

## **POLITICAL EQUALITY IN DELIBERATIVE DEMOCRACY AND THE CAPABILITY APPROACH**

**Facundo García Valverde**

**(Universidad de Buenos Aires – Agencia Nacional de Promoción Científica y Tecnológica)**

**fgarciavalverde@gmail.com**

Egalitarian theories have been concerned with the justification of a distributive parameter that aims to equalize some relevant aspect of human beings, such as freedom, opportunities, well-being, etc. However, these same theories have not been concerned with the distribution of political resources in democratic societies or if they have done so, it was only to provide an instrumental justification of those resources (Dworkin 2002; Arneson 1993). These instrumental justifications of political equality are problematic in three major aspects. First, if a political system does not recognize the political equality of its citizens (government by professional elites, a benevolent dictatorship, etc.) but it is more efficient to protect or promote other dimensions of well-being or welfare, then there would be no basis against that system; second, in our every day moral life we often make a sharp distinction between claims to greater economic equality and claims to more political equality; this distinction would be absolutely blurred in instrumental justifications; third, if political resources are just like resources to well-being or to welfare, then we should accept certain trade-offs between these resources. Therefore, the aim of this paper would be to provide a non-instrumental justification of political equality that could take these resources as a special case. (Christiano 1996: 78-81)

The recognition and fulfillment of the principle “one person, one vote” by most contemporary democracies would seem to minimize the relevance of this justification. However, the upcoming of deliberative democracy conceptions implies that principles of political equality should be redefined and reinterpreted because of their focus on the communicative process previous to the voting, the deliberations, as the place to look up for a moral justification of democracy. One of the most important authors of this conception, Joshua Cohen, distinguished between two dimensions of political equality in the deliberative process: on one side, citizens should be “formally equal in the sense that the rules of the ideal procedure must not choose the individuals for any advantage or disadvantage; every one who possesses the deliberative capacity has the same status in each stage of the deliberative process” (2001: 245); on the other side, citizens are substantively equals “so the existing distribution of powers and resources does not affect their chances of contribution to deliberation processes and that distribution does not give them decisive faculties.” (2001: 245)

In this paper we would offer a non-instrumental justification for the second dimension of political equality. To summarize, this substantive dimension of political equality demands that every participant have a fair opportunity for political influence. In the first section, we reconstruct James Bohman’s position and we show that non-ideal contexts supposed by him, obscure our intuitions about political equality. The most straightforward way to clear those obstacles would be looking at theories developed in ideal contexts. In the second section, we show that Rawlsian theory, designed under those contexts, justifies a demand of political equality on the grounds of self-respect; in order to clarify these grounds, we distinguish three of his possible interpretations each one related to

an egalitarian metric and we show that institutions of political participation should guarantee not only opportunities or resources but capabilities to participate in deliberations; to put it differently, we show that the social basis of self-respect must be assessed in relation to capabilities and not to resources. In the last section, we attempt to show that is absolutely necessary for Senian and Crockerian account of agency the construction of one specific space for deliberative agency since there is a considerable danger of collapse into well-being metrics.

### **I.a Political equality in ideal contexts**

Bohman justifies the substantive dimension of political equality in relation to the legitimacy criterion that is intrinsic to deliberative democracy. “Legitimate decisions demand equality in two senses: first, the citizen must be equals; and, second, their reasons must be given equal consideration” (1997:321) If some citizens are unfairly excluded from a deliberation, there is a loss of legitimacy in the final decision so one of the main concerns of the deliberative democrat must consist in the detection and elimination of the different forms of exclusion.

These forms of exclusion can be translated into three kinds of deliberative inequalities: limited access to the public sphere that derives from the asymmetries of economic and social power, communicative inequalities which affect the capability to participate efficiently in deliberative spheres and political poverty, under which the citizens and groups are effectively excluded but can not avoid their legal inclusion by others. This set of communicative inequalities does not only assure a higher degree of political efficiency for the advantaged sectors of society but also affects the deliberative procedures that could set some limits to that influence; for example, the comprehension of the problems and subjects of deliberation is severely limited, the amount of possible solutions is restrained and the opportunities to include a new subject in the deliberative agenda are dramatically reduced. Of course, these facts of exclusion prevent individual or political groups from an adequate political functioning.

The connection between economic and political inequalities is almost tautological: if there are political groups who lack the economic resources to make their proposal public or they lack the free time to participate in deliberations, if qualitative differences in education are huge, if powerful economic groups can exercise excessive pressures over vulnerable ones, it seems quite plain that these economical inequalities would be translated into the political realm.

Beyond this connection, one could ask following Ronald Dworkin (2002: 194-8), if political inequalities are the problem itself or they are the subproduct of an inegalitarian context; this is, ¿does political inequality represent a legitimacy deficit independently of the context?

We take Bohman’s theory too ambiguous about this question. I think that an attempt to provide a non-instrumental justification of political liberties must make a clear point about this question and should have the necessary resources to make at least a conceptual distinction between economic well-being and political liberty, and argue in favor of the intrinsic importance of the guarantee of political equality. In accordance with this, Rawlsian theory of justice, designed in ideal contexts, could provide such justification isolating the problem of political equality.

Let's remember some characteristics of the Rawlsian context, "the objective circumstances of justice". First, the representatives in the original position are "fully cooperative members of society over a complete life (2004: 30)", meaning that individuals have normal physical and mental capacities; second, previous social contexts of racial or gender discrimination are not assumed; instead, the public culture of the society is taken as the result of a reasonable pluralism; third, society is established in conditions of moderate scarcity of resources.

Let's accept, for argument's sake, that the two principles of justice that regulate the fair terms of cooperation under these ideal conditions are demanded by justice. Rawls argues that even in these conditions, the political influence of citizens must be regulated by the "guarantee of fair value of the political liberties". This guarantee has two main features: first, each citizen must be secured fair and roughly equal access to public opportunities created by the rules of the political process and, second, such fair value must be only secured for the political realm (1996: 365-6). Both features constitute the theoretical ground for some concrete policies that aim to isolate deliberations from economic and social factors: publicly financed political campaigns, prohibitions on private contributions to candidates, guarantees of a stable access to media and the regulation of certain aspects of freedom of expression and freedom of press. (2004: 202)

The inclusion of this guarantee of fair values constitutes an explicit attempt to meet an objection posed by Norman Daniels. In his first main work, *A theory of Justice*, this guarantee was not included in the first principle of justice (the principle of liberty) and it was only taken into account during the constitutional stage. (Brighouse 1997: 156). Daniels argued that the economic and social inequalities allowed by the Difference Principle could be so large that they could pose a threat to the equality of the liberties defended in the first principle. Political liberties, freedom of speech and the right to a fair trial could be dramatically limited when differences in wealth and prerogatives could be transformed into different values of those liberties. For instance, although the most and least advantaged members of society are equally free to express their opinions, the wealthy would have more access and control over media and so they would be freer to have their opinions advanced (Daniels 1975: 256) To put it differently, *A theory of Justice* could allow that the liberties defended by the first principle would become merely formal.

One could ask why is it important that these liberties, specially the political liberties, do not turn out to be just formal liberties?. Of course, one could argue that political liberties have an instrumental value: if they are only formal, there is a general trend by which the political power tends to concentrate around economic power; if this happens, the redistributions required by the Difference Principle – implemented during the legislative stage – could be seriously threatened because most advantaged members could use their larger political influence to restrict the implementations of the redistributions. (Brighouse 1997: 158). But there is another justification to avoid the formality of political liberties.

The non-instrumental justification could be named Inclusive and argues that the political process must be open to everyone under roughly equal conditions, independent of how this contributes to other dimensions of well-being (Rawls 1996: 368). Joshua Cohen and Norman Daniels reconstruct this inclusive justification as deduced from the combination of self-respect and the second moral power of individuals, the capacity to act on and apply a sense of justice. The argument goes something like this: self-respect does

not consist exclusively in the subjective feeling of self-worth but also, and more fundamentally, in the recognition that each individual receives from others and from public institutions, that is, in the social bases of self-respect; when individuals consider themselves as reciprocally having capacity for a sense of justice, they recognize each others as equal members of a fair system of cooperation that implies that everyone has the same opportunities to take part of the political decisions over an equality basis.

This argument is supposed to include not only equal political liberties but also their fair value. (Rawls 1996: 356-6; J. Cohen 2002: 111) Although it is clear that the social basis of self-respect are diminished when political liberties are not equals for every citizen (like in the scheme of plural voting of John Stuart Mill) it is not evident why they are diminished if the fair value is not guaranteed. In the next section, I will try to provide an argument for this.

### **I.b) The relation between fair value and the social basis of self-respect**

Let's imagine a context in which the fair value of political liberties is not guaranteed: every citizen has equal formal political liberties, is allowed to dispose all his economic and social resources to influence the political deliberations, media is not regulated to provide fair opportunities to express different perspectives and problems, and there is a general convergence of political and economic power. Under this situation, we could identify three probable consequences, each of them objectionable – at least, in principle – because they would not guarantee the social basis of self-respect and, consequently, because they would imply a violation of the fair value of political liberties. As we shall see, each of these consequences could provide different and competing interpretations of the social basis of self-respect.

The first consequence is that citizens or political groups with fewer resources would not be able to influence deliberations and therefore, they would not get her desired results. If the social bases of self-respect are diminished on this consequence, that would mean that every citizen or political group would have to obtain a certain degree of “political welfare”, that is, that their political preferences would have to be satisfied from time to time. Let's call this version of self-respect, Self-Respect as Minimal Results (SR).

The second consequence is that the larger the influence that advantaged political groups can exert by means of their resources and opportunities is only possible through the introduction of a distortive factor in deliberative arenas. Consequently, the guarantee of fair value would be satisfied if such distortive factors were isolated from deliberative scenarios. Let's call this version Self-Respect as Opportunity (SO): a citizen obtains the social basis of self-respect if the political institutions give him the opportunities to participate without the interference of economic and social power<sup>1</sup>.

The third consequence is that citizens with fewer resources would not be capable to participate meaningfully in deliberations if the degree of political influence is determined by the economic resources, then their participation would apparently be condemned to be non-meaningful<sup>2</sup>. This consequence must be distinguished from the first one: while the

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<sup>1</sup> Jürgen Habermas' ideal speech situation could be an example of SO in deliberative democracy because if internal and external coercions are neutralized, the free communicative exchange would be guided exclusively by the force of the better argument.

<sup>2</sup> A precise definition of meaningful participation is delivered few lines below; but provisionally we could say that participation is meaningful if and only if the group or individual can trespass a minimal threshold of

problem there was the low satisfaction of political preferences, the problem here is that the participation would be merely formal. Let's call this interpretation Self-Respect as Meaningful Participation (SP): political institutions provide the social basis of self-respect if each citizen or political group is able to participate meaningfully.

SR is unable to deliver an adequate interpretation for political equality in deliberative democracy because it violates one of his most basic presuppositions, that the results of a deliberation must remain relatively uncertain and undetermined (Nino 1997: 166-86; Knight and Johnson 1997: 279-80) This uncertainty of results must be protected firstly because the results of the deliberative process are dependent of the concrete communicative actions of the participants and not of their identitarian features (to put in other terms, of his arguments and not of their social or social characteristics) and secondly because the results are the product of communicative interrelations and not of the mere aggregation of political positions which are held unilaterally and unchangeably by the social agents. It is evident that this constitutive uncertainty would be violated if some determinate level of efficiency would have to be guaranteed.

So, only the last two versions of self-respect appear as plausible candidates to provide a justification for the fair value of political liberties. The main difference between SO and SR consists in the exigency of a minimal threshold of political functioning; while SR demands it, SO does not because it considers that social basis of self-respect is not threatened as long as the unequal political influence results from a set of opportunities available to all in a context free of economic power.

How may this minimal threshold of political functioning be designed? From our previous discussion it is clear that this threshold should avoid two extremes: one is the mere formality of the participations and other, some demand concerning the results of the deliberations. Bohman defends such a criterion.

“Citizens who have developed the capacity for effective deliberation can avoid both exclusion and inclusion: they are neither excluded from deliberations nor included in the constraints of plans devised by others. A good empirical indicator of such deliberative capacity is whether or not citizens or groups of citizens are able to initiate public deliberation about their concerns. This ability to initiate acts of deliberation thus provides a measurable threshold for political equality and reasonable cooperation” (1996:126)

This Bohmanian threshold implies that to avoid political poverty, the citizens or political groups should have the capability to include a subject in the deliberative agenda. We take the intuitive idea behind this criterion that if the participations of a political group do not modify the content of those deliberations, that participation is non-meaningful because it is completely irrelevant; on the contrary, when a group has a meaningful participation, the other participants must take him seriously by giving reasons supporting or rejecting the relevance of the proposed subject, by offering reformulations of the interests involved, by proposing possible solutions, etc., that is, the group is actually and seriously recognized as having an equal capacity for a sense of justice.

Let's retake our main concern: is it relevant, in terms of the social basis of self-respect, to include this threshold in order to define the fair value of political liberties? If the

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political activity. This minimal threshold could be set higher or lower but the key would consist in avoiding his coincidence with any level of satisfaction of the political preferences.

deliberations are free from distortive factors and the only factors that can make a difference are internal (such as rhetorical abilities, dedication, knowledge of particular themes, natural predisposition to dialogue, etc.), it would seem that no claim about the social basis of self-respect would be justified. However, if in such context there are political groups with large influence and there are other groups who cannot participate meaningfully, the last ones receives less recognition and self-respect: these groups can think that their participation is completely dispensable and only a qualified subset of citizens or political groups should be the real political agents. Besides, the more influential political groups would not take the positions and concerns of poor political groups as deserving reciprocal justification; in fact, these powerful groups could argue that because of this fact, informing poor political groups is a waste of resources. Thus, the inability to cross a threshold of political functioning fails to show the social basis of self-respect; the political liberties of poor political groups would be deemed as merely formals.

On the contrary, when a threshold of political functioning is ensured, the social bases of self-respect seem to be met. Although internal factors can be unequal<sup>3</sup>, each political group should have the ability to use them in a way that maximizes his power of influence at least to the point of meaningful participation. Since the other participants must take their subjects and concerns seriously, they regard them as worthy of justification and, at the same time, as having a capacity to develop a sense of justice and understand those justifications. Additionally, the inclusion of this threshold of political functioning in the social basis of self-respect guarantees that no interests or problems are excluded from the deliberations.

So, the social bases of self-respect be guaranteed only when interpreted by SP and not by SO; this means that SP provides an adequate connection with the fair value of political liberties and, therefore, a justification of the substantive dimension of political equality even under ideal contexts.

Notwithstanding this defense, SP must meet an important objection which argues that it is not obvious why we should care about this minimal threshold of political functioning in ideal contexts: it would seem that if, on one side, there are no previous contexts of discrimination or profound inequalities and the participants have developed their cognitive capacities in a standard way and, on the other side, the political groups have the opportunities to participate and they are roughly equal motivated, then the social basis of self-respect would be guaranteed.

We think that there are two ways of dealing with this objection. The first deal with the “economy” of the theory: demanding a minimal threshold is superfluous because every participant would be able to pass it; therefore – the objection goes – there is no normative loss using SO as justification of the fair value of political liberties.

In order to answer this objection, it is important that we realize that she does not deny or reject the importance of meaningful participation; on the contrary, it only argues that she is guaranteed enough. So we could ask what is *really* important in terms of the social bases of self-respect?: having the opportunity to *participate*? Or having the opportunity to *participate in a meaningful way*? As stated before, the mere opportunity of participation

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<sup>3</sup> It is important to clarify that SP does not criticize inequality in political influence: if SR would claim this, some individuals with larger internal factors (the more educated, the cleverer, the more creative, etc.) should receive an electric shock every time they had an original, better or more solid argument.

does not require taking the position of others as worthy of reciprocal justification and is consistent with participations falling under the threshold; only opportunities of meaningful participation could effectively provide the social basis of self-respect.

The second interpretation of the objection would argue that assuring meaningful participation either turns deliberative processes into highly inefficient and costly activities or contradicts other important values attached to it. In modern societies with an increasing social complexity<sup>4</sup> (where there exists a division of intellectual labor, experts about very specific topics, spare time is seriously reduced, where processing and comprehending the relevant information requires highly developed cognitive capacities, etc.), the demand of meaningful participation would make that, for instance, the theoretical complex communications between experts would have to be constantly interrupted by non-expert or neophytes, the scarce temporal resources being irrationally wasted and the results of the deliberations epistemically unreliable. For example, if the deliberation is about the methods and policies that the State can implement to fight against a particular epidemic, the demand of meaningful participation for the political groups is either unfeasible or highly expensive both for the society both for the political group. Hence, these facts of social complexity, even occurring in an ideal context, would threaten political equality in deliberations.

These facts have to be taken into account and dealt with by any realist theory of deliberative democracy. However, they represent a challenge not only for our particular account of political equality but for any plausible account and even for deliberative democracy itself. It could seem that SO provides a more adequate account since it does not require any minimal threshold of functioning but from the perspective of the political groups who do not have the capability to participate meaningfully in expert communicative processes, that opportunities are merely formal and therefore do not express the social basis of self-respect. Regarding deliberative democracy itself, the straightest solution to these facts - especially when they are described as unavoidable and unchangeable – would consist in keeping decision-making institutions isolated from democratic deliberations and hence giving huge political power to technical, administrative institutions, etc., which are only remotely accountable to citizens and political groups. Therefore, the facts of social complexity cannot be used against any of the interpretations of self-respect analyzed in this paper.

We cannot offer a solution to this problem here; although, we would particularly like to point out some dark points in deliberative theory which must be clearly answered: what are the proper objects of public deliberations, which is the relation between hyperspecialized groups and the legitimacy principle, how to guarantee fair representation of citizens and their interests about justice and what kind of distribution of information is required by a deliberative democracy.

### **I.c The metric required by political equality**

There are two metrics to evaluate the fair value of political liberties: resources or capabilities. Supporting the first, we could find Harry Brighouse who argues that “value is understood as being measured by those resources which an individual has at her disposal with which to make use of those liberties (...) worth is independent of differences in resource-welfare conversion capabilities, at least when those are due to differences in tastes

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<sup>4</sup> Christiano 1996; Habermas 1992; Bohman 1996

or conceptions of the good life. It is also apparent that worth is not affected by the subjective attitude of the individual towards the liberty. (1997: 177)” Supporting the second, Norman Daniels holds that “the worth or value of a liberty can be thought as the capability to exercise it effectively. (2003: 271)”

The main difference between a metric based on resources and one based on capabilities is that while the former is insensitive to how individuals convert such means into wellbeing or into states of affairs that they have reason to value, the latter holds that an egalitarian theory must take into heed interpersonal differences in the conversion index of those means into well-being. So while a resourcist metric is focused on a bundle of multipurpose means held by the individuals, a capabilities metric is concerned not just with a bundle of resources but also with the effective opportunities (capabilities, in technical sense) to obtain states or actions deemed as valuable (functionings, in technical sense) that an individual has at her disposal. Thus, while the capability approach holds that factors that diminish the effective opportunities to obtain functionings are relevant to assess the quality of life of an individual, the resourcist approach holds that those factors must not be taken into account<sup>5</sup>.

If we view the dispute in these terms, the problem of this section could be rephrased in the following way: does SP demand considering which is the conversion index of the political resources held by individual or political groups?

Let me tentatively define which political resources would be included as sufficient to make a meaningful participation on some account of standard political participation (Pogge 2002: 20). It is reasonable assuming that such a bundle would include certain degree of education, of access to media, to relevant information, of certain amount of spare time to enjoy political and public activities, etc. According to the resourcist approach, if political liberties are protected, this bundle would assess their fair value. Now, what would happen if some political groups, even holding these resources, do not have the capability to cross the minimal threshold of political functioning?

It seems plain that if such inability is due to an outrageous use of that resources, it would be counterintuitive to count it as a violation of the fair value of political liberties; for example, if we regard a violation of the fair value of political liberties when a group pretends to include a subject that the rest of the citizens view as obsolete, immoral or ridiculous (defending the instauration of a king with absolute powers or allocating half of the national budget to military defense against a potential extraterrestrial attack) and the other participants are not willing to deliberate about that, the ideal of political equality would be absurd and self-defeating.

So, the different index of conversion can not be a sufficient condition of a violation of the fair value of political liberties<sup>6</sup>; but can it be a necessary condition? Let’s analyze the following example designed by Brighouse: “If some citizens have available to them more

<sup>5</sup> Pogge, Thomas 2002, p. 29

<sup>6</sup> An unequal index of conversions is only a necessary condition and not a sufficient one of a violation of an egalitarian concern presupposes a special interpretation of the capability approach; for such interpretation cf. García Valverde, Facundo; “Las críticas de Pogge al Enfoque de las Capacidades. Un argumento para descartarlas y otro para tomarlas en serio”, en Garreta Leclercq, Mariano; Montero, Julio (eds.) *Derechos humanos y democracia en un mundo transnacional: ensayos en homenaje a Osvaldo Guariglia*, Buenos Aires: Prometo; Keleher, Lori, “Can Pogge’s Evaluation of The Capabilities Approach Be Justified?”, communication presented at 4<sup>th</sup> *International Conference on the Capability Approach*, 4-7 September, Pavia, Italia, 2004; Berges, Sandrine, “Why the Capability Approach is Justified?”, *Journal of Applied Philosophy*, vol. 24 (2007) pp. 16-25

training than others in how to use the political resources, with consequently unequal ability to use them effectively, this seems as if it ought to violate the principle [of fair value of political liberties]. This can be dealt with simply by counting the training as among the resources available for the exercise of influence.” (1997: 178)

This solution proposed by Brighthouse implicitly recognizes that not only a particular set of resources is needed to assess fair value, but also the way in which they are converted into meaningful participation, i.e., in his conversion index. Thus, it would seem that an unequal conversion index is a necessary condition of a violation of the fair value. We could argue in a similar way regarding information: it is not only that we should have access to the relevant information but also that we should have the cognitive abilities and the technical knowledge developed enough to convert that resource into meaningful participation.

The main problem of a resourcist metric consists, then, in its insensitivity to the conversion index and that this limitation does not suffice to guarantee the fair value of the political liberties; as we just saw, in order to do it, this metric must turn implicitly to some considerations regarding the conversion index. A capability metric, by contrary, looks at what is *really important* about political liberties, this is, the effective opportunities for the meaningful participation of the interested political groups<sup>7</sup>; it is only when the conversion index is high enough to avoid political poverty that the concerns, perspectives and interests of a political group are seriously taken into account by his fellow citizens and their political voice is not ignored or silenced.

So, a resourcist metric could not identify some violations of this fair value, something evident when we analyze non-ideal contexts: the groups pro-equality of gender have at her disposal large opportunities and resources but child care is still not on the agenda of economic needs in most workplaces; furthermore through the last century history we recognize that movements fighting for civil and political rights of the minorities did not claim just for more political resources but also, and more importantly, for using them in a significant way and to include subjects and topics previously excluded or merely ignored.

Let's take stock of our argument during the last two sections. The ideal conditions in which rawlsian theory is laid out represents a suitable space to find a non-instrumental justification of the substantive dimension of political equality. The inclusion of a guarantee of a fair value of political liberties in the first principle of justice is justified through the idea of the social basis of self-respect. By comparing the expectable consequences of a deliberation in ideal contexts with no guarantee of that fair value, we reject two interpretations of that idea either for collapsing into welfarist positions (SR) or for being consistent with the existence of political groups with no meaningful participation (SO) and we defend an interpretation that demanded the overcoming of a minimal threshold of political functioning (SP). Then, we argue that the adequate metric to assess the fair value of political liberties was one based on the capability approach because she is sensitive to differences in conversion index. In the next section, we defend this justification against an important objection.

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<sup>7</sup> One could object and argue that what is *really important* for political groups is not meaningful participation, but bringing about the results that they want. That would require that the results of deliberative practices are seriously constrained and regulated by some fair account of political welfare; for reasons stated above, that would turn deliberations into an absurd and hazardous way of making political decisions.

## II. Political Agency and the possible Collapse in well-being metrics

One of the main reasons to defend a capability metric to make evaluations of meaningful participation was that it did not impose restrictions on the possible results of deliberations or, to put it differently, it did not demand any degree of satisfaction of political preferences<sup>8</sup>. Despite that the capability approach has at his disposal conceptual resources enough to distinguish itself from the well-being approach, in this section I will argue that some of its interpretations could compromise the distinction, especially when they are applied without accommodation to the problems of political equality in deliberative democracy.

Amartya Sen made some distinctions to create those conceptual resources. According to Sen, human actions are not only performed to increase individual well-being; altruistic or political actions imply a considerable loss of well-being, but nevertheless represent an individual exercise of freedom that must be taken account in the assessment of individual freedom. Therefore these evaluations must comprehend two dimensions: the first, related to well-being (which includes both capabilities and functionings such as being well-nourished, adequately clothed and sheltered, being able to appear in public without shame, etc.) and the related to agency which includes both agency achievements (“the realization of goals and values she has reasons to pursue” Sen 1992: 56) and agency freedom (“one’s freedom to bring about the achievements one values and which one attempts to produce” Sen 1992: 57)

This agency dimension seems well suited to our present purposes because, as we defined it, political equality in deliberative democracy is realized regardless of well-being and of welfare attained through the use of political resources. Furthermore, the intuitive idea behind the concept of agency consists in individuals not being just passive subjects that receive means to well-being from others but also as being authors of their own lives: “when people are not able to exert agency, they may be alienated from their behavior, coerced into a situation, submissive and desirous to please, or simply passive” (Alkire 2008: 3-4). In that respect, it is plain that meaningful participation can be closely related with deliberations not being completely alien to individual and political groups.

This agency dimension, as Sen argues, does not demand that the agent has the levers of control over her life or particular actions, it is, that he is the exclusive nor even main causal factor in bringing about the valuable states (1992: 65-6). If a public health program fights efficiently an Influenza A epidemic and the individual agent had no participation in the program development or in its implementation, his “freedom as control” remains the same; however, he has experienced an expansion of his agency because if he would have participated in the program, he would have chosen the efficient elimination of the epidemic. Thus, the agency is also related to contrafactual freedom, that is to say, with the fact that the “levers of control are systematically exercised in line with what I would choose and for that exact reason” (1992: 64)

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<sup>8</sup> The satisfaction of political preferences could be relevant in some cases as in the case of persistent minorities who can never or rarely get what they want in the collective process of making decisions. Even when this problem is independent of the core of this work, I would like to suggest that this kind of situations could be reduced to a violation of the SP principle without the postulation of political welfare as the main object of political equality.

So, inside the agency dimension we have to distinguish between realized agency and participative agency; the first is concerned with the occurrence of those things that one values and aims at achieving while the second is concerned with the occurrence of such things brought about by one's own efforts; the difference between these two senses of agency lies in that on the former, only the effective freedom of a person is enhanced while in the second is the freedom as control which is expanded. For instance, if one of my political aims is the independence of Tibet and Tibet becomes effectively independent without any effort of my own, my realized agency is enhanced; now, if I have made any action in order to achieve that goal (from military combat to donation of money for pro-independence organizations) and Tibet becomes independent, then my participative agency is the one increased.

When agency is extended to deliberative democracy and to the problem of political equality, we face serious troubles, consisting in the strong connection between agency and the occurrence of certain results valued by the agent. Such a connection is flawed for two reasons.

First, if a political group A never participates in political deliberation but another group or organization B produces the state of affairs that A would have produced if A had participated, then we must conclude that A has increased his political realized agency; besides, if A participates meaningfully in deliberations but does not attain desired results, we should say that his political participative agency has not increased. Both assertions are problematic because they will imply a collapse of political equality in some kind of well-being metric. Second, if we recall that the substantive dimension of political equality is justified through the social basis of self-respect received by the participants and we understand political equality as equality of agency, then we would obtain an interpretation of self-respect rejected early, SR, according to which self-respect is guaranteed as long as the valued results are effectively produced.

This connection between the occurrence of valued results and agency is also present in a further distinction drawn by David Crocker: while realized agency only requires the occurrence of a state of affairs valued by the individual, regardless of his participation, the *indirect agency* requires that the knowledge of the aims and counterfactual intentions of an individual person plays a relevant causal factor in the production of the state of affairs valued by that individual. So, my indirect agency occurs when "my senator casts a vote to disconfirm the President's nomination for Attorney General. She casts the vote, and I do not. But I have exercised indirect agency if I have influenced her decision, perhaps because she expects that I will hold her accountable if she votes against my expressed will. If the senator knows what I and other constituents have elected her to do and stand for, and if she knows that she will lose our support if she votes for the nominee, then my agency has been indirectly exercised through my representative" (Crocker 2008: 155-6)

As we see, indirect agency is exercised only if the valued state of affairs is really produced: the fact that other groups or public institutions know the state of affairs that I value and produce them constitutes an exercise of agency only when agency is assessed in terms of the results. But, as we noted repeatedly, this implies a collapse into a well-being metric of political agency<sup>9</sup>. Should we reject, then, the connection between this agency

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<sup>9</sup> A similar argument is used by Richard Arneson although to destroy the distinction fully: "Now consider my desire that the whales be saved through my significant agency. Consider the residue, what remains of my desire

dimension and the substantive political equality<sup>10</sup>? We face here a possible dead end: on one side, if we reject the connection, then we are left with the well-being dimension of the capability approach; but this dimension is unable to give us a non-instrumental justification of political liberties; on the other side, if we defend the connection it would be impossible to distinguish between political liberties and political well-being, and the agency would collapse into well-being.

I think that a possible way out could be found by defending one interpretation of the deliberative agency as one specific agency. This interpretation should begin with the recognition of the uncertainty of results in a deliberation and thus with the firm denial of an equivalence between any degree of satisfaction of political preferences and the guarantee of the social basis of self-respect. Just as in deliberative democracy it is unreasonable connect political agency to the achievement of some valued results by a particular group, it is also unreasonable to connect political agency with the formal participation in deliberations; as we saw previously, between the higher degree of influence (getting always what is wanted) and the lower (not even be heard or taken account by other participants) there is an obscure and imprecise area in which we could locate the capability to include a subject in the deliberative agenda.

Therefore, we could say that an individual or a political group represents a deliberative agent if he is has the capability to cross a minimal threshold of political functioning, this is, as long as his participation would be meaningful, regardless how the results of the deliberation satisfies his political preferences; by contrast, if a political group or individual has not the capability to participate meaningfully, he is not a political agent, regardless how the results of the deliberations, carried without him, satisfies his political preferences.

### III. Conclusion

The preceding justification of the substantive dimension of political equality required by deliberative democracy has distinguished a specific and proper domain of analysis, constituted by the effective opportunities held by political groups to participate meaningfully. This meaningful participation enables the rejection of political schemes that

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that the whales be saved through my agency when one subtracts my desire that the whales be saved, period. This is a self-interested desire. When such a desire is reasonable, its satisfaction, on many sensible views of well-being, improves the agent's well-being. Catering to such desires can be important for social justice: consider a parent's desire, not just that her children come to have good lives, but that they come to have good lives, in part, through her exercise of responsible parenting. So my response to Sen's distinction between agency goals and well-being goals is that it is morally appropriate that the theory of justice should be concerned only to promote the well-being of persons. Agency achievements register in fundamental morality in terms of their final results, their benefits to persons. The self-interested component of people's aim to achieve agency goals through the exercise of their own agency does register in a well-being measure (2006: 34-35)

<sup>10</sup> It could be argued that we are offering a non-charitable version of this relation: actually what is being connected are agency achievements with political liberties but maybe our conclusions would be different if we connect agency freedom with political liberties. Thus, an individual would have agency freedom when he is capable of converting his political liberties and resources into the aims and objectives that he is justified in value. Despite initial plausibility, the strategic move back to freedom fails for nearly the same reasons. What factors could affect the agency freedom of an individual in the political domain? Off course, if a rule forbids or limits drastically the exercise of political liberties, the individual would lack off agency freedom; if the individual is extremely shy and he is not capable to speak in public, again we should say that he lacks agency freedom. Now, if the other participants have better or more convincing arguments or more urgent claims, should we hold that he lacks agency freedom?. I think that the interpretation of agency as related with the consecution of valuable results should hold that the individual with worst arguments lack agency freedom because the better arguments of the other participants represent a factor that reduces his freedom to get the valuable result.

both allow political power be concentrated in social or economic elites and political schemes that demand particular levels of satisfaction of political preferences specified previously to the deliberations. The importance of this meaningful participation is not related with any ideal of political good life nor with other important aspects of egalitarian theories but with a basic notion of deliberative democracy, the legitimacy of the decisions: as long as there are political groups that have not the capability to meaningful participation, the deliberations will have a legitimacy deficit.

The objective of this paper is merely conceptual and the concrete policies that could be applied would have to be in balance with other important values attached to deliberative democracy such as efficiency on the use of temporal resources, epistemic quality and the specific problems of the political minorities in unjust contexts.

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