Environment: A. Political: Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association.

B. Material: Being able to hold property (both land and movable goods), not just formally but in terms of real opportunity; and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure.

Nussbaum writes that these ten capabilities are supposed to be general goals that can be further specified by the society in question, as it works on the account of fundamental entitlements it wishes to endorse. Nusabaum focus is on treating every person as an end in itself and not just as means and thus her list is considerate with regard to cultural differences and pluralism while deliberating her list. Nussbaum points out side characteristics of her list. Firstly, the list is open ended, secondly, the items in her list are to be seen as abstract and general, thirdly the list does not have metaphysical grounding and is based for practical political purpose, fourthly, focus on freedom of

opportunities compliments pluralism, fifthly, liberties of speech, association, conscience are non-negotiable aspects in her list and sixthly, the list does not propose forcing states to follow them rather it is to act as a persuasive guide. Nussbaum points out that capabilities, practical reason and affiliation are of special importance this is because, as Nussbaum observes that, if any work is to be a truly human mode of functioning it must require acting like a thinking being rather than just a cog in a machine, and it must be possible to interact with and act toward others in a way that involves acknowledging one another's humanity. But these two capabilities are not to considered as ends to which other capabilities act as means.[390]

Robeyns provides four points where the capability approach of Sen and Nussbaum differ. First, is the notion of capability where Sen focuses on real and effective opportunities, Nussbaum focuses on people's skill and personality traits as aspects of capability. Second, Nussbaum focus is on government's function and people's demand from government, Sen deals mainly in a boarder perspective that does not limit itself to government. Third, Nussbaum does not consider the agency well-being dichotomy that Sen holds on to, she believes her approach takes into consideration individual freedom without the needs for such a technical difference. Fourthly, Nussbaum proposes a fixed list, while Sen does not.[391]

5.1.2.2. Public Reason through the Prism of Capability

Drydyk puts before us a question that anyone considering public reason is bound to face. Public reason is considered to guiding action, but can it help us reach univocal conclusion on matters of practical relevance to the public. We can understand that in many of the instances public reason may not be able to provide us with univocal

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[390] Nussbaum, *Women and Human Development*,82
[391] Robeyns, "The Capability Approach",24-25

conclusions; but public reason cannot be termed unnecessary given that fact there are some important questions where public reason can play an important role. But given the fact that if we are to accept value pluralism, which we are supposed to, public reason becomes even more complex; since we are starting "from a number of irreducibly different value premises"[392]. Drydyk asks the question: "How is a public to move from disagreement on premises to agreement on conclusions?"[393] This is where Drydyk brings forth the capability approach, he points out that the capability approach does not "deny pluralism by insisting that only value premises of one kind (utilitarian or Kantian principles) are true or acceptable"[394]; and in this respect capability approach also differs from Rawls' conceptualization. Drydyk argues that in trying to offer a solution "capability concepts simplify the work of public reasoning"[395]. What are these capability concepts? Drydyk points out that "there are two such concepts: one is the idea of *valuable capabilities*, the other is the idea of *equal consideration for all persons*, captured by Sen as impartiality and by Nussbaum as equal human dignity"[396].

Drydyk further explains what *valuable capabilities* signify. The focus of Capability approach is on capabilities that an individual has or can attain, but this does not signify that all capabilities matter equally. There are some capabilities that are valuable only in a small scale, these capabilities have been termed as "trivial" by Drydyk. But then Drydyk explains what exactly are we to mean by small scale consideration. Can we consider capabilities that are concerned with an individual's life only as trivial? Not if they are such capabilities that are "capabilities to function in ways that matter more to one's life as a whole, for instance to be well nourished, to keep

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[392] Drydyk, "Capabilities",663-664
[393] Drydyk, "Capabilities",664
[394] Drydyk, "Capabilities",664
[395] Drydyk, "Capabilities",664
[396] Drydyk, "Capabilities",664

healthy, to participate in community life, and to have self-respect"[397]. On the other hand, Drydyk mentions "the capability to use a particular laundry soap, or the capability to whistle Yankee Doodle while standing on one's head"[398] are instances that can be seen as instances of capabilities that are trivial. The second scale that Drydyk considers for capabilities to be not trivial is such capabilities that have a higher level of generality, which considers "things of the same kind that more people have reason to value." Now combining these two aspects Drydyk observes that capabilities that top both scales, that is, "everyone has reason to value them as elements of life as a whole." These second of these two scales bring us to the second capability concept that simplifies the work of public reason, that is, equal consideration for everyone's good. Drydyk mentions that "one of the norms that the capability approach proposes for public reason demands that we give equal consideration to everyone's good"[399]. The criteria of valuable capabilities "combines powerfully" with this norm. Drydyk points out that even if everyone is not in consensus regard what their conception of a good life is; and even if someone's conception may seem not satisfactory to others or vice versa, we can "treat everyone's striving as equally valuable so that no one's striving matters more than others"[400]. Now are we to consider that anyone with a limitation with regard to striving can be treated is a different manner? Drydyk, mentions the case example of disabled individuals with diminished strivings, and answers that we are not to consider anybody's striving in a different manner because we as humans cannot strive unassisted throughout our life. If an individual's capability is limited due to any factor, his striving for well-being shall also be more difficult, it is because of this that we cannot approve of inequality as a valuable capability. As Drydyk mentions that, "it cannot be acceptable that some have

[397] Drydyk, "Capabilities",664
[398] Drydyk, "Capabilities",664; these examples are from Sen(1992) and Nussbaum (2011)
[399] Drydyk, "Capabilities",664
[400] Drydyk, "Capabilities",664

lesser capabilities unless it is acceptable that their striving to live well matters less than others"[401].

Since equal consideration is taken to be an essential premise in arguments against capability inequality, Drydyk points out that it has been expressed in different ways by Nussbaum and Sen. Nussbaum has considered it in terms of *equal human dignity*, while Sen has tried to explain it in terms of *open impartiality*. Nussbaum has termed the concept of dignity as "an intuitive notion that is by no means utterly clear"[402], but then she also makes it clear that "dignity does not rest on some actual property of persons, such as the possession of reason or other specific abilities"[403]. Rather Nussbaum observes that it is in the concept of an individual "as a dignified being who shapes his or her own life in cooperation and reciprocity with others, rather than being passively shaped or pushed around by the world"[404], that we can locate dignity. Drydyk writes that[405]:

> Nussbaum's innovation consists in interpreting equal considerations for persons as recognition of equal dignity, which should lead public reason to more concrete conclusions about ensuring that everyone's capabilities reach at least the decent 'threshold' levels mandated by human dignity.

Drydyk points out that Sen's capability approach "treats the mandate of equal regard for persons explicitly as an impartiality requirement governing public reason"[406]. In this regard Sen refers heavily on Adam Smith's "impartial spectator". Drydyk terms it

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[401] Drydyk, "Capabilities",665
[402] Martha Nussbaum, *Creating Capabilities: The Human Development Approach*, (Massachusetts, Harvard University Press, 2011), 29
[403] Martha Nussbaum, *Frontries of Justice: Disability, Nationality, Species Membership*, (Massachusetts, Harvard University Press, 2006), 7
[404] Nussbaum, *Women and Human Development*,72
[405] Drydyk, "Capabilities",665-666
[406] Drydyk, "Capabilities",666

"unfortunate" but "deliberate" that Sen has not thrown much light into the real mechanism behind being impartial, just pointing out that it is being disinterested. Drydyk quotes Sen to point out that Smith's formulation of the impartial spectator is to "open up questioning, rather than close down a debate with a formulaic answer allegedly derived from the impartial spectator seen as a definitive arbitrator"[407]. Drydyk is of the opinion that Sen's concept of impartiality should mean "capability involves valuing eyeryone's good equally", this shall help in "public reason opposing shortfalls", on the other hand Sen takes "impartiality to mean just that advocates of a theory are willing for it to be applied to all cases"[408]. Drydyk further points out that moving beyond this Sen has pointed out that whenever we are taking an impartial approach we should move beyond the influence of vested interests and the point that is being considered must be open to all relevant perspectives. Drydyk had tried to draw a comparison between Sen's impartiality and Rawls's "idea of the "competent judge" as an arbiter of the "considered judgement" to which ideas of justice must connect in reflective equilibrium"[409]. But then he himself points out that such a comparision is not possible, because the way Sen approaches impartiality and public reason is counter to the stand taken by Rawls. For Rawls the normative premises must not involve itself into metaphysical, ethical and religious standpoints but should be "purely political", on the other hand Sen has been open to all such approaches grounding itself into public reason. Drydyk points out that closed impartiality, as the one Rawls proposes, has three shortcomings: firstly, is the "exclusionary neglect of outsiders who are affected by the insider group's decision"[410]; secondly, "inclusionary incoherence"[411], by which the

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[407] Amartya Sen, *The Idea of Justice*, (Cambridge, MA, Harvard University Press, 2009), 126
[408] Drydyk, "Capabilities",666
[409] Drydyk, "Capabilities",666
[410] Drydyk, "Capabilities",666
[411] Drydyk, "Capabilities",666

formation and hierarchy of the group may be affected by some decision that it arrives to; and lastly "procedural parochialism"[412], whereby insider biases and prejudices may keep the group unaware of the alternative perspectives that the outside may offer. But the norm of open impartiality as put forward by Sen increases the scope of public reason beyond ideas that are "purely political". Drydyk points out that open partiality to maintain impartiality should "reject the exclusion of native or foreign comprehensive doctrines"[413].

Drydyk further tries to answer the question about "whether and how the claims and proposals of the capability approach are subject to public reason as it is and public reasoning as it ought to be"[414]? To begin with he observes that there is a major debate raging within and outside the capability approach regarding these questions; as to how valuable capabilities and equal consideration "can be known or at least accepted for practical purposes", are they "justified by public reasoning, or can they have prior justification?"[415] Drydyk brings forth one side of the debate by pointing out that Nussbaum's universal list of ten basic capabilities determines public reasoning, rather than being determined by it. Crocker on the other hand, Drydyk mentions, even though in agreement with Nussbaum, disagrees with the point out view that capability thinking can provide legitimate guidance without itself being subject to public reasoning and deliberation. Crocker explains this issue, as Drydyk quotes him[416]:

> Finally, who do Sen and Nussbaum claim should evaluate functionings and
> capabilities and what methods should they employ? Here one finds a sharp and
> growing disagreement between Sen and Nussbaum. Nussbaum emphasizes

[412] Drydyk, "Capabilities",667
[413] Drydyk, "Capabilities",667
[414] Drydyk, "Capabilities",667
[415] Drydyk, "Capabilities",667
[416] Crocker, *The Ethics of Global Development*, 185

philosophical theorizing in determining valuable capabilities while Sen stresses agency-manifesting processes of public discussion and democratic choice.

Drydyk observes that he is "not persuaded that there is a strong and growing disagreement within the capability approach on this point"[417], rather he feels that while the proponents of capability approach are busy in discussing this divide, "some important nuances" may be overlooked, so he confines himself "to the more modest goal of sketching some middle ground answers" to the questions that have been raised.[418]

In trying to understand the question, Drydyk points out the he has used *public reasoning* as a descriptive term which "refers to justifications that have been offered for particular public action or demands at a particular place in a particular period of time"[419]. Public reasoning may contain some arguments "made in private, unrecorded and therefore lost to posterity"[420]. Drydyk compares public reasoning to logic, as in public reasoning too there are standards by which differentiation between of good and arguments is made, they include "standards of inference, standards of evidence, and norms of consideration"[421]. By *public reason* Drydyk's focus is on "those standards, those line of arguments actually given that more or less meet"[422] the standards of public reasoning, and also "any further good arguments that are relevant but have not previously been introduced into the public debate"[423]. So, the point that Drydyk has

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417 Drydyk, "Capabilities",667
418Drydyk, "Capabilities",667
419 Drydyk, "Capabilities",667
420 Drydyk, "Capabilities",668
421 Drydyk, "Capabilities",668
422 Drydyk, "Capabilities",668
423 Drydyk, "Capabilities",668

tried to bring forth is that "public reason is public reasoning as it ought to be, and public reasoning is actual advocacy that can be held to the standards of public reason"[424].

Drydyk agrees with Sen that it is only by giving equivalent thought for all at *some level* that an ethical theory can have general credibility. As discussed before allowing inequalities in valuable capabilities is wrong. In this regard he observes that "we can assume that advocates of the capability approach will hold that one of public reason's procedural norms is to give equal consideration to all persons." But then is this procedural norm "itself subject to public reason?"[425] To discuss this Drydyk firstly tries to understands Kantian approach to this question, which may show us that "justification for this norm is recursive"[426], if this norm is not followed public reason would no more be able to hold itself to any standards that guide it. Drydyk is of the opinion that, "philosophical arugument cannot be sealed off from public reason"[427]. Whatever may be the choice of capabilities it is "subject to further interrogation by public reason"[428]. To explain this aspect Drydyk further writes[429]:

> While many great works of modern European philosophy give the impression that no later reconsiderations would be necessary, much less desirable, contemporary philosophy has retreated to a more modest Socratic outlook which I subject to public reason in two ways. Firstly, we anticipate future objections and refine and defend our arguments accordingly. Second, we accept our fallibility: no one claims certainty that present arguments will not be found wanting in future. Nevertheless, despite this lack of immunity to public reason,

[424] Drydyk, "Capabilities",668
[425] Drydyk, "Capabilities",668
[426] Drydyk, "Capabilities",668
[427] Drydyk, "Capabilities",668
[428] Drydyk, "Capabilities",668
[429] Drydyk, "Capabilities",668-669

if we anticipate public reason as a source of objections and defences, we may be able to develop arguments in which we can be reasonably confident.

In this context Drydyk brings forth Nussbaum's understanding of the Capability Approach, and mentions that she has been occasionally understood unfairly. Nussbaum submits her list of central human capabilities to public reason and still remains confident with regard to her list, as she writes "we should view any given version of the list as a proposal put forward in a Socratic fashion, to be tested"[430] Nussbaum and "the list itself is open ended and as undergone modifications over time; no doubt it will undergo further modifications in the light of criticism"[431]. Drydyk thus emphasizes on the fact that "submitting to public reason does not entail abandoning confidence in one's philosophical arguments"[432].

Drydyk is of the opinion that Nussbaum's approach towards the idea of dignity, in a way corroborates her stand with regard to belief in public reason. Nussbaum is of the opinion that respect and sociability-based entitlements are conferred by dignity, she bases this position on Grotius. But Drydyk locates a shift in Nussbaum's position where she argues that these rights can develop from public reason and become the issue of an overlapping agreement, rather than being just drawn from the concept of dignity. Now are we to ensure this, Drydyk points out that Rawls has had his focus on people treating one another as rational and reasonable with regard to public reason, in a similar manner Nussbaum puts forward her opinion that people are to consider each other rational, sociable and vulnerable. Drydyk points out that if people participating in public reason were to consider other fellow participants in this manner as forwarded by Nussbaum,

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[430] Nussbaum, *Women and Human Development*, 77
[431] Nussbaum, *Frontiers of Justice*, 77
[432] Drydyk, "Capabilities",669

they shall be "able to form opinions about goods and living standards that they dignified cohabitants would reject"[433] or accept; there can be a detailed deliberation about these standards and the best suitable can be selected on the basis of the arguments in favour. In this context, Drydyk proposes the understanding that, "in determining what is 'unworthy of human dignity', it is not philosophy but public reason that is in command"[434].

Though Nussbaum and Sen have their disagreement with regard to list of capabilities they both would agree on as Sen puts it "public discussion and reasoning can lead to a better understanding of the role, reach, and the significance of particular capabilities"[435]. Drydyk further tries to look into the issue that how valuable capabilities be selected, when they are subject to public reasoning, where an actual deliberation takes place which may have little regard for facts or may not provide equal consideration to all. Can it be proposed that public reasoning on these technical matters should not be extended beyond the people who actually are framing it. This is not possible as these discussions are already there in the public domain and further there are two reasons, according to Drydyk, why these questions or boarder question with regard to equality must be subject to public reasoning. Firstly, since the larger question that we are addressing questions with regard to how to live well, we should avoid drawing this experience from a limited segment and rather open up our deliberation. Secondly the reason is that deliberation based public reason has a "constructive value" as Drydyk following Sen writes, "until such discussion takes place, a community member will not know what sort of flourishing they support for each other"[436]. Drydyk

[433] Drydyk, "Capabilities",669
[434] Drydyk, "Capabilities",669
[435] Amartya Sen, "Capabilities, Lists and public Reason", *Feminist Economics* 10:3, (2004), 80
[436] Sen, *The Idea of Justice*, 241-243

further mentions that there has been an approach, held onto by some anthropologists, that believes "morally good" and "socially approved" are synonymous, but this cannot be accepted as this view is "implicitly" disregarding the voices within a community that criticize the communities socially approved norms. Drydyk points out that[437]

> since public reasoning is subject to the norms of public reason, everyone remains free to dissent from its conclusions if they resulted from fallacies, errors in fact, or unfair procedures, or indeed if there are conclusive counterarguments that they did not anticipate.

Drydyk advances towards the next moot point that deals with democratic standards. Nussbaum and Sen have vouched for democratic institutions that are equipped by the capability concepts. Drydyk asks two pertinent questions; firstly, Can the capability approach make a comparison among standards of democratic practices?; secondly, What role is played by public reason in this regard? These two questions are not to be dealt separately, rather they are dependent on each other. Drydyk starts his discussion by firstly considering Nussbaum's final capability from her list on capabilities, which insists on control over one's environment, both political and material. This capability among other things also insists on an agent being *able to participate effectively in political choices that govern one's life, having the right to political participation, protection of free speech and association*, this capability Nussbaum claims is bound by public reason. With regard to Sen's approach, Drydyk mentions that Sen even without Nussbaum's list is of the opinion that public reason shall "recognize democracy as the *default* option for governance"[438]. Sen provides us with three grounds with regard justification for valuing democracy: intrinsic,

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[437] Drydyk, "Capabilities",670
[438] Drydyk, "Capabilities",671

instrumental, and constructive. Drydyk mentions that Sen joins Nussbaum in affirming intrinsic value to public reason involving political and social participation with regard to human life and well-being. Sen's conceptualization involves agency as he points out that people are "actively involved - given the opportunity- in shaping their own destiny, and not just as passive recipients of fruits of cunning development programs"[439]. Sen has tried to put forward is a concept of agency which consists of democratic participation. This take on agency has been explained in detail by Crocker as he provides a justification for democracy that is entirely agency based. The instrumental value of democracy is reflected in how the goverments attention can be drawn towards relevant issues of the public and further the government may be pressurised to act. The constructive value of democratic institution is evident only when "open discussions of public issues, calls for classification of public values and priorities"[440]. Drydyk points out that the relation between public reason and the constructive function is prominent, even though Sen has noted nothing in this regard.

Drydyk further asks: What is distinctive "capability contributions to our understanding of public reason and democratic deliberation"[441]? To try and explain this Drydyk considers five questions, four of which are following Quong. Firstly, why public reason? The capability approach has no particular answer to, why should public reason be meant to be action-guiding? One can consider the broad Kantian view proposed by O' Neill where the focus of capability is on freedom. Drydyk writes that the "idea that relations and exercise of power (including but not limited to state power) should be accountable to public reason, and that power not so accountable is arbitrary and illegimate, is also deeply consonant with the ways in which freedom is valued

[439] Sen, *Development as Freedom*, 53
[440] Drydyk, "Capabilities",672
[441] Drydyk, "Capabilities",673

capability thought"[442]. He further points out that Habermas approach to the "emancipatory potential" of communicative action can be very much related in this aspect. Secondly, what is the scope of public reason? Drydyk points out that the literature dealing with public reason, both on the sides of Habermas or Rawls, has considered the concern of public reason is to "settle public rules or norms, including legislation and public policy"[443]. But capability approach, with "its roots in the theory and practice of social and economic development", insists that public reason should have an additional focus on "goals, strategies, and programs". Thirdly, there is the debate between consensus or convergence. Here capability approach of Sen is opposed to the way Rawls' insistence on "purely political ideas", as this would land us into "closed impartiality", which has been argued against. Drydyk mentions that Nussbaum "has not commented on this limitation". Fourthly, what relation does public reason hold to justice? Drydyk observes that "the capability approach places great weight on public reason, giving it epistemic priority over justice"[444], on the other hand Rawlsian perspective is different here "public reason can lead us to know how to implement social justice if and only if we already have a shared conception of justice"[445]. Fifthly, what is the relation of public reason to democracy? Drydyk points out that "the capability approach supports explorations of how democratically our 'democratic' institutions perform and how governance could be made more democratic"[446], as Sen terms "democracy as public reason"[447].

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[442] Drydyk, "Capabilities",673-674
[443] Drydyk, "Capabilities",674
[444] Drydyk, "Capabilities",674
[445] Drydyk, "Capabilities",674
[446] Drydyk, "Capabilities",675
[447] Sen, *The Idea of Justice*, 321

5.2. Empowerment

Why discuss empowerment? I shall quote Drydyk[448]:

> The idea of empowerment has gained remarkable wide appreciation among scholars, policy-makers, and practitioners of international social and economic development. It is appreciated as a necessary means of development by some, who regard distant and unresponsive decision making as a factor that entrenches poverty, rather than reducing it.

And since we have been discussing public reason based democratic structures based on capabilities, our next focus should be empowerment of individual (or group structures) within public reason (or democratic structures).

5.2.1. Riddle's Introduction on Empowerment

We shall begin my discussion by following Riddle. Riddle begins her discussion on Empowerment by focusing on the feminist interpretation of empowerment. She quotes Collins "that self-definition is the key to individual and group empowerment"[449], while contemplating on Collins work with regard to the struggle of the black women in the United States, which they own and define in their own manner; others may show solidarity but cannot define it for them. And then this self-defining of the struggle comes from participation of the members that constitute the people in demand of empowerment in the truest sense.[450]

Riddle makes it evident that these concepts of empowerment that are self-defined are in general view from the margin, as she writes, following black feminist

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[448] Jay Drydyk, "Durable Empowerment", *Journal of Global Ethics* Vol.4 No.3 (December 2008),231
[449] Riddle refers to Collins (1990)
[450] Riddle,"Empowerment",171

thought, "empowerment comes from marginalized people themselves; it is not something that can be bestowed upon them by those who hold more power"[451]. Riddle further points out that "the structural nature of oppression questions the understanding of power as something that can be held by some and transferred to others. Instead, power is more systemic, diffuse relation that we can observe in small everyday interactions and social norms"[452]. Further, if there are people outside the marginalized groups who are in solidarity with the cause of empowerment, they can act as allies and play an important role, but they should not be bestowed upon with the "privilege of defining the parameters for empowerment"[453]. Riddle further mentions about the work of Sen and Grown, who have worked on Development Alternatives with Women for a New Era (DAWN), a transnational women's group, demanding change of existent practices through women's empowerment and substantive participation. DAWN's vision is women's self-empowerment that brings forth "deeper structural changes in multiple arenas, including politics"[454]. Riddle is of the opinion that Collins work "mirror much of the content"[455] of Sen and Grown.

Riddle brings forth Mahbub ul Haq's work which describes the human development approach as that which envisages "full empowerment of the people"[456], qualifying them to make consequential choices in political, social, cultural, and economic areas. Riddle mentions Keleher's argument that both Sen and Nussbaum in their respective deliberations on capability approach based human development make "use of an implicit conceptualization of empowerment"[457]. With regard to Sen's

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[451] Riddle,"Empowerment",172
[452] Riddle,"Empowerment",172
[453] Riddle,"Empowerment",172
[454] Riddle,"Empowerment",172
[455] Riddle,"Empowerment",172
[456] Riddle,"Empowerment",174
[457] Riddle,"Empowerment",175

approach, we can locate empowerment in two aspects, firstly, agency and secondly, capability-set expansion. Agency empowerment for Sen can express itself in "two forms, firstly the ability to achieve and actual achieving"[458]. Riddle following Kelehler explains capability-set expansion to be "a growing set of capabilities that a person has reason to value"[459]. Nussbaum's approach is concerned with promoting empowerment "through a more general approach to human flourishing and human dignity, which requires a threshold level of certain capabilities for all"[460]. Riddle points out following Keheler that Nussbaum does not concern herself with differentiating between well-being and agency, as Sen does, rather she prefers to deal with expansion of set of capabilities, such as "practical reason and control over one's environment"[461]. Riddle mentions that though Ul Haq, Nussbaum and Sen have been working on the field of human development and have given insightful philosophical concepts regarding their area of concern, they have not focused extensively on empowerment. She tries to consider the works of Kabeer, Khader and Drydyk in this regard.[462]

Riddle observes that Kabeer has considered three aspects: resources, agency and achievements of empowerment. Empowerment has been considered by her "as a process of change, from lesser to greater levels"[463]. Among the three aspects achievements encompasses resources and agency. Resources are aspects that help an individual (or group) to expand their choice, they can consist of material, human and social dimensions related to the individual's (or group's) life. Kabeer's understanding of agency consists of a larger picture wherein she considers inner motivations, along with apparent actions. Understanding agency in this manner can help us explain the

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[458] Riddle,"Empowerment",175
[459] Riddle,"Empowerment",175
[460] Riddle,"Empowerment",175
[461] Riddle,"Empowerment",175
[462] Riddle,"Empowerment",175
[463] Riddle,"Empowerment",175

alternate forms of decision making consisting of "bargaining, deception, resistance and analysis"[464]. Resources consists of social dimensions which may include structures that exercise power over individual's lives, these structures may be "social norms and unwritten rules"[465] that exert power without showing any clear agency. In this approach of Kabeer, Riddle finds similarity with Collins. When empowerment is attained it is represented by achievements, and disempowerment reflects the inability to achieve goals, but this may be due to constrains. These constrains may affect the ability of the individual towards the choices she has, and this is what Kabeer thinks ought to be our concern in dealing with empowerment. Riddle observes that Khader "offers ways to distinguish among preferences that reveal greater or lesser levels of empowerment, which she conceptualizes as a spectrum, rather than as a binary paired with disempowerment"[466]. Kabeer's insistence on evaluating empowerment based on choice has been disagreed upon by Khader[467]. It may be the case that someone wants to avoid well-being by choice, we cannot term such a case as disempowerment. So, theories on empowerment according to Khader should be working on "uncovering the psychological processes that influence decisions that lead to apparent harm"[468]. Riddle is of the opinion that Khader's approach concerned with "genuine opportunities to flourish"[469] rather than a multitude of choices, is similar to Nussbaum's concept of human flourishing in the capabilities approach. Riddle quotes a short passage from Khader, wherein Khader explains her approach based on "inappropriately adaptive preference" (IAP)[470]:

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464 Riddle,"Empowerment",175
465 Riddle,"Empowerment",175
466 Riddle,"Empowerment",175
467 Riddle refers to Khader (2011)
468 Riddle,"Empowerment",176
469 Riddle,"Empowerment",176
470 Riddle refers to Kader (2011)

My own approach…begins from the assumption that some preferences—preference inconsistent with basic flourishing—are particularly likely to be causally related to oppression or deprivation. This is what is *perfectionist* in my perfectionist definition of IAP. The idea is that people tend to seek the basic flourishing and that choices inconsistent are unlikely to persist when people have access to—and an understanding of—objectively better conditions. On my view, finding out whether a preference is the result of "difference" or disempowerment is emphatically *not* a matter of finding out whether it is the result of a choice. Rather, it is a matter of finding out what opportunities were available when the preference was formed and what opportunities are available now.

Riddle observes that Khader's work on empowerment mainly focuses on the Global North, as some of her observations "implies that practitioners from the Global North are still the group that directs resources and controls the mechanism that could improve the well-being of those in the Global South"[471]. Riddle points out that Khader shows little concern for participatory development, on the other hand Kabeer has considered it. Riddle has considered participatory development as one of the bench marks of empowerment, as we shall discuss later, but next we shall discuss Drydyk's approach to empowerment.[472]

5.2.2. Empowerment: Drydyk

Drydyk says that he is "primarily interested in empowerment as a value"[473]. He starts his discussion by analysing Narayan's concept of empowerment, which is based on her research projects for the World Bank, and then building his theory of clarifying

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[471] Riddle,"Empowerment",176
[472]Riddle,"Empowerment",175-177
[473] Drydyk, "Durable Empowerment",232

the "normative meaning" of empowerment. Narayan has noted that empowerment is of "intrinsic value", but empowerment also consists of "instrumental value".[474] Intrinsic value of empowerment is explained as "the expansion of freedom of choice and action" and "increasing one's authority and control over the resources and decisions that affect one's life"[475]. Drydyk mentions that Narayan has refined her previous conception and has put forward a broad conception of empowerment as "increasing poor people's freedom of choice and action to shape their own lives"[476]. Narayan further provides two conditions that can be regarded as disempowering because they limit the choices of poor people, they are "lack of assets" and "powerlessness to negotiate better terms for themselves with a range of institutions, both formal and informal"[477]. Drydyk points out that Narayan in her analysis has defined empowerment as "the expansion of assets and capabilities of poor people to participate in, negotiate with, influence, control and hold accountable institutions that affect their lives"[478]. Drydyk is not satisfied with this explanation and has put forward three reasons why looking into empowerment in this manner can be a "mistake". The reasons are, firstly Narayan's approach towards empowerment "misrepresents the link between causes and effects"[479]; secondly, it does not concern itself with "the critical distance between means of empowerment and what these means are *for*"[480]; and thirdly, it seems unaware of the fact that "limited assets (especially psychological ones) can reduce people's control over their lives directly, quite apart from institutions; illiteracy is an example"[481]. To explain the first point

[474]Deepa Narayan, *Empowerment and Poverty Reduction: A Source Book*, (Washington DC, World Bank, 2002),14
[475] Narayan, "Empowerment",14
[476] Deepa Narayan, *Measuring Empowerment: Cross Disciplinary Perspectives*, (Washington DC, World Bank, 2005),4
[477] Narayan, "Empowerment",14
[478] Narayan, "Empowerment",14; Narayan, "Measuring",5
[479] Drydyk, "Durable Empowerment",233
[480] Drydyk, "Durable Empowerment",233
[481] Drydyk, "Durable Empowerment",233

Drydyk draws an analogical instance that the only known cause of skin cancer is exposure to sunlight, but skin cancer is not defined in terms of exposure to cancer. If we did define it based only on a factual claim, we would be ignorant towards any other path of inquiry with regard to skin cancer. Narayan also bases her definition of empowerment on her understanding of factual claims, which blocks any further discussion on other possible classification and causes of empowerment. With regard to the second point, Drydyk brings forth case examples with two scenarios. Firstly, let us think of two communities A and B that are ruled over by repressive families, and treat every other of people in the communities in an unfair way. Now if the elites merge to form a larger community by the name AB, where they give the people in the community greater power with regard to local governance, but the source of power, resources and jurisdiction was still with the elites. Here it may be the case that people have achieve some level of influence in shaping local issues, but can they rally shape their lives. The second scenario is a continuation from the first, suppose the elites of AB are expelled by the people they had oppressed; but even then, it so happens that two different local communities within the people of AB are in "a political gridlock" within the governance structure. Here again, it may be the case that people have achieve some level of influence in shaping local issues they may have achieved greater control over institutions, but can they rally shape their lives. Drydyk observes that Narayan considering "people as empowered as long as they have greater assets and capabilities to influence institutions that affect their lives"[482], is not adequate measure as these "could happen without people becoming any better to serve their lives"[483]. The third mistake in Narayan's formulation of empowerment is the ignorance of the fact that

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[482] Drydyk, "Durable Empowerment",233
[483] Drydyk, "Durable Empowerment",233-234

"non-institutional causes also contribute to disempowerment". Drydyk mentions Bolaffi et al. who are of the opinion that empowerment, at the personal level, consists of gain of resources for well-being, "these resources are partly psychological"[484], along with them being educational, economic and political. Drydyk also points out that Diener and Biswas-Diener have also distinguished between "actual ability to control one's environment (external empowerment) and the feeling one can do so (internal empowerment)"[485]. Drydyk observes that though psychological disempowerment needs to be tackled, we must realize that "social, economic and political exclusion and oppression can also incapacitate people psychologically"[486]. In this regard Drydyk opines that the focus should be on the "achievement of empowerment, as distinct from presence of means for achieving it"[487]. As Alsop, Frost Bertlesen and Holland[488] have proposed three direct measures for tracking empowerment: first, whether an opportunity to make a choice exists; second, whether a person or group actually uses the opportunity to choose and third, whether the choice brings about the desired result. So "the existence, use and achievement of choices"[489] help us not losing sight of what empowerment is for, which Narayan's approach, with focus on than the causal factors, undermines.[490]

Drydyk's next focuses is on the issue: Can empowerment be reduced to either well-being or agency freedom? in terms of Sen's capability approach. Drydyk points out that if empowerment were to be defined exclusively in terms of well-being there

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[484] G Bolafi, P H Braham, S Gindro, R Bracalenti, "Empowerment", *Dictionary of Race, Ethnicity and Culture*, ed. G Bolafi, P H Braham, S Gindro, R Bracalenti (London, Sage, 2003), 85

[485] E Diener and R Biswas-Diener, "Psychological Empowerment and Subjective Well-Being", *Measuring Empowerment: Cross Disciplinary Perspectives*, ed. D Narayan (Washington DC, World Bank, 2005),126

[486] Drydyk, "Durable Empowerment",234

[487] Drydyk, "Durable Empowerment",234

[488] Drydyk refers to Alsop, Frost Bertlesen and Holland (2006)

[489] Drydyk, "Durable Empowerment",235

[490] Drydyk, "Durable Empowerment",232-235

can be instances where the expansion of capabilities and thus well-being can take place in passive and dependent circumstances, with no regard to the person's own active decision making. This is not exactly the situation that "empowerment" strives for. Drydyk mentions Nussbaum's attempt to counter this by "listing practical reasoning (hence active decision making) directly as a valuable capability"[491]. Kabeer[492] has also focused on this aspect by citing examples of gender disadvantages that go beyond fulfilment of basic needs. So, can then it be the case that empowerment is to be reduced to mean agency. Drydyk believes Alikire[493] tries to follow such a reasoning, and even Alsop, Frost Bertlesen and Holland[494], but then only focusing on the concept of agency land us in to the problem of adaptive preferences. This is because the "concept of agency has a serious defect compared to the idea of well-being freedom: it is unavoidably subjective"[495]. As Drydyk asks[496]:

> if grinding poverty causes people to give up on their hopes and aspirations, they have as a result fewer unachieved goals. Has their agency been expanded? There is another puzzle about asceticism: the man who gives away his fortune to become a sadhu has thereby given up a great many goals that he might have achieved with his fortune, but he has gained a goal that he now values more, a simple meditative life. Has his agency been reduced or increased?

Drydyk mentions another shortcoming in the way agency conceptualised by Sen encounters that is "it might underemphasise the aspect of active decision-making"[497]. Agency freedom is the "extent to which a person's valued goals can be achieved", while

[491] Drydyk, "Durable Empowerment",236
[492] Drydyk refers to Kabeer (1999)
[493] Drydyk refers to Alkire (2002)
[494] Drydyk refers to Alsop, Frost Bertlesen and Holland(2006)
[495] Drydyk, "Empowerment", 251
[496] Drydyk, "Empowerment", 251
[497] Drydyk, "Empowerment",252

agency achievement is the "extent to which a person's valued goals are actually achieved"[498], Drydyk wants us to focus on the question *achieved by whom, exactly?* to understand empowerment in the true sense. Drydyk observes that empowerment must be "an expansion of active agency especially for strategic life-choices and for reducing barriers to agency and well-being freedom"[499]. For Drydyk active agency has two aspects; first, it "implies engagement of practical reasoning, contrasting with the passive acceptance of decision making by others"[500].And second "expansion of active agency" must make a decision making "more influential"[501].

Drydyk has further discussed Sen's "ideal of agency" as reconstructed by Crocker[502]. Crocker presents agency as a scalar property, which means that some people or groups have at times greater power to exercise are their agency than at other times. The degree of agency is exercised depends upon four factors. Agency "is exercised a. Insofar as a person either performs an activity of place a role in performing it, b. Insofar as it's this activity has an impact on the word, c. Insofar is the activity was chosen by the person, d. for reasons of their own"[503]. Drydyk points out that alienation is the contrary of agency, if agencies understood in this way. He also points out that Alikire[504] suggests employing "self-determination theory for this purpose, to distinguish between actions that a chosen under coercion or social pressure versus those supported by the peoples on values and views of their own lives"[505]. There is an issue that faces agency which is a concern for Drydyk. He points out that the way agency is conceptualised we are not concerned about the consequences. This way of looking at agency is countered

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[498] Drydyk, "Empowerment",252
[499] Drydyk, "Durable Empowerment",238
[500] Drydyk, "Durable Empowerment",237
[501] Drydyk, "Durable Empowerment",237
[502] Drydyk refers to Crocker (2008)
[503] Drydyk, "Empowerment",252
[504] Drydyk refers to Alkire (2008)
[505] Drydyk, "Empowerment",252

by proponents, such as Alkire who are of the opinion that "agency is gauged in part by the consequence of an activity, in that greater agency would be attributed to an activity with greater effective power"[506]. But then this approach is not acceptable in the capability approach, where a distinction is being made between well-being and agency. Drydyk argues for a comprehensive approach towards empowerment that takes into considersation both well-being and agency. As Drydyk writes in support of a "working relation" between agency and well-being[507]:

> Empowerment is concerned with agency but not reducible to it. Restricted agency means reduction in a degree to which people's activities are autonomously or deliberately chosen. This is one way in which people can be disempowered. But they are also disempowered if there are barriers blocking such autonomous/deliberative activity from having an impact on well-being freedom. When agency is disconnected from well-being freedom in this way, it is reduced in some cases to the freedom to choose which pathway or sidewalk to sleep on, or which bridge to sleep under. Therefore, from a capability perspective, empowerment must be concerned not only with expanding agency but also with removing the gaps and barriers between people's agencies and the expansion of their well-being freedom.

Drydyk continue his discussion on empowerment by discussing about the idea of power. Drydyk is of the opinion that being empowered does not translate into power. Since there are many instances where cases of empowerment do not consider power. But then Drydyk observes that we are not considering the aspect of empowerment which is considered in development research and policy, which has to consider aspects

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[506] Drydyk, "Empowerment",253
[507] Drydyk, "Empowerment",253-254

regarding power. Drydyk points two points; firstly, he points out that "depriving people of power can be disempowering, it is not always the case that gaining power is empowering"[508]. For example, if women were to get voting rights, we would consider that as a gain in power; but only when they are able to use this power to shape their lives in a better way shall we be able to say they are empowered. Second is the aspect that since gain in power can be considered as one step towards empowerment, we should be aware of instances where, by jumping the gun, we are too eager to define empowerment in terms of power only. As there are many instances where "people can be empowered by simple expansion of agency, without any further gains in power"[509]. Drydyk has argued for durable empowerment. He has brought forward an example of a prosperous farming community, who were helped by the government to form a producers' cooperative, but then there was a change in the government and they sold off the cooperative to a corporate entity. How empowered are the farmers? This is where the question of durability comes into play, and it is durable empowerment that is worth having. But Drydyk makes the point that durability in this instance requires power. So, he tries to articulate power as "a reference to relationships between the agency and choice of one group and the agency and choice of another group"[510]. As is evident in the example of government and producers. Power according to Drydyk is "sometimes an asymmetry in which the choices that one group makes shape or determine the choices that another group has, undeterred by the choice that the second group might make. But it can also be a more subtle asymmetry, in which the more powerful group does not need to do or choose anything"[511], for instance law enforcement. Thus, Drydyk argues for empowerment which considers the relational

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[508] Drydyk, "Empowerment",254
[509] Drydyk, "Empowerment",254
[510] Drydyk, "Empowerment",255
[511] Drydyk, "Empowerment",255

dimensions of agency. To do so he considers cases of relations between groups and thus he writes "a group is empowered when it's asymmetrical group subjection and subjection to dominance are reduced, particularly when their asymmetric vulnerability is reduced as a result"[512]. We can very well say so about individual empowerment too. Next, we shall analyse further the concept empowerment with regard to participatory development.

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[512] Drydyk, "Empowerment",257

Chapter 6
Participatory Development and Ethics

6.1. Development: Ethics and Participation

In this section the discussion shall focus on development ethics. We have discussed about the empowerment and this idea of empowerment finds itself entangled in the discussions of development. Riddle is of the opinion that "the once-radical nature of empowerment was essentially co-opted by large development institutions like the World Bank"[513]. Riddle observes that if the language and research methods are analysed, we shall be able to see an inconsistent bias that Cornwall and Fujita[514] refer to as "ventriloquizing 'the Poor'"[515]. The World Bank publications that Riddle proves as instance is the foreword of Voices *of the Poor: From Many Lands* where it is written: "Poor people's description of encounters with a range of institutions call out for all of us to rethink our strategies", they further write: "Poor people care about many of the same things all of us care about: happiness, family, children, livelihood, peace security, safety, dignity and respect"[516]. Riddle points out that the "us" and "our" in these quotes signify the "ventriloquizing" attitude and she agrees with Cornwall and Fujita that "genuinely participatory methods" have been lacking. As Riddle expresses[517]:

> Participatory research should emphasize the research subjects' own categories, terms, and meanings, using these as the starting point for analysis and blurring the line between researcher and the researched.

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[513] Riddle,"Empowerment",173
[514] Riddle refers to Cornwall and Fujita (2012)
[515] Riddle,"Empowerment",173
[516] D, Narayan and P. Petesch ed., *Voices of the Poor: From Many Lands* (New York, World Bank, (2002),xii
[517] Riddle,"Empowerment",173

Riddle following Kapoor[518] accuses development institutions of promoting first world geopolitical interests. What discourse with regard to development needs is a discourse consistent with development ethics.

Riddle points out that development ethicists have been asking: "Who decides? Who designs development policies and implements them? Should those who hold purse-strings make the decision, or should it be those whose lives are most impacted by the policies?"[519] What development ethicists have argued for ethical development is "higher quality participation" by the people who are to experience the effect of policies. Gasper also argues in similar lines that development is "ethically –laden", because the values that we consider while putting forward the concept of development has a lot to answer – "whose values, who decides, who is consulted, who is not?"[520]

6.1.1 Development Ethics

Crocker defines development ethics to be "ethical reflections on the means and end of socio-economic changes in poor countries and regions"[521]. But then this may be considered a bit narrow way of putting things as the developed world too needs development ethics in these times. Goulet is one of the pioneers in this discipline has observed that after the World Wars development has become the first objective of the global community. And such a tendency brought to the forefront the patronizing attitude of developed nations towards underdeveloped nations and communities. But then Goulet is also of the opinion that "success in development depends most critically on a

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[518] Riddle refers to Kapoor (2005)
[519] Riddle,"Empowerment",177-178
[520] Des Gasper, "Denis Goulet and the Project of Development Ethics: Choices in Methodology, Focus and Organization", Working Paper No. 456, (Institute of Social Studies, The Hague, 2008) ,7https://repub.eur.nl/pub/18738/
[521] David A. Crocker, "Development Ethics", in *Routledge Encyclopedia of Philosophy:Volume 3*, ed. by Edward Craig (New York: Routledge, 2008), 39

society's own effort to change its policies, social structure, institution, and value"[522].

Another aspect that Goulet observes is that not everyone views development in material terms. He mentions Brazilian educator Paulo Freire[523] for whom development is the "ability of powerless masses to begin to shape their own destiny as subjects, not merely objects, of history"[524]. In this context the study of development needs to be value laden and not just related to technical advances in using resources. Goulet mentions Lebert as the "pioneer of development ethics"[525]. Goulet points out some of aspects that Lebert focused on[526]

> Development is, overall, a task forcing new values and new civilizations in set settings where most existing institutions contradict human aspirations. The only valid path is to seek optimum growth in terms of a populations values and in terms of resource limitations. Planning is futile unless it is permanent association between a decision makers at the summit and community that the grassroots. Equity in the distribution of wealth and achievement of dignity for all our priority targets of development efforts. Conflicts of interest can be solved only by eliminating privilege and launching a general pedagogy of austerity

These points lay down the task of Development Ethics in a very precise manner. Goulet points that Lebert[527] has observed that "the problem of the distribution of goods

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522 Denis Goulet, "A New Discipline: Development Ethics" , Working Paper #231, The Helen Kellog Institute for International Studies (1996) ,3
https://kellogg.nd.edu/publications/workingpapers/WPS/231.pdf
523 Goulet refers to Freire (1970)
524 Goulet, "A New Discipline", 3
525 Denis Goulet, *A New Moral Order: Studies in Development Ethics and Liberation Theories*, (New York, Obis Book, 1974), 23
526 Goulet, *A New Moral Order*,35
527 Lebert's work that Goulet refers:, L. J. 1959. *Manifeste pour une civilization solidaire*. Calurie: Editions Economie et Humanisme.

is secondary compared to the problems of preparing men to receive them"[528]. Goulet mentions the roles that development ethics has as[529]

> It teaches men by making them critically aware of the moral content of their choices. It causes them to the extent that it commands good, and forbids bad, action. It gives exploiters a bad conscience and exploited victims rational grounds for revolting against a lot. It builds institutions in as much as norms must be embedded visibly in rights, duties and laws.

Goulet observes that philosophical reflections can explain what development aims at, and also philosophical reflections can secure normative positions by critical and rational thinking about ethical alternatives further helping to sort out the intricacies involved in the rational choice of means. Goulet points out that "development ethics is useless unless it can be translated into public action"[530]. By public action Goulet considers not only the action on the part of Government or public authority, but also actions taken by private agents which have a consequence for the public community. This brings us to our next section on participation.

6.1.2. Participation

This brings forth the need for us to discuss about participation. Riddle begins her analysis by bringing forth Goulet, who had asked, why were development policies being imposed on the Global South? And this long way back before these terms empowerment and development became catch phrases of development institutions. Riddle observes that Goulet's concept of participation was "grounded in Paulo Freire's

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[528] Goulet, "A New Discipline",9

[529] Denis Goulet, *The Cruel Choice: A New Concept in the Theory of Development* (New York, Athenium, 1971),332

[530] Denis Goulet, *Development Ethics at Work: Explorations-1960-2022* (London, Routledge, 2006),19

pedagogical philosophy, which promotes student participation in the creation of knowledge, rather than just transfer of knowledge from teacher to student"[531]. Goulet considered participation as being concerned with "people as agents, rather than as beneficiaries"[532]. Riddle points out that Goulet argues for "authentic participation", which is when "local, non-elites maintain decision-making power freed from manipulation by outsiders"[533]. Development can be ethical only when subjects of development can have their say and involvement, exert their agency, to track their well-being.

The next focus of Riddle with regard to the theory of participation with respect to empowerment is on the capability approach. Riddle points out that Goulet's approach focus on democracy. Human centric development is not possible without a democratic participation. Riddle now turns her focus towards capability approach which places democratic interaction in the forefront. As Riddle writes[534]:

> In *Development as Freedom*, Sen related democracy to human capabilities by promoting citizen participation in the selection, promotion, and weighing of capabilities. Rather than employing an intuition based list of capabilities, as Nussbaum does, Sen replies upon local level deliberation and public reason to determine which capabilities are appropriately supported by which communities.

Riddle mentions the fact that Nussbaum had not taken her list to be fixed as was discussed earlier. Deneulin and Sahani have in their discussion on Sen mentioned three points where democracy hold significance with respect to human development.[535] First,

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531 Riddle, "Empowerment",178
532 Riddle, "Empowerment",178
533 Riddle, "Empowerment",178
534 Riddle, "Empowerment",178
535 Riddle refers to Deneulin and Sahani (2009)

is the intrinsic value of democracy, which is a way of exercising agency. Second, is the instrumental value of democracy, which helps in having "good consequences in political, social, and economic realms"[536]. Thirdly, there is the contributions value of democracy that focuses on deliberative process, which creates "values like tolerance and social equity"[537].

Deneulin maintains a distinction between democratic practice and participation by pointing out that taking into account the power structures involved in the existing political process of decision making is essential because failing to do so may result in decision taken not transform into actions[538]. Riddle writes that Deneulin and Sahani mention two books that also argue in similar lines[539]. Cooke and Kothari are of the opinion that "mearly inviting citizens to have a say at the micro level does little to address macro inequalities"[540]. Hickey and Mohan also mention "the need for participatory process to stretch from individual to institutional and structural levels"[541]. Sen's work on capability approach does consider this aspect of difference in the micro and macro level of participation, but Riddle observes that Sen's approach "would benefit from distinguishing between democracy and participation and playing more explicit attention to power dynamics that might disrupt equitable participation"[542]. She further says that Dreze and Sen[543] note that inequalities of economic and political nature shall be a hindrance towards ethical, inclusive participation, but then they have not explicitly mentioned "interpersonal and personal dynamics, which make it more

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[536] Riddle, "Empowerment",179
[537] Riddle, "Empowerment",179
[538] Severine Deneulin, The Capability Approach and the Praxis of Development, (New York, Palgrave MacMillan, 2006), 90
[539] Riddle refers to Deneulin and Sahani (2009) who refers to Cooke and Kothari (2001) and Hickey and Mohan (2004)
[540] Riddle, "Empowerment",179
[541] Riddle, "Empowerment",179
[542] Riddle, "Empowerment",179
[543] Riddle refers to Dreze and Sen (2002)

difficult for some to participate than others"[544]. Riddle provides instances from Young and Ackerly who argue for deliberative democracy to be more interactive and demanding, both at the emotional and social level, so that women can participate in it.[545]

Riddle's further focus is on Crocker's approach that specifies "multiple factors that might impede"[546] the connection between development and democracy, which is unique since Sen, Dreze, Deneulin and Sahani have in general focused on *productive complementarities* between development and democracy. Riddle mentions four aspects of Crocker's work. First, is Crocker's view that "technical assistance can never be apolitical, despite claims to neutrality"[547]. Second, is the fact that "simply holding elections does not necessarily challenge elites' hold on political power"[548]. Third, there is Crocker's opinion that "social movements and democratic militants"[549] should expand the scope of democracy. Lastly, Crocker's focus is on relation between corruption and maldevelopment, he blames the political neutrality of developmental agencies, such as the World Bank for this plight. After looking into these aspects Riddle observes that[550]

Study and practice of participatory development ought to address unjust power structures from the local to the global level, highlighting and rooting out corruption; treat participants as agents who can define their own development agendas; promote participation along all dimensions of Goulet's typology, paying special attention to the time at which participants are bought into

[544] Riddle, "Empowerment",179
[545] Riddle, "Empowerment",179; Riddle refers to Young (2000) and Ackerly (2000)
[546] Riddle, "Empowerment",179
[547] Riddle, "Empowerment",179
[548] Riddle, "Empowerment",180
[549] Riddle, "Empowerment",180
[550] Riddle, "Empowerment",180

decision-making processes; and employ some conception of human flourishing (that is flexible and accessible across cultures) to guide participation.

Now we need to look into the relation between empowerment and participation. Riddle is also of the opinion that since empowerment and participation are political endeavours and it is imperative of those who are in charge of development policies to consider "asymmetries of power and unjust economic, social, and political structures"[551]. She is of the opinion that it shall be beneficial for participatory development if they consider the "highly contextual and relational approach" of empowerment. In this regard we can discuss Jethro Pettit who has pointed out that there are various dynamics of empowerment and participation that have been discussed, but even then, it is observed that "there remains a serious gap in realising empowered, participatory approaches to reducing poverty on a wider scale"[552]. What Pettit's approach tries to do is, "ask why this gap between understanding and practice persists, and what might be done to narrow it"[553]. He has discussed this with respect to three aspects. The first aspect is the nature of power to reassert itself. He points out that power has two dimensions. The agency dimension concerned with power as "something that people and institutions can hold, wield, lose and gain usually through some contestation"[554]. And the structural dimension that is concerned with power that is "embedded in all relationships, institutions and systems of knowledge, and is part of the way society and cultures work"[555]. Pettit, following Hayward[556], mentions that approaches to empowerment overlook the structural aspect, and rather focus mainly on

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[551] Riddle, "Empowerment",180

[552] Jethro Pettit, "Empowerment and Participation: Bridging the Gap between Understanding and Practice", United Nations (2012) https://www.un.org/esa/socdev/egms/docs/2012/JethroPettit.pdf

[553] Pettit, "Empowerment",2

[554] Pettit, "Empowerment",3

[555] Pettit, "Empowerment",3

[556] Pettit refers to Hayward (2000)

the agency aspect. Pettit points out that power is "a kind of mutual interaction of agency and structure", and empowerment is "a process that requires shifts in both dimensions"[557]. Another dimension that Pettit observes is that of formal power and informal power. Formal power is "the visible, recognisable structures that are part of the way in which societies work"[558], it constitutes the institutions, laws and norms that control the relation between those who are authority and those subject to these authorities; but formal power may also act as covert strategies of coercion that are less visible. Informal power on the other hand, "can be thought of as the socialized norms, discourses and culture practices that are part of our everyday lives"[559], these are internalised through socialization and generally taken for granted. Pettit is of the opinion that changes in the formal structures of power is "necessary, but not sufficient, to empower those living in poverty or marginalisation"[560], we need to focus on informal structures too. He mentions Kabeer[561] focus on three-fold empowerment framework of resources, agency and achievement that "recognises that agency cannot be strengthened alone, without attention to the normative conditions within which choice is exercised." Pettit writes[562]:

> It is not possible to support processes of empowerment without looking at power
> across the spares of politics, economics, society and culture, and considering
> the actors, institutions, spaces and levels where it operates. Understanding the
> identities and relationships that create particular socio-cultural hiearchieas—
> including age, gender cast, class, religion, ethnicity, sexuality, etc.—can
> provide vital insights for shaping more effective and realistic development

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557 Pettit, "Empowerment",4
558 Pettit, "Empowerment",4
559 Pettit, "Empowerment",4
560 Pettit, "Empowerment",4
561 Pettit refers to Kabeer (1999)
562 Pettit, "Empowerment",5

strategies and identifying obstacles or sources of resistance to change. Cultural codes for social stratification can influence both individual and collective action and may work as an invisible barrier in promoting equality and non-discrimination.

Second, Pettit is of the opinion that there is always a possibility that empowerment is so defined that it serves the interests of powerful actors and prevalent norms, this failing the very goal that it was meant to fulfil. Pettit points out that if we consider the history of empowerment in development thinking and practice, we can find "both originated with social movements and liberation struggles, and were advanced by civic and political actors seeking collective responses to deeply entrance structures, including, for example, the feminist movement"[563]. But post 1990's empowerment has entered into the mainstream discourse of development. But we need to consider that empowerment should be an end in itself, as Kabber[564] feels empowerment should be a process enabling those who have been denied the capacity to make wise decisions in life to develop such a capacity. Pettit points out following Sardenberg[565] the difference between "liberal" view of empowerment vis-à-vis "liberating" view of empowerment. Liberal view of empowerment "focuses on enabling individuals to gain access to assets, information, choices, and opportunity so that they are able to improve their own situations"[566]. On the other hand, liberating empowerment is "pedagogical and political, supporting changes in changing individual and group consciousness that can enable people to be more aware of themselves and their situations and to use this awareness to act collectively"[567]. Now this shift requires, Pettit writes, "that the meaning of agency needs

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[563] Pettit, "Empowerment",6
[564] Pettit refers to Kabeer (1999)
[565] Pettit refers to Sardenberg (2009)
[566] Pettit, "Empowerment",7
[567] Pettit, "Empowerment",7

to be stretched so that individuals and groups can develop capacities to address the norms and conditions that determine their choices"[568]. Third, Pettit points out that there are so many instances in everyday life where we see that there is a gap between the understanding and action that embody empowerment. Pettit observes that "critical awareness is so easily overridden by a felt need for identity, belonging and community" and that "we develop unconscious dispositions and 'habitus' in confirmative with our upbringing and socialisation"[569]. This is where empowerment theorists, such as Kabeer, focus on "the collective processes of shifting underlying norms and beliefs and addressing not just agency but the 'conditions' and 'consequences' of choice"[570]. Pettit's suggestion is that research into the nature of cognition shall help us in understanding better the gap between understanding and action. This research may lead us to Pettit writes[571]:

> many methods of reflective learning, participatory action research, awareness, raising and creative techniques of social media and communication for social change drawn on principles of embodies and experiential learning. They also involve critical and analytical forms of learning and reflection, but really without being linked to processes of storytelling, data role play and forms of narrative, creative, and visual arts for those who aim to empower themselves. These methods can enable them to feel and, act as well as think, their way into reconfigured structures and relations of power.

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[568] Pettit, "Empowerment",7
[569] Pettit, "Empowerment",8
[570] Pettit, "Empowerment",8
[571] Pettit, "Empowerment",9

Pettit points out Eyben, Cornwall and Kabeer[572] have also laid stress on the role imagination plays in empowerment. Pettit feels empowerment has to be "a lived experience"[573].

6.2. Agency Centric Empowerment as a Norm

This is the concluding section of my thesis. The concept of empowerment has been looked into by Drydyk as the relational dimensions of agency, which takes into consideration the question of power. The concept of agency that he builds upon is that following Crocker's analysis of Sen, which focuses on the "active agency" that an agent can exercise. But then Drydyk has not restricted the concept of empowerment to agency only, rather his opinion is in favour of bringing forth the concept of well-being into the empowerment question. Drydyk has supported a working relation between agency and well-being for the concept of empowerment to hold true to its meaning. Empowerment as has been looked into by Drydyk has "much in common" the idea of Kabeer and Khader, since "all three thinkers conceive of empowerment as a process of change rather than a state to be attained." This process of change has an implicit consideration with responsibility of the agent which also signifies the "active agency" in the sense of freedom that the agent brings forth. Empowerment cannot be an ideal that does not fix responsibility on the agents involved in the relational dynamics. This is where I consider that the concept of agency as discursive freedom as argued for by Philip Pettit. Pettit has conceptualized freedom as responsibility. The discursive control that Pettit argues for has two aspects, the ratiocinative capacity to take part in a discourse and relational capacity to enjoy relationships that are discourse friendly. When we approach agency as discursive freedom, we can consider hostile coercion as a hinderance to

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[572] Pettit refers to Eyben, Cornwall and Kabeer (2008)
[573] Pettit, "Empowerment",9

agency and further we can conceptualize the agent as someone who owns her actions, the present and the past included, thus be held responsible. Riddle has observed following Drydyk that empowerment is not concerned only with "an individual's own improvement or slippage in agency, power, or well-being, but also how that individual is embedded in a group, and in turn, how the group is situated in the larger context"[574]. This concept can be augmented if we consider Pettit analysis of group as integrated collectives, where group agency is considered to have freedom as discursive control. Integrated collectives can help us better analyse the issues related to participatory development. The lack of "critical awareness" and "unconscious dispositions", that Jethro Pettit mentions, as hinderances to participation, can be better analysed if we can focus on integrated collective agency having discursive control. The concept of agency for empowerment, as conceptualized by Drydyk, can be supplemented with Pettit's conception of agency as discursive control, to form a concept that can be termed as *agency centric empowerment*. *Agency centric empowerment* takes into consideration firstly, the concern with well-being, since an agent with freedom discursive control, shall hold onto this aspect. Secondly, *agency centric empowerment* shall be able to explain the issue with regard to Sen's agency, where agency is differentiated from well-being. In Pettit's conceptualization of agency as discursive control an agent is responsible for her actions and shall be able to justify one's "legacy". So, cases where agency seems counter to individual well-being can be looked into as the application of discursive freedom. Thirdly, *agency centric empowerment* enables participatory development, since Pettit conceptualises integrated collectives, which shall help us counter the biases of majority, which is a major issue with regard to participatory

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[574] Riddle, "Empowerment", 177

empowerment. Lastly, *agency centric empowerment* is in sync with the ideal of deliberative democracy, that we discussed following Habermas' discourse ethics.

We shall analyse the fourth aspect further. Pettit's integrated collectives brings forth the concept of deliberation in the forefront, as it concerns itself with discursive freedom. Habermas' conception of discourse has always in principle aimed at rationally motivated consensus, where no one is prevented, by internal or external coercion, to take part and express opinion with regard to the discourse. Habermas' conception of public autonomy, where an individual involved in collective decision making identify themselves as an integral part of the decision-making process in such a manner that even when the collective decides on something that the individual does not agree with the political autonomy of the individual is preserved; this is possible because no individual is allowed to force one's opinion on the collective. This public autonomy is reflective in Habermas' discourse ethics where he focuses on public justifiability, by considering the discourse principle (D): "Only those action norms are valid to which all possibly affected persons could agree as participants in a rational discourse" and the moral principle (U): "A norm is valid if and only if the foreseeable consequences and side effects of its general observance for the interest and value orientation of each individual could be freely and jointly accepted by all affected". There is further another aspect, as Finlayson writes that Habermas, following Mead, argues in favour of an agent involved in real discourse, in the first-person perspective, who brings his individual interests and identity into line with the collective interests. Pettit's integrated collectives finds resonance with these aspects of Habermas' thought, which we can relate if we go back to the case-study where employees of an organization act as integrated collectives and forego a pay hike for electric maintenance in the office they work in, even when most of their individual assessment was against the decision to forego the pay hike.

Freedom as discursive control finds its reflection in Habermas' approach to communication with regard to politics. Habermas's point of view that public opinion is *processed* through public argumentation to produce norms *to which all possible affected persons could agree as participants in rational discourses*, bring forth the idea of public reason.

Can public reason be looked through the prism of integrated collectives? In a sense it can be, I shall discuss how this approach can enhance the role of public reason. Public reason has been seen as the core concept behind essential democratic set up involving deliberation. In Habermas' understanding it is the (D) principle that public sphere is subject to, and this D principle has its reflection on Pettit's integrated collectives, since integrated collectives are concerned with *all possibly affected persons agree as participants in a rational discourse*. Lister observes that public reason is the idea that "we should exercise political power only in ways it is reasonable to expect everyone to accept, despite the fact that reasonable people will inevitably disagree about many important religious, philosophical and ethical questions"[575]. If we consider Pettit's conception of the state, with citizens as its members, we have observed that he argues for the state to have the conception of freedom as non-domination, that takes into consideration the requirements of discursive control. Here we have discussed the advantages of the individual's possession of discursive control that maintains the state's action as non-arbitrary, even if the state decides against the individual's interest and further the state shall "interfere" in a way that takes into consideration common avowable interests. This brings us to understand public reason in a way that the state should focus on. Next is Drydyk's approach to public reason through the capability approach, where he considers capability to be the mid-wife of public reason, and

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[575] Andrew Lister, *Public Reason and Political Community*, (London, Bloomsbury, 2013), 8

focuses on the *idea of valuable capabilities* and *equal considerations for all persons*. In this regard to we see that when we consider Pettit's integrated collectives, there is a sense of understanding about what is important and what holds *value* in relation to the group of people involved in the process of deciding upon a certain aspect, as in the case-study involving employees opting to forgo pay rise, and further Pettit core concept of freedom as discursive control calls for *equal consideration of all persons*. The proponents of capability approach have vouched strongly for democracy and Pettit too has argued for his idea of republicanism, where the state shall be devoid of *imperium* and *dominium*. We can safely argue in favour of synchronization of *agency centric empowerment* with the idea of deliberative democracy.

There is another concept that has been discussed in different perspectives in this thesis, the concept of a normative approach. We have looked into Korsgaard, right in the beginning and it is the discussion that follows that shall do justice to her idea's relation to my thesis. And we have also discussed Habermas idea of moral norms, considering the discourse principle and the moral principle. For Korsgaard *the very action of idea is a normative one*, dealing with the *claim that action has a constitutive stand or constitutive principle*. As we have discussed Korsgaard's approach that we attain psychic unity through normative constitutive standard. This psychic unity provides us with agency which further translates into our identity. Korsgaard points out that we are in a process of self-constitution, which she explains with the help of Kant's imperatives incorporated in Plato's theory of soul. In this regard Katsafanas writes Korsgaard's approach is that, "self-conscious creatures have the ability to reflect on and thereby distance themselves from their desires"[576], this invariable supposes a

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[576] Paul Katsafanas, *Agency and the Foundation of Ethics: Nietzschean Constitutivism*, (Oxford, Oxford University Press, 2013), 89

deliberative aspect in the self-constitution of an agent. Katsafanas has defended the normativity of constitutivism, as we see in Korsgaard approach, by focusing on the fact that normativity is grounded in inevitable nature of agency. As has been discussed that rational agency towards an aim constitutes an individual. Now these aims are "autonomy-making", and they make "self-governance" possible, and thus have a sense of normativity in them, which cannot be ignored. Another aspect where normativity is defended by Katsafanas is with regard to bad action being explained by constitutive standards, this has been discussed in Korsgaards approach to bad action.[577] Now I shall discuss further, that since the approach towards empowerment that has been argued for is *agency centric empowerment*, can we claim normativity for this concept? How can we conceptualize *agency centric empowerment* be a norm?

Habermas has looked into norms as behavioural rules; and he argues that "insofar as agents have recourse to discourse or moral discussion its aim is to repair the consensus by establishing a norm of action that each disputant can understand and accept." We have also discussed the discourse principle (D) and the moral principle (U) which focus on norms. Philip Pettit has a specific take on norms. While introducing the concept of norms he writes[578]

> Norms are an important species of social institution, on par with conventions, customs, laws, and other brands of established regularity. They often overlap with those other institutions, so that the same regularity can both be a norm and a law, for example. But still, they retain a distinctive profile. Like the other institutions norms reinforce certain patterns of behaviour, but they do so in their own way, by representing those patterns as peculiarly desirable or obligatory.

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[577] Katsafanas, *Agency and the Foundation of Ethics*,86-105
[578] Pettit, *Rules*,308

Norms are generally operative, for example, in supporting familiar virtues like loyalty, fairness, integrity, and courtesy, as indeed they play a role in supporting less attractive dispositions like conformism and vengefulness.

Pettit in his work focuses on the question: What constitutes the power of norms? He points out that the standard theory of norms is "behaviour-based in the sense of trying in the first place to explain the regularity involved in the norm and then in the second, to explain the approval pattern supporting it"[579]. But he is not in favour of the behaviour-based approach instead he brings forth the attitude-based theory that "starts with an explanation of why the behaviour attracts approval and then invokes existence of that pattern to explain the appearance of a regularity in that behaviour"[580]. Pettit gives us five assumptions on which the attitude-based derivation of norms can be based. First is the interaction assumption, which assumes that in a human society the option that is collectively beneficial is chosen, that is, nearly everyone will benefit more if everyone chooses a certain course of action than if everyone chooses to forego it. Second is the publicity assumption, which is that there are people who shall have the capacity to know, if anyone is acting in accordance with collective benefit or failing to do so. Third is the perception assumption, which follows from the second assumption, and which is that a perception of the individual as one who respects or disrespects collective benefits is created. Fourth is the sanction assumption which is the approval of those who takes into consideration the benefits of others in some respect through performing a collective beneficial action and disapproval those who fail to perform a collective beneficial action. Fifth is the motivation assumption which takes into consideration the fact that

[579] Pettit, *Rules*,280
[580] Pettit, *Rules*,280

people are motivated in large part, though not primarily, by a desire for others to think favourably of them and, if at all possible, of themselves.[581]

We can consider *agency centric empowerment* with regard to these assumptions and argue for its normative essence. Firstly, the idea of agency that we are considering, has incorporated the concept of agency freedom as discursive control, which relates to Pettit's integrated collectives. The members in the integrated collectives can very well be seen to agree with the assumptions that Pettit himself proposes with regard to attitude-based derivation of norms. Secondly, we have Drydyk's conceptualization of empowerment, that takes into context the relational aspects of agency, that is reflective of the power structure, and also focuses itself on the well-being aspect. If we are to consider the relational aspect with our focus on empowerment we shall be bound to agree on assumptions of interaction, publicity, perception and sanction. The well-being aspect takes additional care of the motivation assumption too.

Another general discussion with regard to empowerment is that ethical theories have to consider the normative dimension of empowerment, even if implicit in its conceptualization. We can see to that with the concept of the theories of punishment prevalent in the discussion of moral philosophy. We have three basic theories, retributive theory, deterrent theory and the reformative theory. In both the retributive and the deterrent theory, the empowerment that is striven for is of the people who have been wronged and who may be wronged. But the reformative theory focuses on empowering both the wrong-doer and the wronged. There can be a dispute: With regard to the first two theories, is the empowerment of the wronged empowerment in the real sense? Or is the empowerment of both the wrong-doer and the wronged to be considered? But we can see that any theory that one proposes or gives arguments in

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[581] Pettit, *Rules*,326-337

favour of has a group that strives for empowerment. This debate can be a topic of extended research, but I have given this example to throw some light on the fact that ethical theories do have concern with "empowerment", though there may be a difference of opinion in the way each proponent of ethical theory defines empowerment. And since ethics deals with the concept of "ought", this "ought" shall have its burden on "empowerment".

We can focus on the *agency centric empowerment* as a norm, based on Pettit's attitude-based conceptualization. This aspect of *agency centric empowerment* has a very essential role to play in the concept of participatory development where we are concerned with development ethics. How can we arrive at this normative understanding? In trying to analyse this we may have to fall back on Habermas. In this context let us recall Chambers opinion that Habermas has vouched for a theory of democratic legitimation based on discourse ethics. Public opinion and will formation can be streamlined through reason only by discourse. With regard to discourse, Habermas is of the opinion that communication, that forms the base of discourse, is intrinsic to human nature and need not ever be put forward as an ought. Discourse arrives when a realization that the social and political structures, are not *controlled* by force or coercion, dawns upon us. So, any specific change in the nature of the social and political structure must fall back on discourse. Here there is another aspect that needs our attention, we have discussed the difference between moral and ethical with regard to Habermas and have discussed why Habermas gives priority to the moral over the ethical. But then we must recall the fact that in the pragmatic world it is ethical discourse that has the social function. As Finlayson puts it[582]:

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[582] Finlayson, Habermas, 97-98

On Habermas's theory, given that values may be the source of intractable dispute, one response is to try to resolve that dispute by avoiding any appeals to values. This is just what moral discourse according to (U) purports to do. Norms are not values. They are behavioural rules, anchored in the communicative structure of the lifeworld, based on very general and universally shared interests. Hence moral discourse is the first recourse for disputing parties in the lifeworld. However, given the scarcity of universally valid norms, such conflicts may not be open to moral regulations, in which case, ethical discourse could help. In such a situation, ethical discourse will involve in the first instance a discussion and clarification of all the things considered best interest of the person concerned. It will also inevitably involve a critical appropriation of the values endemic to her culture, and reflection on her personal situation and individual life history.

This aspect has also been mentioned by Rehg when she argues for "the intersubjective concept of practical insight inherent in (U)"[583]. So, I focus on *agency centric empowerment* as a norm that is not a value, but a behavioural rule.

The next concern is with regard to the nature of the state where *agency centric empowerment* can function as norm. Democracy is the ideal that we have focused on, but there has been two aspects that have been discussed, on the one hand there is Pettit's republican state that focuses on non-domination on the other hand there is Habermas's conception that popular sovereignty resides in a *subjectless* forms of communication and discourse. If we look into Pettit's idea of non-domination, we realise that it is an idea that goes along with Habermas's idea of human right that he holds onto, since an

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[583] William Regh, *Insights and Solidarity: The Discourse Ethics of Jürgen Habermas*, (Berkeley, University of California Press, 1994), 16

agent shall loose her rights when dominated upon, and thus shall not be able to present herself as deliberative member capable of communication and discourse through forums and legislative bodies. Habermas's opinion is that communication and discourse on which political institutions depend shall be impractical if human rights cannot protect civil society, from the onslaught that they face from markets and administrative bodies. This will result in certain group being dominated upon by legislative structures that do not give them the voice, and further legislative decisions shall be more prone to ideological biases of the interest groups that tend to dominate. This is exactly what Pettit also fears and thus insists on the aspect of contestation, wherein voice is the option that is available to citizens. Pettit's non-domination freedom is an aspect that the state must hold onto if it is serious with regard to ethical development.

We have discussed how empowerment is a concept the helps in making development participatory, which is one of the core ideas the development ethicists have focused on. Can we locate the normative aspect of *agency centric empowerment* with respect to development ethics? Yes, I answer, taking into consideration Goulet's opinion that, "what development is all about is building a world as it ought to be"[584]. In this thesis I have navigated through aspects of individual agency, collective agency, deliberation, public reason, state, empowerment and development ethics to argue that *agency centric empowerment* as a normative benchmark shall bring forth meaningful discourse in the area of development ethics and political philosophy.

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[584] Goulet, *Development Ethics*, 49

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