

DELIBERATION, INTERESTS AND PLURALISM? *

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I

If we are concerned with democracy, then *autonomy* is a concept of crucial interest to us. If we take Jürgen Habermas as the main influence with regard to the idea of deliberative democracy, we can see in his work the tendency to place the problem of autonomy in a communicative (or interactive) context: it would have to do with a relationship between autonomous *subjects*, in which the condition of being a subject, and so of being autonomous, is preserved in the case of each of the participants, by contrast to the instrumental (or work) context, which involves a relationship between subjects and objects. Of course, there is also the possibility of speaking of *strategic* interaction, where other people (other subjects) are frequently dealt with as objects, even though effectiveness in dealing with them may require that their capacity as subjects be taken into account.

In any case, some difficult questions emerge right away if we start from the contrast between instrumentality and communication. To begin with, it is hard to keep the two contexts analytically apart from each other. Even Habermas' "ideal speech situation" (where any element of power is supposed to have been eliminated and the only thing to count is the force of the better argument) is, of course, a desideratum to be *instrumentally* achieved (if at all), and communicative *action* is also action, which means that it inevitably involves itself a problem of efficacy: we have norms and sanctions aimed at ensuring the autonomy of all, and the ideal speech situation supposedly creates, in Habermas' own words, *competent* communication, despite the fact that the attribute of being competent or incompetent is in principle, for

Habermas, something that characterizes the observance of technical rules (in work) or of valid strategies, that is, the sphere of instrumentality.¹

Moreover, it seems impossible to keep the value of autonomy, as such, apart from the strategic level, or the level of “self-affirmation” (to take Habermas’ definition of *interests*, which was previously formulated in a similar way by Alessandro Pizzorno in terms of “distinguishing oneself”).² There are two apparently contrasting meanings associated with “autonomy”. The first is autonomy as self-affirmation: we deal here with an actor who is capable of just following her impulses (or spontaneously affirming herself), and autonomy in this sense is akin to the idea of power as something that allows the actor not to have to learn.³ The other is autonomy as self-control, involving the idea of impulsiveness being restrained by a compulsion that is to some degree chosen and therefore the result of a reflective posture (or by *norms* that are chosen and so of one’s own responsibility, in accordance with the etymology of the word “autonomy”).

Now, despite the apparent contrast between the two meanings, some interesting insights may be gained if we relate the ambiguity they bring about to the difficulties faced by Habermas himself in his attempt to distinguish between “public” autonomy and “private” autonomy in *Between Facts and Norms*.⁴ Even though the idea of republican virtue (with its affinity to communicative deliberation not contaminated by strategy, interests and power) favors the idea of autonomy as self-control, which suggests the restraint on my impulsiveness produced by paying attention to the connection between my self-interests and the interests or goals of the collectivity, will it actually be possible meaningfully to speak of autonomy without reference to any component of self-affirmation? Habermas sustains that the realization of supposedly “political” or “public” autonomy involves the affirmation of citizens in the political sphere, in the capacity of authors of the law (which would be a necessary condition for private autonomy to exist at all); can this be seen as involving autonomy in a way that actually eschews the component of self-affirmation, regardless of the fact that this “self” may refer to an identity or an ideal of life that turns out to be largely conditioned by the immersion in the collectivity? Even if we stress the connection between autonomy and reflectiveness, the “noble” idea itself of autonomy as self-control can be shown to assume (as is very clearly the case in the theory of moral development elaborated by Habermas himself, on the basis of the work of Lawrence Kohlberg and Jean Piaget)⁵ the ability on the part of individuals to “decenter” and detach from society and its conventional norms in “post-conventional” morality. It thus supposes choice with regard to one’s very identity – with inevitable ambiguity as to the relationship between the aspect of self-affirmation and the component of selflessness that the idea of self-control also evidently contains. Can the distinction between private autonomy and public or political autonomy be effectively sustained in the context of such questions?

This suggestion (the connection between autonomy, on the one hand, and reflectiveness and detachment with regard to society, on the other) can itself be linked to the problems dealt with in the literature of which Timur Kuran's book on *Private Truths, Public Lies* is an important recent example.⁶ Kuran's central concern is the oppressive character that "public opinion" may acquire, with the pressures exerted by it upon individuals leading to the falsification of "private opinion". The conditions in which this can be seen to occur range from the phenomenon of "pluralistic ignorance" produced by authoritarian censorship and repression in the countries of "real socialism" or other political dictatorships (making it impossible for people to have an accurate evaluation of the degree of support with which the regime actually counts among the population) to the opinions deemed to be "politically correct" in democratic countries, private adherence to which, as shown by survey researches, is often much less widespread than one would think by looking at their public effects. Of course, the phenomena pointed at in Kuran's work and its antecedents are in clear contrast to an idealized conception of the "public sphere" as being characterized, to any important degree, by political judgments supposedly resulting from authentic *arguments*. And the outcome is that, from the point of view of the democratic ideal and of autonomy as a value, what we have to face in the relationship between public opinion and private opinion is, again, at least ambiguous: if, on the one hand, the old findings and suggestions on pluralistic ignorance, as well as their recent use by Kuran and others, point to the libertarian potential of the unimpeded flux of communication among citizens, on the other hand we are reminded by observations such as those on the "politically correct" of the themes of the "psychology of crowds", and of the sense in which, for instance, the secret vote (by *protecting* private opinion, one might say, from public opinion) is a democratic achievement.

If we think of the notion of citizenship, these ambiguities with regard to the idea of autonomy (public or political versus private autonomy, the potential benefits of communication for autonomy versus the undesirable pressures of public opinion) assume a neat character in connection with the different meanings of "citizenship" in the context of the liberal and republican traditions, which were the object of Benjamin Constant's classic essay on the liberty of the ancients and of the moderns. Years ago, George A. Kelly transposed these different meanings in terms of a distinction between the "civil" and "civic" concepts or dimensions of citizenship.⁷ The "civil" dimension of citizenship (liberal and "privatist" in inspiration) is the one to stress the modern value of autonomy of the citizen before the other citizens and before the state. The real citizen, in this perspective, is that capable of affirming herself by her own means, who claims her *rights* or seeks to promote whatever interests she has, being able to mobilize in an independent way resources that are controlled by her in the private sphere or in the market. By contrast, the "civic" dimension of citizenship refers to the value of the civic virtue supposed to characterize the classic

Greek polis and the Roman republic. Instead of the idea of rights, the idea of solidarity and of the *duties* of the citizen would prevail in this case, and the real citizen would rather be the one who acts in accordance with his (the masculine gender is imperative if we deal with classic citizenship...) responsibilities before the collectivity, if necessary with personal sacrifices – even, in the limit, the sacrifice of life itself.

Current discussions on citizenship and related subjects have been strongly marked by the ambivalence and tension produced by the simultaneous adherence to the values corresponding to each of the two dimensions, civil and civic, liberal and republican. We have, on the “civil” side, the value involved in the idea of citizenship as autonomy and self-affirmation, which contains, however, the counterpart of its affinity to egoism and “privatism”. On the other side, we have the value corresponding to the cohesive and altruistic substratum of citizenship as civic virtue. If, even in the classic polis, the safety of each depended on the collectivity’s being capable of acting in a united or joint way, today this value has an important concrete expression in the welfare state or, more generally, in the *social* content that citizenship came to acquire and that T. H. Marshall linked to achieving the status of full and equal member of the national community, instead of the give and take proper to the market. But the value of solidarity has, in turn, the counterpart of individual dependence, which, in the welfare state, appears in the protection given by the state, in its capacity as the agent of the community, to those who are somehow incapable of fully and independently affirming themselves. More or less recent analyses of the theme of citizenship, especially in the literature concerned with social policies by the state, tend to move, often in a confusing and incoherent way, within the space distinguished by the tension between the two values.⁸

II

Now, stressing the relevance of strategic aspects is not tantamount to denying, in an abstract doctrinaire level, the crucial importance of communication and debate as an ultimate reference of the democratic ideal and its emphasis on autonomy. Actually, the idea of a process of collective deliberation guided by the search for unanimous agreement is inevitably present, I think, as an underlying utopian assumption of the very idea of politics. In this perspective, defining the object itself of political science necessarily involves a critical posture, and the conventional and trivially “realistic” reference to power relationships as the defining element of politics in handbooks of political science can only be seen as adequate if it is understood as involving the assumption that power is a *problem* to be dealt with at the practical level: we would have no politics in a society of slaves where the latter had no chance whatsoever of ceasing to be slaves and affirming themselves autonomously. In other words, there are good reasons to recover Hannah Arendt’s Aristotelian insight, based

on an idealized view of the classic agora, of politics as a process of communication among equals which *excludes* power (to which Habermas is indebted, as recognized by him).⁹ Of course, the big issue is how to reconcile this attractive insight with the diffuse presence of the strategic ingredients stressed by the “realistic” conception of politics – or, more abstractly, how appropriately to grasp the ubiquitous play involved in such dichotomies as friend and foe, speech and communication in contrast to potential or actual violence, solidarity and convergence in contrast to interests and conflict, autonomy in contrast to civic virtue.

In any case, if we start from the principle of unanimous agreement, strict adherence to it is clearly impossible in most circumstances of daily socio-political life. But collective debate or deliberation can be shown to underlie as an assumption the two most important procedures through which realistic accommodations of the utopian ideal of unanimous agreement are sought. The first is majority rule, which is clearly based on viewing unanimity as something capable of occurring in different degrees: the more votes in a certain direction, the “more unanimous” the decision (otherwise, there would be no reason to give precedence to the preferences of the majority over those of the minority and to adopt the former as the preferences of the whole collectivity). The other one, akin to old conceptions regarding the philosopher-king, has to do with assumptions as to where (or whom) better arguments would come from: since it is impossible actually to discuss and deliberate in an appropriately lengthy way, let us delegate the decisions to people of greater knowledge in the relevant fields (the physician, the judge and so on, or perhaps just people that we choose as our representatives and leaders and to whom we give the conditions needed for them to devote themselves to the issues to be decided upon).

It is useful to stress the affinity of this perspective to Robert Dahl’s examination, many years ago, of the criteria that should guide the democratic organization of a society.¹⁰ In Dahl’s view, they are the criteria of personal choice, economy and competence, which I interpret here in a somewhat free way.

The criterion of personal choice clearly refers to the idea of autonomy as a central value. In principle, those decisions in which I am concerned are to be made by myself. Since, however, the same principle applies to all, in collective decisions (that is, in situations in which debate should ideally take place) the practical translation of the principle leads to the idea of political equality and to the search for rules akin to it: unanimity and veto rights, if possible, or, more realistically, majority rule. Let us note here, however, that there is an important alternative in which the criterion is satisfied *outside* the sphere of debate and dispensing with debate. I refer to the *market*, or to market-like mechanisms, in the operation of which, instead of deliberating together, debating and perhaps voting, people just *act* on their own and *do* as they please, with spontaneous adjustments to each other’s behavior (in the formula adopted by Adam Przeworski to define the concept of “equilibrium” in a paper of a

few years ago, “everyone does what is best for himself or herself given what the others do”).¹¹ Of course, market mechanisms involve risks of *denial* of the possibility of personal choice: not only is everyone exposed to the inconveniences or (in the language of economists) “externalities” stemming from the free behavior of others and its consequences at the aggregate level, but also “what the others do” may result in introducing elements of power and inequality, with monopolies and oligopolies. But, if the market presents such “external” costs, organizing and having people participate in collective decision-making has its own (“internal”) costs, which lead to the need to resort to another of the three criteria, the one of economy.

The criterion of economy emphasizes precisely the costs involved in collective decisions and seeks to reduce them. In contrast to the frequent adherence without qualifications to participation as a desideratum (which tends to forget the *value* of being able just to go home and be left alone...), a society that required full-time devotion to collective deliberations would be clearly problematical, and the question then becomes the one of establishing which degree of public involvement would be adequate to ensure that the interests or basic values of each (that is, autonomy) be preserved. Obviously, it is the criterion of economy that points to the problems related to the need for realistic accommodation of the utopian model of deliberation in different cases. It is clearly involved in majority voting as a compromise both with regard to unanimity and, in the case of the electoral choice of leaders, in the realistic acceptance of *representation*, instead of forms of direct deliberation by all that an ambitious conception of the deliberative ideal tends to envisage. But delegation based on competence, the remaining criterion discussed by Dahl, can also be viewed as justified, in the last analysis, by considerations of costs.

The criterion of competence has to do with the supposedly superior qualification of some people or their greater control of relevant information as a reason for delegating decisions to them, in line with the philosopher-king perspective mentioned above. Its connection to the idea of costs is clear enough, since nobody can be expected to be able to invest at any given moment the amount of energy and resources needed for arriving by herself at good decisions on the problems that emerge. But, though this is not stressed by Dahl himself, reference to the criterion of competence introduces in a particularly clear way a problem that is present whenever we have representation and decision by some people on behalf of others. Of course, the mere fact that someone else is better informed on a certain subject would hardly be a reason for me to accept her decision on my behalf if I could not assume that she *identifies* with me and does indeed have my best interests in mind – otherwise, her greater knowledge or information may actually be something to be *feared* by me.

An important aspect of the problems that hinge upon this has to do with the theme of technocracy (a salient concern, of course, of the tradition of thought, including the so-called Frankfurt School, to which many of Habermas’ ideas are

related). A crucial characteristic of a technocratic perspective may be pointed out in the tendency to assume that the ends are given and non-problematic, whence it would follow that the relevant issue is the degree of “technical” knowledge or information concerning the means to achieve the ends. On the contrary, democracy is based on the assumption that the ends *are* problematic: relevant ends are numerous, pertaining to different and occasionally antagonistic collectivities of various sorts and to the many individuals, and the decisive challenge is then the one of how to reconcile and accommodate these multiple ends. Of course, with regard to the definition of ends themselves it could hardly be sustained that experts or specialists should be given precedence over ordinary citizens. This has important implications for the role of cognitive resources in connection to the general theme of democracy, participation and deliberation: whatever the realistic reservations to be introduced as to more radical or ambitious formulations of the deliberative ideal, there inevitably remains, to some extent, the need for mechanisms that may allow ordinary people to be able at least to inquire about and obtain an appropriate grasp of the way in which different policies as “means” (perhaps at different levels of more or less complex chains of ends and means) articulate themselves with the “ultimate” ends to be pursued – if need be by properly interrogating the experts.

But, even if we put aside the specific issue of technocracy, the general problem posed by representation maintains itself. Either we must assume an extraordinary degree of identification between representatives and represented or some form of control of the former by the latter will be necessary. Access to different degrees of information combined with the lack of complete identification and trust in the relationships between representatives and represented is, of course, the central point of the so-called principal-agent theory, elaborated in such new fields as Joseph Stiglitz’s “information economics” (or, in general, in what some have called “post-Walrasian economics”).¹² Problems relating to this are clearly important in the life of economic corporations, as is the case, for instance, in the relationships between owners and managers. But they are also crucial, of course, in the political sphere, above all with regard to the relationships between citizens as principals and elected officials as agents: which mechanisms will be necessary to assure responsiveness and accountability on the part of the latter?¹³

III

Whatever the difficulties in trying to translate into practice the ideal of free and “authentic” debate, we already have at play, in the institutional apparatus of democratic states, many arrangements in which the deliberative ideal is approached in some degree and mechanisms suggested by criteria like Dahl’s ones are combined in different ways. Thus, we have the legislative arena (parliament or congress), marked

by an explicit deliberative intent, though based on the representation of interests and collective identities by means of elections and often resorting to majority rule; the judicial sphere, with frequent recourse to the presumption of special competence in the figure of the magistrate, but also with the popular jury in which representation of opinions and identities is somehow introduced, despite the role of open contest and debate; spaces (councils in several niches of the state apparatus, or in institutions like the universities) where deliberation often gets actually close to a consensual or unanimity principle; and so on.

In connection with this variegated institutional experimentation, some problems of special interest emerge with regard to both the tensions and peculiar linkages between the search for authentic debate, on the one hand, and the “realistic” representation of interests and identities, on the other.

To begin with, there are the problems raised by “legal realism”, discussed by Ronald Dworkin in *Taking Rights Seriously* and emphasized by Francis Sejersted, some years ago, in a discussion of the transition from liberal constitutionalism to corporate pluralism in the case of Norway.¹⁴ The basic point is that we may have better conditions for effective democratic deliberation and collective decision-making (that is, for debate in which different points of view are effectively taken into account) if we give proper representation to the interests affected by the decisions, that is, if we *democratize* deliberation. Of course, this point is trivial in a certain light, for it lies behind the very idea of representation in general. But, as pointed out by Sejersted, “this principle is in conflict with the liberal notion of the impartial judge saying that those who have particular interests in a case should be regarded as disqualified to decide in this case”.¹⁵ And it must be added that it is also in conflict with the idealized view of debate based on the mere force of arguments, for to assume the need for actual presence of representatives of the different interests in the process of deliberation is to admit that this process will inevitably be marked by *strategic* interaction, or by factors that should be seen as spurious from that idealized point of view: even arguments or the reference to supposedly impartial rules may turn out to be rationalizations in the negative sense of the word. Looked at in the perspective of discussions dealing with “proceduralization” understood as a way to make actual processes of collective deliberation to get closer to the model of authentic debate based exclusively on arguments, this seems clearly contradictory, for restricting the role of “competence” and amplifying the space of open strategic interaction among interests appear as a way to *improve* the results of deliberation processes with regard to something that should be central to that model, that is, the ability actually to consider different viewpoints.

As indicated by the context of Sejersted’s discussion, an important ramification of such problems is the question of corporatism or “corporate pluralism” (as some, including Dahl and Sejersted himself, have called it, with certain ambiguous overtones).¹⁶ Corporatism involves deliberations in institutional spaces that bypass the

traditional mechanisms of electoral and parliamentary representation. In this regard, the resistance opposed to corporatism in the name of democracy is well-known, for mechanisms of corporatist deliberation also frequently involve some degree of informality, lesser visibility and the creation of monopolies of representation, besides supposing a rather important (“authoritarian”?) role by the state as the promoter of corporatist encounters. However, corporatism and its supposedly negative traits of this sort (though disguised under such labels as “corporate pluralism” or “neocorporatism”) have evolved, in countries with a long liberal-democratic tradition, from the socio-political dynamics of a previous and authentically liberal and *pluralist* structure itself – which occurs largely as a mere response to the strong incentive for interests with less “natural” access to the state, for being to start with less provided with power resources of various sorts, to organize themselves so as to compensate this deficiency. Moreover, the feature of democratization stressed by Sejersted with regard to this process is undeniable, as corporatism makes possible for a category of agents (the workers) previously less present in socio-economic decisions of crucial interest to them to increase their participation in such decisions beyond the indirect influence that can be exercised through electoral mechanisms, by getting functional representation *as workers* in corporatist circles. This has been seen by some authors, with good reasons, as a decisive development even from a point of view prone to emphasize the importance of electoral democracy, for it would be a crucial part of the “social compromise” that has underlain democratic stability after the Second World War, particularly in the countries openly adhering to social-democratic arrangements. In this perspective, corporatism associates itself with the welfare state and the Marshallian social enrichment of the very idea of citizenship (besides its civil and political dimensions). And the new developments taking place with intensified globalization, by sending again to the rough sphere of the market the elements pertaining to the social dimension of citizenship and compromising corporatist structures, can also be seen as jeopardizing democracy itself.¹⁷

Furthermore, embroiled in all this there are also the complicated problems of *identity*. To start with, these problems underlie, of course, the above-mentioned question of the extent to which we have identification and trust between representatives and represented. But questions of identity apply in a peculiar way to majority rule itself, which involves, as part of the assumption of “degrees of unanimity”, the one that agents or voters are interchangeable and their wills or manifestations of preference can be aggregated. This amounts to treating identities, in any more or less ambitious sense of the word and particularly in their connections to collective categories of different sorts, as irrelevant: people (voters) have only somewhat myopic interests or preferences (“given” or “exogenous” preferences), or, at least, they are assumed to be similar enough with regard to fundamental factors of identity so as to allow that issues of *intensity* of preference or of preference formation and

transformation (which do involve identity and may add up, for instance, to character-planning) be put aside. This is made especially clear by the contrast, to which Arend Lijphart in particular has given attention, between majoritarian systems and “consociational” or “consensual” systems: the latter emphasize precisely the need to give proper representation to shared identities whose importance for the people involved (having to do with territorial identities leading to federalism, ethnic or religious identities, and so on) should forbid that they be dealt with in terms of merely counting heads, with the possible consequence that collective identities of deep significance be permanently placed in a minority position and their interests of whatever nature disregarded.¹⁸

I would like to add a few observations to this. The first is that problems analogous to those of consociational representation are involved in the theme of corporatism. In other words, corporatism has to do not only with “interests” in a restricted sense, but also with identities: it has to do with the representation of a certain *category* of people which, though referring to occupational criteria, may acquire a significance for the definition of individual identities that turns out to be analogous to the one we have with ethnic or religious groups. Actually, a decisive part of the process leading to social-democracy, as well as of its importance for the stabilization of democracy as such, is linked to the fact that the inclusion of workers’ organizations in corporatist deliberations helped to neutralize or reduce the political importance of the relevant identities and, by the same token, to reduce the importance of the risk (or the perception of risk) of anti-capitalist revolution in the day to day politics of the countries involved.

The second observation concerns the fact that the latter aspect (reducing the political importance or saliency of collective identities) corresponds to a trait of a *general* nature at play in the process of establishing and consolidating democracy, of which the social-democratic experiment in its various forms was one case, now possibly at risk. The relevance of stressing this is to point to another facet of the seeming paradox mentioned above: representing interests, that is, creating an arena for the strategic play of interests to assume an institutional character, though apparently in conflict with the idealized model of debate, turns out to be a decisive way to create a set of conditions that favor the actual operation, in various settings, of processes of collective deliberation, instead of the threat or actuality of open conflict. This has been dealt with in the literature, for instance, under the label of “segmentation”, with which the tendency for problems of identity to unfold into belligerent dispositions may be neutralized and the political process may come to assume a “de-ideologized” nature eventually marked by tolerance and the willingness to negotiate or debate.¹⁹ But let us note something else: if this set of conditions favors the creation of spaces of discussion and deliberation, it also favors the general operation of the second type of mechanisms that have been related above to Dahl’s

criterion of personal choice and to autonomy, that is, *market* mechanisms oriented by the “cool” and perhaps “rational” search for one’s interests.

IV

Let us look for a moment at the state as such in connection to the general problem of the difficulties in the relationships between the “realistic” consideration of interests and (occasionally antagonistic) identities, on the one hand, and the proper attention to aspects leading to convergence and solidarity that are assumed by the ideal model of deliberation, on the other. The central issue here has long been whether the state should be seen as the chief instrument of convergence or solidarity (of *production* of collective power, or power over “nature”, to be exercised in the interest of all) or as the strategic instrument of domination of some people over others (or as part of the problem of the *distribution* of power among citizens). Some relevant observations can be made if we consider the issues by reference to the many (and confused) discussions – within or outside Marxist circles – on the so-called “autonomy of the political” (often taken to mean autonomy of the state itself).

There are a few clearly different ways in which the formula of the “autonomy of the political” is usually understood, including an analytic or methodological one and others that might be called “substantive” or theoretical. If we take the formula in methodological terms, in which it refers to a problem of *causal* relationships between different spheres in competing analytic models, there seems to be no way to avoid resorting to an old postulate in the social sciences which gives a “sociological” answer to the basic query involved: the characteristics assumed by the state are seen as dependent on a substratum corresponding to the *social* distribution of power. In this perspective, the fact that the state turns out to be, to some significant extent, either the expression of the will of all (the public interest) or rather a tool appropriated by some and used in the last analysis to repress and exploit the others depends, in principle, on the form of the play of interests that takes place at the level of society itself and on who prevails in it (Marxists would say it depends on the class struggle). All the postulate amounts to is looking at the state as part, after all, of society, and it is not at all incompatible with recognizing the occurrence, occasionally, of a large degree of “initiative” on the part of the state. But two things of interest to us can be said if we start from this analytic or methodological postulate.

Firstly, adhering to it does not amount to giving any determinate answer to the questions involved in the various “substantive” meanings attributed to the formula of the “autonomy of the political”. Three such substantive meanings can be distinguished: the one of the extent to which the state is socially “neutral”, or neutral with regard to class interests; the one of the “presence” of the state or of its just-mentioned capacity of initiative (“stateness”); and the one of the extent to which the

political arena has been properly institutionalized and thus protected from the changing results of the day to day vicissitudes of the sociopolitical process (the “autonomy of the political arena”, as Huntington’s old phrase has it, in contrast to the “praetorian” condition where institutions are weak and social conflicts express themselves through the use of whatever means, including violent ones, directly in the political arena).²⁰ Secondly, and more important to us: the crucial – both theoretical and practical – problem from the political point of view, the one of establishing and consolidating democracy (which is clearly related to the latter Huntingtonian perspective) reveals itself as something that turns around a certain *articulation* of precisely those three substantive meanings of the “autonomy of the political”, in the framework provided by the methodological postulate. For just as we can have a state which actively *intervenes* because it is *not* neutral, or because some of the actors involved in social conflict have been able to control it once and for all (consider the idea of “dictatorship of the proletariat”, or the experience of the authoritarian Brazilian regime of 1964, where we had the combination of strong interventionism with an obvious bias as to the social links and loyalties of those in charge of the state), so we can also have stable and consolidated (institutionalized) rules of the game, even formally democratic, which nonetheless turn out to consecrate open or veiled relationships of domination (consider the idea of “structural dependence” of the state on the interests of capitalists as something inherent to capitalism, or the diagnosis of the “technostructure” made by John Kenneth Galbraith many years ago with regard to the United States).

The upshot is that, insofar as the state is concerned, the problem of democracy, in an ambitious sense of the word, is precisely the one of creating the conditions (which are by force largely social, though inevitably including the challenge of “artificial” institution-building) for the state to *be* neutral: how to establish a “social compromise” that may allow the state itself an important degree of *autonomy* in the face of strategic relationships and likely asymmetries in the dynamics of private interests, so that it becomes possible for the state to *intervene* not only to guarantee the “liberal rights”, but also to try and *compensate* for inequalities in the social distribution of power and to ensure the “positive liberties” in which everyone may come to have better conditions of self-realization.

Now, this conception of an autonomous state is clearly in conflict, in a way, with the ideal of “popular sovereignty”. The latter supposes a homogeneous public to which the state should be subjected, whereas the above suggestions refer to unequal societies and to the risk that subjecting the state to society may result in its subjection to the powerful citizens and in making it into the famous “committee” for the promotion of their interests. But there is another point to be stressed in connection to our main concerns here. It has to do with the fact that, in spite of all the previous emphasis on the need properly to represent interests in the state,

there is no way to avoid recognizing that the state we want must be, to a large extent, a *paternalistic* state – that is, a state that is not restricted to reacting to the differential ability to exercise pressure on the part of the various private foci of interests or identities. The recognition of this requisite is reinforced by the impossibility of representing *all* interests, which in many cases never reach the stage of becoming vocal and affirmative. Let us put aside the question of the degree to which a properly “virtuous” disposition would have to be enshrined in such a paternalistic state, or else if we could count upon efforts at realistic institution-building of the kind seen as characterizing the ideas of the “Founding Fathers” of the United States, in which the public interest is somehow safeguarded through the institutional play of egoisms or “factions”: the main thrust of our argument certainly recommends the latter, but there seems to be no escape from some degree of appropriate cultural or sociopsychological conditions in operation in the society at large. But one further point can be made, as a relevant ramification of the previous observations. To wit, the old problem of the tense relationships between capitalism and democracy, usually taken in terms of *political* democracy, actually occurs in a crucial way in connection with the question of *social* democracy: not only the possibility of “revolution” – or of the rupture, however it may take place, of prevailing socio-economic power relationships – is perhaps the decisive factor in conditioning democratic instability, but also the operation of an effective democracy cannot avoid somehow facing up to the aim of social democracy.

V

Before closing these notes, let me go back to the idea of the operation of market mechanisms and explore some ramifications of it. Despite both the negative and positive mythologies that surround the notion of market in age-old political confrontations, I think it can provide the focal point for a sort of “realistic utopia” capable of reconciling the tension between the two dimensions of, say, “solidarity” and “interests” stressed above in various ways. If we consider again the idea of autonomy as a crucial democratic value, there is no doubt that, whenever we are concerned with actually joint or collective decisions, this value leads to debate and deliberation and, if possible, to unanimous agreement.

But there is another aspect, besides the one of costs and practical difficulties, to the objections that can be raised to viewing deliberation, whatever its doctrinaire importance in the last analysis, as a proper foundation for a viable conception of politics and democracy. Many years ago, the economist Abba Lerner wrote that “an economic transaction is a solved political problem”.²¹ Now, resorting to collective deliberation cannot avoid the assumption that fundamental difficulties at the level of conflicts of interests have been solved, or that some form of “constitutional”

accommodation in the coexistence of relevant interests has been achieved (it would be possible to say, certainly with better reasons than in the case of economic transactions, that “a parliament is a solved political problem”). Note that Habermas himself, dealing in *Between Facts and Norms* with the cultural pluralism of the informal public sphere (in which the sphere of formal deliberation of a parliamentary kind nourishes itself), emphasizes the fact that it depends on “the support of a societal basis in which equal rights of citizenship have become socially effective”, which points not only to “political” (or “formal”) democracy, but also to “social” democracy: “Only in an egalitarian public of citizens that has emerged from the confines of class and thrown off the millennia-old shackles of social stratification and exploitation can the potential of an unleashed cultural pluralism fully develop”.²²

In any case, it seems inevitable to admit that, in the conditions proper to large and complex societies, the form *par excellence* to ensure autonomy at manageable “internal” or organizational costs involves *reducing the space in which collective deliberation is necessary* and trying to create the conditions for people to act on their own with minimal “external” costs as well. The indispensable efforts at institution-building and “proceduralization” will then be guided, at the most encompassing level, by the idea that decisions will be made, to the largest possible extent, by the dispersed actors themselves (which does not preclude resorting to procedures more akin to the deliberative model wherever feasible), and the balance with regard to the concern with both “internal” and “external” costs will be sought by reference to principles akin to the principle of “subsidiariness” that tends to be invoked in discussions on federalism, which supposes that decisions are to be transferred to a “higher” level (from the level of individuals to that of increasingly large and encompassing collectivities) only as the nature of problems requires it.

This perspective, that some might wish to see as just “liberal” in the European sense of the word, could invoke in its support even the anarchist model of the communist society depicted by Marx in *The German Ideology*, where individualism and individual autonomy are taken to the point of capricious behavior – despite the obvious lack of sensitivity Marx displays, in this regard, toward the problem of “externalities”, whence his bet on suppressing the state. But taking the notion of market as a crucial reference for the attempt at synthesis suggested here finds perhaps its clearest classic support in Max Weber’s work. As Weber’s analyses of the market have shown, it can be described as the locus of “sociability among strangers”, in which we have the synthesis between “society” and “societal action” (distinguished by the “rational” search for interests, the “rough” side of the market that I linked above to its expansion with globalization), on the one hand, and “community” or “communal action” (distinguished by the feeling of being part of a whole), on the other.²³ The communal aspect of the market involves the operation of a principle of solidarity, however “thin”, and the adherence to norms that regulate and mitigate the general-

ized pursuit of interests, thus ensuring that interest-based exchanges and interactions may recur and endure without degenerating into a Hobbesian situation of generalized fraud and, eventually, belligerence.

Moreover, by claiming the notion of market as distinguished by such traits, with the reference to the autonomy of agents (and thus to their equality, which excludes power relationships and so oligopolies and monopolies from the market in a strict sense), I can ascribe to it a scope and a relevance that go far beyond the sphere conventionally thought of as “economic”, making it appropriate to speak of a sort of “political market” as a regulating idea capable of encompassing important aspects of the democratic ideal. This suggestion can best be appreciated through a reevaluation of the notion of interest itself. Current usage tends to link “interests” above all to the economic sphere defined in a rather narrow way, in connection with values or objectives of a “material” nature. But if we approach the notion of interest as generically equivalent to the idea of “self-affirmation” (or “self-distinction”, to give Pizzorno his due), we can then see that it is logically intertwined with the ideas of power and of strategic interaction – and there clearly is no reason to restrict the category of the market, seen as the locus of the play of interests, to the economic arena. Actually, the reference to “interests”, “strategy” and “power”, as well as to the affinities among them, turns out to provide a fundamental criterion for an *analytic* definition of politics as such, by contrast to the blunt reference to the state as a sort of concrete “piece” or part of society that we often find, either explicitly or implicitly. According to this analytic definition, politics would consist of strategic interactions and the search for self-affirmation or for power in any concrete institutional or social context, independently of the specific content of goals that may be the object of conflict or cooperation in one sphere of interaction or another – that is, material or “economic” goals or goals relating to religion, class, race, ethnic groups, gender, generation, and what not. In other words, politics, understood as the interplay among interests and its eventual accommodation, has no content of its own and is socially ubiquitous: it penetrates social relationships of all kinds and pertains to the “social basis” of conflicts and to the potential or actual foci of solidarity and group identification that become engaged in such conflicts – just as it pertains also to the organizational expression of conflicts and solidarities at the level conventionally referred to as “political” or “politico-institutional”, where the factor of convergence represented by an appropriately complex and effective state affirms itself, lest the play of interests should lead to Hobbes.²⁴ Again, as previously said, the deliberative utopia can be seen as a guiding idea, and so a relevant component of the definition of politics, involving a bet on the just-mentioned organizational (and parliamentary) expression of conflicts; but it is precisely the unquestionable centrality of strategy, interests and conflicts in politics that justifies, as we just saw, looking at deliberation as a “solved political problem”.

Of course, by thus amplifying the reach of the notion of market we end up with the old idea of the pluralist and individualist society. In this society, the prevailing conception of civic virtue is a rather mild one, understood as “tolerance” – precisely the sociability or solidarity “among strangers”, or the “out-group morality” dealt with by Wolfgang Schluchter,²⁵ which is in clear contrast to psychological fusion and effusiveness and to the risk of fanaticism and belligerent leanings that go with them. Provided with this form of civic morality, autonomous individuals are able not only to choose their associates and loyalties in different specific spheres, but also, as we noted above with regard to autonomy as self-control, their personal identity itself. So, the ability of individuals do “decenter” and detach themselves from society, besides its obvious connections to a “nobler” sort of autonomy (or to *real* autonomy) and to the possibility of neutralizing the political relevance of questions of identity and related ones, becomes the condition for a reflective sort of solidarity which stops short of the negative overtones of the sheer immersion in society and identification with it. To be sure, there is a clearly paradoxical aspect to this, from which there seems to be no escape: if we are to have the actual institutionalization or enshrinement of a democratic and pluralistic *culture* in this sense, so as to avoid the problematic condition in which individuals would be supposed judiciously to ponder their actions at every moment, it will be necessary, on the one hand, that an ethic broadly shared by the collectivity as such comes to operate routinely; but, on the other hand, this ethic – as such inevitably “conventional” – will have to be of such a nature that it stimulates individual autonomy and “post-conventional” forms of morality.

In a way akin to the idea of a market in operation, all this amounts to eliminating or minimizing the role of *ascription* and of the inequalities associated with it, even though the relevant choices are inevitably exerted over a “raw material” which is itself always *social*, or socially given or imposed: there is, of course, no point in looking “back” to a pre-social “state of nature” where one would supposedly be authentically oneself. Besides the links one might point here to a long tradition of thought in general sociological theory, there is certainly no need, with regard to the more directly political implications involved, to mention the long “pluralist” line of thought ranging, for instance, from Tocqueville through William Kornhauser to Robert Dahl. But perhaps there should be a mention to a book of a few years ago by Ernest Gellner, *Condições da Liberdade*.²⁶

The reason for this mention concerns one of the negative models of society to which the positive model of the pluralist society (called the “civil” society by Gellner) is opposed. These negative models usually include two “modern” categories: the “mass” society, where atomized and socially uprooted individuals relate without social or group intermediations of any sort with the state, and the “totalitarian” society, where an invading state seeks to control all aspects of individual life and socio-political interactions.²⁷ But they include also the “traditional” or “communal” society.

Being present both in Kornhauser and in Gellner, this model of society is elaborated at length by Gellner, who stresses in a particularly vigorous way its negative traits. Communal society is depicted by him as “strongly making the individual a mere part of a social unit” and as imposing upon him or her a “suffocating” identity, which is in conflict with the “modern conception of liberty” that “includes the requirement that identities be chosen and not ascribed”. Many of such negative and “suffocating” traits are seen by Gellner to be also present, still today, in the Islamic *Umma*, the “community based on the faith shared by all and in the implementation of its law”, as well as in the peculiar “secular Umma of Marxism”.²⁸ But it is especially interesting, from the point of view of our concerns here, the fact that Gellner, resorting to Fustel de Coulanges, does not hesitate to include under the negative characterization of the communal society the “ancient city” itself of Greece and Rome which provides the idealized reference for the celebration of civic-republican virtues – and, of course, for much of the deliberation literature. After all, as we have been recently reminded also by Ellen Meiksins Wood,²⁹ there were no civil rights in Athens. And Gellner’s “civil society” as a positive model has to be contrasted also, which is done by him in an emphatic manner, to the civic society so dreamed of by many. Actually, Gellner is explicitly critical even of the idealized (or civic) view of “civil society” to be found in much of the recent literature on this concept, where – at odds with its classic use by Hegel, for instance, to whom civil society is the space of interests and particularisms, by contrast to the universalism of the state – it is associated with a public-oriented or “altruistic” motivation. It is quite obvious (and up to a point unquestionably “good”) that, besides interest-groups proper, we can also have public-oriented groups or associations of various kinds as participants in the pluralist society. But the fact that divergent (and militant) conceptions of the public good may often get willingly involved in strictly strategic and even belligerent interactions, in contrast to the tolerance that the pragmatism of interests tends to induce, speaks in favor of Gellner’s perspective. And this perspective should be kept in mind especially in face of the claim, by some of the recent champions of civil society, to the effect that, due to its “virtuous” character, the latter might be expected largely to replace and dispense with the state by becoming a sort of diffuse source of convergence and cohesion.

I’ll leave Gellner at that. But I would like to close this section on market and pluralist or civil society with a little journalistic story, which seems to me to bring interesting suggestions in connection with the play between market mechanisms, on the one hand, and the conventional political and electoral arena, including the problem of regulation by the state, on the other. A few years ago, apropos of the manifestations that took place in Prague on the occasion of one of the IMF and World Bank meetings, the journal *The Economist* discussed the role of non-governmental organizations (NGOs) that have been frequently involved in such events.³⁰ Besides talking about the rapid globalization of NGOs and the efficacy of their action, as

well as the possible confusions occurring in their positions on such issues as the relationships between poverty and capitalist development, *The Economist* goes on to raise the problem of the democratic legitimacy of their behavior. Who elected the NGOs? Why can they feel authorized to call into question the decisions or acts of “law-abiding corporations”, or to claim for the change of policies by democratically elected governments?

There is, no doubt, one point regarding which these interrogations are certainly well taken. It has to do with the extent to which, in the actions of protest by NGOs, legal norms are observed or, in the contrary, they are willing to resort to violence. It seems that this willingness does exist in the definition of some of the aims to be sought by the groups that oppose globalization.

If this crucial reservation is kept in mind, however, to ask for the democratic credentials of NGOs in electoral terms is clearly improper. It is unquestionably fitting to the dynamics of democracy that interest groups or categories, or groups that share opinions on problems of public interest, may seek autonomously to organize themselves so as to be able effectively to articulate and promote their interests and opinions. But there is more to this. There is an obvious question which is *not* raised by *The Economist*, though it should emerge rather naturally in a context where we are dealing with the vigorous transnational affirmation of market mechanisms, seen with propitious eyes by the journal: should we ask for the electoral-democratic credentials of “lawabiding” corporations, whose decisions frequently affect in so dramatic a way the lives of so many people? One might recall here Robert Dahl’s perspective in a work of many years ago, where the author, calling large corporations “pseudoprivate” precisely due to the public impact of their decisions, stresses the need for democratizing such decisions through some form of representation of affected interests.³¹

If requiring electoral-democratic credentials in the case of agents of the market conventionally seen in economic terms seems absurd, despite agreement on the obvious need for state regulation, the point is to emphasize that perfectly analogous market-mechanisms do have an important place in the socio-political arena as well, though state regulation is obviously needed also here. The general problem, once more, is how to reconcile in an adequate way the public interest with the autonomy of agents in the search for their goals of whatever nature. And if safeguarding the public interest supposes regulation – of which electoral procedures can be seen as an instrument – capable of ensuring democratic values, the autonomy that expresses itself directly in the market (or in “civil society”) is also a crucial democratic value. Up to what point should we regulate democratically and politically the economic sphere, and how far should we allow the autonomy of the market to penetrate the conventionally “political” sphere (no doubt including the sphere of the “civil society” in the sense of the recent literature on this concept)?

VI

In the world of globalization and of the transnational affirmation of economic and financial markets, there seems to be no doubt on the desirability not only of reinforcing, if possible, the regulatory powers of states at the national level (though we now have states and states, with very different capabilities with regard to exerting influence on national and international spaces), but also of effectively establishing the functional equivalent of the state, and so a factor of convergence and control, at the transnational or international level itself where those markets tend increasingly to operate. It is also clear that, however difficult and unlikely the fulfillment of this task may be (among other things for the asymmetries themselves between the national states and the lack of a substratum of real *community* at the planetary scale), instituting the functional equivalent of the national state at the international level would involve creating forums of debate and deliberation that might be far more effective than the ones presently available.

Perhaps less clear, however, is the need to create and expand the market itself. For, the transnational overflow of economic and financial activities notwithstanding, there is a clear sense in which markets have actually been shrinking. I refer to the Hobbesian feature of globalization, in which the harsh new competition of a globalized world is accompanied by new forms of inequality and exclusion, with the crisis of Keynesianism and social-democracy, unemployment, the diffusion of informal and precarious kinds of work relationships, increasing urban violence and, especially in the United States, “hypercriminalization” and the explosion of incarceration rates and of the correctional population.³² Of course, in a country like Brazil, the impact of exposure to these new processes will tend to have a cumulative character, in which they combine with the huge inequality and caste-like forms of social stratification inherited from our centuries-long experience with slavery. Needless to say, for most of those submitted to the material and intellectual deprivations associated with such conditions, the prospects of autonomous participation in significant processes of collective deliberation are paltry indeed. And we should probably keep in mind the need for long-run developments in which, among other things, indispensable paternalism on the part of the state might help create the conditions for more widespread and appropriate access to the material and intellectual resources needed for the significant emergence of identities eventually capable of autonomy and political expression, instead of the increase in criminal behavior we now have as the most evident manifestation of our lasting deficiencies. In this perspective, “creating market” can be read as creating the conditions for competition to stop being, for many, a fraudulent game, or national competitiveness a synonym to social exclusion.

NOTES

* In preparing this paper, I had to work in a rather hasty way. So, as someone has said (I don't recall who), I didn't have time to be brief, or perhaps to be as organized, tight and cogent as might be desirable. But I hope my main purpose – to confront and complement a philosophical or doctrinaire way of looking at deliberative democracy with a “sociological” and “realistic” analytic perspective – is served well enough, and that the paper in its present form may be of some help in our discussions.

1 The critique of the separation between instrumentality and communication has important ramifications with regard to the idea of rationality itself and the attempt to distinguish a so-called “merely” instrumental conception of rationality and a supposedly alternative one, presumably of a “substantive” kind, which has a point of departure in Max Weber's inconsistent distinction between means-ends rationality and value rationality – a part of the conceptual hodgepodge in which Weber seeks to establish types of rationality by reference to ethics and types of ethics by reference to rationality. The work of Jean Piaget seems to me to provide a solid basis for superseding the separation of instrumentality and communication and replacing it with an “operational” perspective in which the objective or instrumental and the social or communicational aspects of rationality are duly integrated. A discussion in which Habermas' views are examined in the light of Piaget's work can be found in Fábio W. Reis, *Política e Racionalidade*, Belo Horizonte, Editora UFMG, 2000 (parts of which are synthesized in Fábio W. Reis, “Change, Rationality and Politics”, Working Paper # 10, Kellogg Institute for International Affairs, University of Notre Dame, January 1984).

2 See Jürgen Habermas, *Théorie et Pratique*, Paris, Payot, 1975, vol. II, pp. 104-105; and Alessandro Pizzorno, “Introduzione allo Studio della Partecipazione Politica”, *Quaderni di Sociologia*, vol. 15, no. 3-4, July - December 1966.

3 See, for instance, Karl Deutsch, *The Nerves of Government*,...

4 Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, Cambridge, Mass., The MIT Press, 1996.

5 See, for instance, Jürgen Habermas, “Moral Development and Ego Identity”, chapter 2 of J. Habermas, *Communication and the Evolution of Society*, Boston, Beacon Press, 1979.

6 Timur Kuran, *Private Truths, Public Lies: The Social Consequences of Preference Falsification*, Cambridge, Mass., Harvard University Press, 1995.

7 George Armstrong Kelly, “Who Needs a Theory of Citizenship?”, *Daedalus*, fall of 1979, pp. 37-53 (*Proceedings of the American Academy of Arts and Sciences*, vol. 108, no. 4).

8 Thus, in Kelly's article cited above, the idealized, concerned and “republican” citizen is opposed, in reference to the welfare state, to the posture of the “client”, which suggests a sort of “negative citizenship”, as if the very success of the welfare state resulted in introducing an element of “market” in the noble status of the citizen, thus somehow degrading the latter. A similar position also emerges in texts by Habermas, where the contrast between citizen and client is placed in correspondence with the contrast between communicatively structured spheres of life, on the one hand, and the “systemic” spheres of state and economy, on the other (see, for instance, Jürgen Habermas, “A Nova Intransparência: A Crise do Estado de Bem-Estar Social e o Esgotamento das Energias Utópicas”, *Novos Estudos Cebrap*, no. 18, September 1987). Differently from this tendency to favor the republican content of citizenship, the literature dealing with Brazil turns out to be, to a large extent, just confused and inconsistent, in some cases denouncing, with remarkable insensitivity with regard to the difficulties involved, both the liberal citizenship of individualistic and egoistic practices and the “passive” form of citizenship dependent on paternalistic assistance by the state (see, for instance, Maria Victória Benevides, *A Cidadania Ativa*, São Paulo, Atica, 1991).

9 See, for instance, Habermas, *Théorie et Pratique*, vol. I, p. 105, fn. 5, and p. 34.

10 Robert Dahl, *After the Revolution: Authority in a Good Society*, New Haven, Yale University Press, 1970.

11 Adam Przeworski, “Democracy as an Equilibrium”, ms., New York University, 1995.

12 See, for instance, Joseph Stiglitz, *Whither Socialism?*, Cambridge, Mass., The MIT Press, 1994, and Samuel

Bowles and Herbert Gintis, "The Revenge of Homo Economicus: Contested Exchange and the Revival of Political Economy", *Journal of Economic Perspectives*, vol. 7, no. 1, 1993.

13 See Bernard Manin, Adam Przeworski and Susan C. Stokes, "Introduction", in *Democracy, Accountability, and Representation*, ed. A. Przeworski, S. C. Stokes and B. Manin, New York, Cambridge University Press, 1999.

14 Ronald Dworkin, *Taking Rights Seriously*, Cambridge, Mass., Harvard University Press, 1977; Francis Sejersted, "From Liberal Constitutionalism to Corporate Pluralism: The Conflict over the Enabling Acts in Norway after the Second World War and the Subsequent Constitutional Development", in *Constitutionalism and Democracy* (ed. John Elster and Rune Slagstad), New York, Cambridge University Press, 1993.

15 Sejersted, "From Liberal Constitutionalism to Corporate Pluralism", p. 299.

16 Robert Dahl, *Dilemmas of Pluralist Democracy: Autonomy vs. Control*, New Haven, Yale University Press, 1982.

17 The literature stressing the links between democracy and the idea of a social compromise includes, for instance, Adam Przeworski, *Capitalism and Social Democracy*, New York, Cambridge University Press, 1985, and J.-A. Bergougnot & Bernard Manin, *La Social-Démocratie ou le Compromis*, Paris, PUF, 1979. Both Przeworski, in the book just cited, and Dahl, in *Dilemmas of Pluralist Democracy* (see p. 80, for instance), are examples of authors who expressed concern with the risks for political democracy itself if social-democracy and "corporate pluralism" are threatened.

18 See, for example, Arend Lijphart, *Patterns of Democracy*, ...

19 See, for instance, Giovanni Sartori, *Parties and Party Systems: A Framework for Analysis*, vol. I, New York, Cambridge University Press, 1976.

20 Samuel P. Huntington, *Political Order in Changing Societies*, New Haven, Yale University Press, 1968.

21 Abba Lerner, "The Economics and Politics of Consumer Sovereignty", *American Economic Review*, May 1972, vol. 62, no. 2 (cited according to Bowles and Gintis, "The Revenge of Homo Economicus")

22 *Between Facts and Norms*, p. 308. In this regard, it may be helpful briefly to recall some results of efforts by Bowles and Gintis to map out recent revisions in the field of economics, in which the neo-classical Walrasian perspective is increasingly confronted by a variety of "post-Walrasian" approaches that "re-politicize" the field. Bowles and Gintis set up a double-entry space on the basis of the guiding assumptions of each approach with regard to both the nature of "enforcement of claims" (whether it is "exogenous" and exercised by the state with its laws and regulations or "endogenous" and so contested and conflict-prone) and the nature of agents themselves or of their preferences and norms (whether we have methodologically individualist assumptions of "given" preferences or else the assumption that preferences can be changed, be it through open conflict or, of course, debate or collective deliberation). Though the authors do not state the problems in terms akin to the "deliberative" literature, it turns out that the cell corresponding to deliberation is, of course, the one in which we have (inevitably) *endogenous* assumptions as to the nature of agents, whose preference-formation and preference-change are seen as open and so as a necessary object of study, and *exogenous* (or state provided) enforcement of claims. Exchanges corresponding to this cell are described as "contractual", by contrast to "contested" forms of exchange to be found where both enforcement and the nature of agents are seen as endogenous. Besides Bowles and Gintis, "The Revenge of Homo Economicus", see also Samuel Bowles and Herbert Gintis, "Post-Walrasian Political Economy", in *Markets and Democracy: Participation, Accountability and Efficiency*, ed. S. Bowles, H. Gintis and B. Gustafsson, New York, Cambridge University Press, 1993.

23 See, for instance, Max Weber, *Economía y Sociedad*, México, Fondo de Cultura Económica, 1964, pp. 33-35 and 496. Again, let us note how this conception of the market is akin to some views of Habermas' on some crucial traits of the public sphere in the same passage of *Between Facts and Norms* cited above (p. 308). After stressing the communicative elements needed to master conflicts and their social requisites, Habermas points, without reference to Weber, to a sort of end-state of "solidarity among strangers – strangers who renounce violence and, in the cooperative regulation of their common life, also concede one another the right to remain strangers".

24 I use here formulations taken from Fábio W. Reis, "The State, the Market, and Democratic Citizenship", in *Constructing Democracy: Human Rights, Citizenship, and Society in Latin America*, ed. Elizabeth Jelin and Eric Hershberg,

Boulder, Colorado, Westview Press, 1996. Though I am not entirely happy with the English revision, which produced some relevant “substantive” distortions, this text elaborates somewhat further some of the ideas touched upon here. See also Fábio W. Reis, *Mercado e Utopia: Teoria Política e Sociedade Brasileira*, São Paulo, Edusp, 2000.

25 Wolfgang Schluchter, *The Rise of Western Rationalism: Max Weber’s Development History*, Los Angeles, University of California Press, 1981.

26 Ernest Gellner, *Condições da Liberdade: A Sociedade Civil e seus Críticos*, Rio de Janeiro, Jorge Zahar Editores, 1996 (original English edition, ..., 1995?).

27 See especially William Kornhauser, *The Politics of Mass Society*, New York, The Free Press, 1959.

28 Gellner, *Condições da Liberdade*, pp. 13-16, 30, 88-92.

29 Ellen Meiksins Wood, *Democracia contra Capitalismo: A Renovação do Materialismo Histórico*, São Paulo, Boitempo Editorial, 2003 (original English edition, ..., 1995).

30 *The Economist*,, October 2000.

31 Dahl, *After the Revolution*, p...

32 See, for instance, Jonathan Simon, “Governing through Crime”, ms., January 1997.

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