

Contents

<i>Preface</i>	ix
Introduction	1
Part I The Rise of the Judgment Model in Contemporary Political Philosophy	13
1 A Reasonable View of the Reasonable	13
Rawls's Conception of Justice as Fairness in its Development	13
The Overlapping Consensus and the Tension between Two Models of Normative Validity	29
2 Democracy, Justice and Discourse	37
Morality and Discourse	38
Habermas's Discourse Theory of Law	46
Politics, Discourse and Deliberative Democracy	55
Concluding Remarks	66
3 An (Almost) Aesthetic Model of Normative Validity	69
Principles and Rules	69
Interpretation and Integrity: Making the Most of the Constitution	74
Integrity as Making the Most of One's Life	79
4 From Fictive Dialogue to Situated Judgment	87
The Model of Constrained Dialogue	87
Towards a Model of Normative Validity as Situated Judgment	99
The Space of Judgment	110
5 The Judgment View of Higher Lawmaking	133
Michelman's Conception of Deliberative Democracy	133
The Inner Logic of the Judgment View of Higher Lawmaking	141

Part II	Completing the Turn: the Prospect for the Judgment Model	151
6	Traces of Modern Universalism in Contemporary Liberalism	151
	The Cumulativity of the Political	151
	The Ambiguity of Habermas's Notion of Generalizability	156
	The Tension within Dworkin's View of Normative Validity	164
	Beyond Constitutional Majoritarianism	170
	Michelman's Problem of Infinite Regress: a Residue of Externalism?	174
7	The Judgment View of Justice	178
	Rethinking the Problem of Justice: Two Formulations	178
	The Context of Justice: the Received Liberal Conception	180
	An Alternative View of the Context of Justice	182
	The Problem of the Source of Cogency	188
	The Ordering Function	191
	Moral and Political, Elementary and Fully Fledged Conceptions of Justice	194
	The Aesthetic Analogy Taken Seriously	197
8	Impartiality without Principles and the Ideal of Equal Respect	202
	Justice and Equal Respect	202
	The Right and the Good Revisited	213
	Radically Reflexive Self-Grounding	221
	Notes	231
	References	239
	Index	249