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Deliberative Character*

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ACCORDING to deliberative theories of democracy, citizens should govern themselves on the basis of public deliberation—a process of political decision-making characterized by the exchange and evaluation of reasons for political outcomes.¹ If citizens are to govern themselves in this way, a sufficient number of them must be disposed to offer one another reasons in public, and to evaluate and respond properly to the reasons they are offered. Let us call the set of dispositions citizens must have if they are to govern themselves by public deliberation a *deliberatively democratic character*.

Here I shall focus on what one prominent strain of deliberative democracy implies about the contents of a deliberatively democratic character. That strain is one which I shall refer to as *strong deliberativism*. Strong deliberativists impose especially demanding norms on the reasons citizens must be disposed to offer one another in public deliberation. The demanding nature of those norms is reflected in the traits strong deliberativists think comprise a deliberatively democratic character. One of my primary aims, pursued in section II, is to clarify strong deliberativism by clarifying those norms.

Careful examination of strong deliberativism is very illuminating. As we shall see, it brings to light places at which theorists of deliberative democracy may diverge. It sheds light on the motivation for a prominent view about what is called “public reasoning.” It also suggests how a common objection to that view—namely, the objection that it is too “monological”—can be answered. The examination of strong deliberativism is also illuminating because the elements of a deliberatively democratic character are often given by gross qualitative descriptions. To specify the contents of a deliberatively democratic character, it

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¹By now there are many versions of deliberative democracy on offer. According to populist versions of deliberative democracy, ordinary citizens are to take an active part in public deliberation and decision-making. Populist versions of deliberative democracy are, I believe, the most interesting versions of the theory. It is with populist versions that I am concerned here.

is necessary to get past such descriptions and see just what good citizens of a deliberative democracy are disposed to do. But examining strong deliberativism is also illuminating because it brings to light difficulties with the view. The difficulties with strong deliberativism are the subject of section III.²

I have already suggested that what traits we think comprise a deliberatively democratic character depends upon what reasons we think citizens must be ready to offer and upon how we think citizens must be prepared to respond to reasons offered to them. What reasons we think citizens must be ready to offer and how we think they should be prepared to respond depend, in turn, on what we think the exchange and evaluation of reasons is supposed to accomplish. Let me begin, therefore, with why deliberative democrats, including strong deliberativists, value public deliberation.

I.

I start with a condition that states one of the reasons well-conducted public deliberation is important. I then state two other conditions public deliberation must satisfy if it is to be well-conducted.

- *The Legitimacy Condition.* The fact that a political outcome results from well-conducted public deliberation contributes to its legitimacy.

By this I mean that being the result of well-conducted public deliberation can enhance the legitimacy of political outcomes that surpass the threshold of legitimacy on other grounds, and that it can push outcomes closer to or over that threshold when other legitimating conditions are not satisfied to a sufficient degree. So understood, the condition is relatively weak. It is, for example, weaker than the claim that “being the result of well-conducted public deliberation” is a sufficient condition of legitimacy, is a necessary condition or is both necessary and sufficient.

Why does well-conducted public deliberation contribute to the legitimacy of political outcomes? Here deliberative democrats give different answers. Some stress the epistemic value of well-conducted deliberation.³ Others stress what they claim are its psychological affects.⁴ Despite these differences, a wide range of deliberative democrats accept the Legitimacy Condition; some accept further conditions that strengthen it. The Condition is plausible because it seems plausible that, *ceteris paribus*, the legitimacy of political outcomes is enhanced when they are arrived at collectively. Political outcomes are arrived at collectively

²The content of a deliberatively democratic character has implications for democratic education. I do not discuss those implications here; see the companion piece to this essay in the forthcoming volume on *Deliberative Democracy: Theory and Practice*, edited by Kahane, Leydet, Weinstock, and Williams.

³David Estlund “Who’s afraid of deliberative democracy?” *Texas Law Review*, 71 (1993), 1437–77.

⁴Archon Fung, “Can social movements save democracy?” *Boston Review* 28 (#1) (2003), 34ff.

when the people arrive at them by reasoning well together about what to do. And the people reason well together about what to do when they engage in well-conducted public deliberation.

But not all deliberation is well-conducted, nor does all deliberation count as reasoning together, and so not all deliberation can contribute to the legitimacy of political outcomes that are based upon it. To contribute to legitimacy, public deliberation must satisfy certain conditions. The problem of saying what well-conducted public deliberation is is the problem of saying what those conditions are. Here I shall simply mention two conditions on public deliberation that I believe many deliberative democrats accept.

- *The Free and Equal Condition.* Citizens should take part in public deliberation as free and equal.

Much work must be done to specify the conditions of freedom and equality. Deliberative democrats may well differ on the details. Still, I assume that there are some conditions of freedom and equality that any plausible account of public deliberation will include. Among these conditions will be the claims that citizens shall be able to contribute to deliberation regardless of their race, class or religion, and that no one's consent shall be coerced at any step in the deliberative process.

- *The Common Interest Condition.* Public deliberation should be oriented toward the Common Interest.

To say that public deliberation should be oriented toward the *Common Interest* is to imply that, when citizens deliberate, they should take the interests of all citizens properly into account. They are not simply to regard public deliberations as a way of advancing their own class, regional or sectional interests. To say that public deliberation should be *oriented* to the Common Interest is not to say that citizens ought never vote or defend their private interests. But the demands of the Common Interest should regulate their pursuit of their private interests, governing when and how citizens may argue and vote for them.

Many deliberative democrats think that public deliberation is well-conducted and contributes to the legitimacy of outcomes based upon it only if the *Free and Equal* and *Common Interest Conditions* are satisfied. In the next section, I turn to the position I call "strong deliberativism." I shall spell out the implications strong deliberativists think these conditions have for the contents of a deliberatively democratic character.

II.

As I said at the outset, strong deliberativists are theorists of deliberative democracy who impose especially strong conditions on the reasons citizens must be disposed to offer one another. To avoid getting bogged down in exegetical

questions, I shall sketch strong deliberativism largely in abstraction from texts which can be adduced in its support. But though strong deliberativism is put forward as an abstraction, it is meant to be a recognizable abstraction. Many defenders of deliberative democracy are, I believe, strong deliberativists. I believe this will become evident as I draw out the norms with which they think good citizens are to comply.

Consider three norms to be followed by citizens who take part in public deliberation:⁵

- (1) Citizens should support the political outcomes they do for reasons they are willing to offer those who are deliberating with them.
- (2) Citizens should reject or modify their own view about what is to be done when they are confronted with better reasons for an alternative political outcome than they have for the one they favor.
- (3) Citizens should disagree respectfully with those whose reasons for alternative outcomes they do not find persuasive.

These three norms may initially strike us as correct. Public deliberation is the exchange and evaluation of reasons for political outcomes. It seems plausible that if someone supports an outcome in public deliberation, she should be willing to say why she does so. That, it might seem, is what she must do if she is to keep up her part of the exchange. Moreover, citizens who take part in public deliberation should be appropriately responsive to reasons offered by others. Since public deliberation entails the evaluation of the reasons which are exchanged, appropriate responsiveness seems to require that those who find reasons for other outcomes than those they initially favored persuasive should change their views. Finally, it seems plausible that citizens should respect those with whom they are engaged in the enterprise of deliberation even if they are not persuaded by them. And so the settled habits of complying with (1)–(3) may seem to be elements of a deliberatively democratic character. Norms (1), (2), and (3) are, however, too weak. Strong deliberativism results from a series of attempts to strengthen them.

A. NORM (1)

Let us begin with:

Norm (1): Citizens should support the political outcomes they do for reasons they are willing to offer those who are deliberating with them.

Norm (1) says nothing about what evidential relation obtains, or what evidential relation citizens think or should think obtains, between the reasons

⁵I leave aside very important questions about the issues with which public deliberation deals, fora in which public deliberation occurs, how those fora are to be defined and whether the norms that follow hold of deliberation about all issues in all public fora. Clearly deliberative democrats must address these questions.

for which they support political outcomes and the outcomes themselves. We might think that citizens should support the political outcomes they do only if they have sufficient reasons for the outcomes they favor. But to require that citizens have what are *in fact* sufficient reasons for the political outcomes they favor would be to require too much. Citizens engaged in public deliberation often have to decide about areas in which truth and warrant are very difficult to obtain because of the nature of the subject matter. Intuitively, it seems plausible that citizens can participate well in public deliberation even if they do not have reasons which are in fact sufficient to support the outcomes they favor.

We might think that citizens should be required to have reasons *they think* are sufficient, but even this norm may be too strong without a good deal of qualification. People may not give much thought to differences between various grades of evidential relation, and so may not have distinguished reasons which are sufficient from those which are nearly so. Moreover, the most plausible meaning of “sufficiency” may vary from issue to issue. With respect to some issues or some political outcomes, perhaps, responsible citizens should think their reasons for a given outcome overwhelming before they support it. With respect to others, perhaps probable support will do. Still, bearing these difficulties in mind, let us consider:

Norm (1a) Citizens should support the political outcomes they do for reasons they think are sufficient, and which they are willing to offer those who are deliberating with them.

The problem with Norm (1a) is that it does not say anything about the conditions under which citizens should come to believe that their reasons are sufficient. It is consistent with citizens supporting outcomes for, and being willing to offer others, reasons which they regard as sufficient because of prejudice, brain-washing, lack of information, self-deception or what we might call “epistemic lassitude”—laziness which prevents them from examining the quality of their reasons. Supporting outcomes for such reasons, and offering others such reasons, seems inconsistent with participation in public deliberation that is well-conducted.

The inconsistency seems even more obvious when we recall the conditions that well-conducted deliberation is supposed to satisfy. In well-conducted deliberation, citizens are supposed to regulate the pursuit of their own interests by the demand of the common interest. But if they may offer reasons they regard as sufficient, irrespective of how they assessed the quality of their reasons, then it seems they may offer self-interested reasons for outcomes even when they should not—so long as they think those reasons are sufficient and regardless of how they arrived at that conclusion. They may, it seems, culpably violate the *Common Interest Condition*. Moreover, however we analyze the notion of legitimacy as it applies to political outcomes, it is very difficult to see how deliberation contributes to it when citizens offer one another reasons which

they irresponsibly regard as sufficient ones. So generalized compliance with (1a) seems to be consistent with deliberation that violates the *Legitimacy Condition* as well.

The difficulties with (1a) could be avoided by demanding that citizens reflect critically on the quality of the reasons they have for the outcomes they favor. But actual critical reflection on all the reasons for which we favor all the outcomes we support is obviously too much to require. More plausible is the claim that:

Norm (1b) Citizens should support the political outcomes they do for reasons which they would think are sufficient upon critical reflection, and which they are willing to offer those who are deliberating with them.

The considerations which moved us from (1a) to (1b) promise to explain why some deliberative democrats value citizens' critical reflection on their political opinions so highly.⁶ Of course if (1b) is correct, then a good deal needs to be said about what critical reflection *is*. I shall return to questions about the nature of critical reflection later. There are other difficulties with (1b) that are worth exploring now.

While (1b) requires citizens to be willing to offer others reasons that they themselves would find sufficient, it says nothing about the receiver's point of view. Yet it might be thought that if someone is to reason together with others, and to treat reasoning together as a cooperative enterprise, she must be sensitive to what she has reason to think about how her arguments will be received. I am concerned only with cases in which participants in public deliberation are trying to persuade others to adopt their position, and not cases in which they are trying to defend or justify themselves to others. In the cases that concern me, we might think, participants in public deliberation should be ready to offer one another reasons that they think others would find persuasive. More precisely, we might think that:

Norm (1c) Citizens should support the political outcomes they do for reasons which they would think are sufficient upon critical reflection, which they are willing to offer those who are deliberating with them and which they would think on critical reflection would be regarded as sufficient by those to whom they are willing to offer them.

Norm (1c) could be *amended* to require that citizens engaged in public deliberation support the political outcomes they do for reasons which they think those to whom they are willing to offer them would regard as sufficient *on critical reflection*. It could be *strengthened* to require that they think those to whom they are willing to offer those reasons *should* regard the reasons as sufficient or *should* regard them as sufficient *on critical reflection*. It could also be *weakened* by

⁶Cf. Amy Gutmann's use of the metaphor of "critical distance" in her *Democratic Education* (Princeton, N.J.: Princeton University Press, 1999), p. 77.

substituting “could” for “would” or “should” in these formulations. I believe that many if not all of these variants can be motivated. I shall not try to decide among them. Instead I want to look at a problem with them all. That problem is that none of the variants says enough about how citizens are critically to reflect about what reasons others could, would or should regard as sufficient.

Many deliberative democrats think participants in public deliberation should not appeal to considerations the reason-giving force of which cannot be appreciated by those to whom they are offered. Crudely put, these are considerations which recipients cannot recognize as good reasons or as reasons which count in favor of the outcome they are said to support. Such considerations are sometimes described as “inaccessible” to those who cannot appreciate their reason-giving force.⁷ Commonly cited examples of reasons which are inaccessible to some citizens are pronouncements of some kinds of authority, such as religious authority, and certain kinds of controversial premises, such as some religious premises.

Because such reasons are inaccessible to some citizens, many deliberative democrats think, arguments that rely on them do not provide reasons those citizens could, would or should find sufficient. When citizens rely on them in public deliberation, or rely ineliminably on them, they do not really reason together. This compromises the ability of their deliberations to contribute to the legitimacy of the resulting outcomes. It therefore threatens deliberation’s satisfaction of the *Legitimacy Condition*. A restatement of (1b) that expresses a norm of deliberative democracy should therefore rule out citizens’ reliance, or perhaps their ineliminable reliance, on reasons that are inaccessible to their interlocutors. (1c) does not say enough about critical reflection to do that.

How might someone decide what reasons are accessible to others? She might try to see things from their points of view, find out what reasons are accessible from that point of view, and then offer only reasons which are accessible to her interlocutors. Another way for her to proceed would be to try to see things from a “public” point of view. This point of view is defined in contrast to what we might call “particular” points of view, points of view inhabited by individual citizens or sub-groups of citizens. These particular points of view are the viewpoints of citizens as adherents to one or another conception of the good. Inhabitants of these particular points of view feel the force of reasons which are not accessible to those who do not share the conception of the good that defines it. By contrast, the public point of view is the viewpoint of citizens as such. If someone could attain this point of view, she could ask what reasons are accessible from there and rely only on those reasons.

⁷For one of many possible examples of an accessibility norm, see Amy Gutmann and Dennis Thompson *Democracy and Disagreement* (Cambridge, Mass.: Harvard University Press, 1998), p. 57.

Strong deliberativists seem to think a public point of view is attainable.⁸ They seem to think there are considerations the reason-giving force of which all citizens can recognize. Sometimes they describe these reasons as unqualifiedly accessible (rather than as accessible from one point of view or another). Sometimes, following John Rawls, as they describe these reasons as “public reasons.”⁹ I am skeptical about accounts of public reason for reasons I shall mention later. But suppose for the moment that the distinction between public and non-public reasons can be drawn and that public reasons can be identified. The notion of public reason offers ways to strengthen (1b) so that it does not allow inappropriate reliance on inaccessible reasons. (1b) could, for example, be strengthened so that it required citizens to rely only on what they think are public reasons when they participate in public deliberation. This would result in:

Norm (1d) Citizens should support the political outcomes they do for reasons which they think are public, which they would think are sufficient upon critical reflection, which they are willing to offer those who are deliberating with them and which they would think on critical reflection would¹⁰ be regarded as sufficient by those to whom they are willing to offer them.

Norm (1d) is very attractive. By requiring citizens to ask what reasons are public reasons it imposes considerable discipline on their contributions to public deliberation. It may seem to discipline them sufficiently that public deliberation conducted in accordance with (1d) satisfies the *Legitimacy Condition*. Furthermore, if citizens comply with (1d), their deliberations may seem to satisfy a norm of the *Free and Equal Condition*. For when they offer one another what they take to be public reasons, they are offering one another what they take to be reasons accessible to them from the point of view of free and equal citizens as such.

Some strong deliberativists may think that (1d) imposes enough discipline on participants in public deliberation by requiring them to rely on reasons they think are public. Others may want more. To see why, note that while there are some traditions of social and political thought that lack the idea of public reasoning, there are others that possess it and that have developed modes of reasoning they regard as public. These conceptions of public reasoning may permit appeal to moral precepts drawn from such sources as natural law that, it is said, are

⁸See Stephen Macedo’s reference to a “shared political point of view” in “Liberal civic education and religious fundamentalism: the case of God v. John Rawls?” *Ethics* 105 (1995), p. 488.

⁹See Stephen Macedo, *Diversity and Distrust: Civic Education in a Multicultural Democracy* (Cambridge, Mass.: Harvard University Press, 1999), pp. 180 and 190, for example. The notion of public reason is first laid out in John Rawls “The idea of public reason,” *Political Liberalism* (New York: Columbia University Press, 1996). Rawls himself takes the exchange of public reasons as one of the three essential elements of deliberative democracy. See his “The idea of public reason revisited” in John Rawls *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999), pp. 129–80, p. 138.

¹⁰Here and in subsequent variations, I shall simply ignore the thorny problem of which modal is the correct one.

accessible to human beings as such. Some deliberative democrats may think that a conception of public reasoning which allows citizens to rely on such precepts in public deliberation should be ruled out. They may think that citizens are required to rely, not on reasons which they *think* are public, but on reasons which they think are public and which *really are* public. And so instead of (1d) they may think:

Norm (1d') Citizens should support the political outcomes they do for reasons which they think are public, which are in fact public, which they would think are sufficient upon critical reflection, which they are willing to offer those who are deliberating with them and which they would think on critical reflection would be regarded as sufficient by those to whom they are willing to offer them.

The question of whether citizens should rely on reasons which they think are public or on reasons which really are public is a deep and important question about the elements of a deliberatively democratic character. It may be one on which strong deliberativists are divided. Opting for one position rather than another will have profound effects on the character of public argument. I shall not try to settle the question here. Instead I shall leave this part of what I have termed the "strong deliberative position" open for now and turn to a difficulty that besets (1) and all its variants of (1), including both (1d) and (1d').

Norm (1) and all its variants, including (1d) and (1d'), require that citizens be willing to offer one another the reasons for which they support the political outcomes they do. As the strictures on the reasons that citizens must offer one another have been strengthened, so too have the strictures on the reasons for which citizens can support political outcomes. (1d) and (1d') impose particularly strong strictures on the reasons for which citizens can support positions. The former requires that citizens support positions for reasons they think are public. The latter requires that they support positions for reasons which are public. But why accept the part of (1) that started us down the path to these norms? Why think that citizens must be willing to offer others the reasons for which they themselves support the political outcomes they do?

The norm might seem to follow from the conditions of public deliberation. I said earlier that public deliberation is supposed to contribute to the legitimacy of the political outcomes that result from it. It does so because public deliberation is a process of reasoning together about political outcomes. I have not looked into the idea of reasoning together and contrasted it with other forms of exchange. Suppose that reasoning together requires that participants treat their deliberations as a collective or a cooperative endeavor to which they are committed. Their commitment to treating deliberation as a cooperative enterprise might seem to imply a norm that participants exchange reasons sincerely and in good faith. The norm that citizens offer reasons sincerely and in good faith might seem to require that, when they support political outcomes, they be willing to offer the reasons for which they support the outcome.

That is, it might seem to impose the norm that they satisfy the relevant part of (1).

But does it? Much depends upon what the reasons are *for which* someone supports an outcome. If the reasons for which someone supports an outcome are reasons that move him or motivate him to support the outcome, then the norm is too strong. For I might be moved to support a political outcome by reasons that I am not willing to offer others because I think they would not find those reasons persuasive. Or I might think that offering others the reasons that move me would be counter-productive because I think that if they knew my reasons for supporting the outcome, they would refuse to make common cause with me. Yet I might also be willing to offer others public reasons which I think are sufficient and which I think, on reflection, they would, could or should find sufficient as well.

Consider an example. Joseph is opposed to the legalization of physician-assisted suicide on religious grounds, but is not willing to offer religious arguments against its legalization because he thinks that he would alienate people who would otherwise join him in working against it. Can Joseph offer other reasons than those which move him, consistent with the norms of sincerity and good faith?

Suppose that there are reasons which Joseph takes to be sufficient ones for the political outcome he favors even though those are not the reasons that move him. Suppose, for example, that he thinks the legalization of physician-assisted suicide would be very bad for minorities, women and the poor—so bad, in fact, that Joseph thinks this a sufficient reason to oppose legalization of the practice. I am supposing that this reason is public, yet it is not the reason that moves Joseph to oppose the legalization of physician-assisted suicide. But the reason does not fail to move him because he regards it as a bad reason. On the contrary, we might suppose that when he reflects critically on the matter—perhaps by imagining that he lacks his religious reasons and asking himself what reasons would move him then—he regards the public reason as sufficient to support his position. That reason does not move him to support it in his current state, however, because its reason-giving force is pre-empted by Joseph's other, religious reasons for opposing legalization.¹¹

It seems to me that Joseph does nothing wrong if he is not willing to offer others the reasons for which he supports the political position he does in public argument. It seems to me he does nothing wrong because he is willing to offer his fellow citizens other reasons which he thinks are sufficient ones. It therefore seems to me that the relevant aspect of (1), which implies that citizens must be willing to offer others the reasons for which they support the political outcome they do, is mistaken.

¹¹The phenomenon of pre-emptive reasons is very interesting and not uncommon. It must not be confused with over-determination of an action by more than one reason. Unfortunately I cannot pursue the matter here.

Some might maintain that sincerity and good faith require Joseph to offer the reasons for which he supports his position,¹² and so will think that the example does not tell against (1). Even if the example does not tell against (1), we have already seen that (1) must be modified for other reasons. The variants that are now under consideration are (1d) and (1d'). Those imply that citizens must be moved by public reasons. The example of Joseph can be exploited to show that that claim is mistaken. For now suppose that Joseph is willing to offer his religious reasons to his fellow citizens. Suppose that he is also willing to offer public reasons. Since the public reasons are not the reasons for which he supports his position, he is in violation of (1d) and (1d'). If they express requirements, then it follows that Joseph has done something wrong. Yet it does not seem that he has. So (1d) and (1d') must be mistaken.

If (1d) and (1d') are mistaken because they require someone to be moved by public reasons, what about:

Norm (1e) Citizens should support only political outcomes for which they have reasons which they think are public, which they would think are sufficient upon critical reflection, which they are willing to offer those who are deliberating with them and which they would think on critical reflection would be regarded as sufficient by those to whom they are willing to offer them.

or its variant:

Norm (1e') Citizens should support only political outcomes for which they have reasons which they think are public, which really are public, which they would think are sufficient upon critical reflection, which they are willing to offer others and which they would think on critical reflection would be regarded as sufficient by those to whom they are willing to offer them.

Whether either (1e) or (1e') expresses a plausible norm of deliberative democracy depends upon when it requires citizens to have the reasons in question. According to one natural reading of (1e) and (1e'), citizens should support only political outcomes for which they *already* have reasons of the right sort. According to this reading, they should have done all their critical reflecting before they begin to speak. They are to enter public debate with public reasons already at their command. Perhaps they do not initially offer public reasons, or reasons they think are public, but because they satisfy (1e) or (1e'), they are willing or disposed to do so. All that is necessary to trigger the disposition and elicit the public reasons these citizens have in readiness is some indication that those reasons need to be spelled out.

¹²I do not mean that Joseph does nothing wrong if he is not willing to *disclose* the reasons for which he supports the outcome he does. I merely mean that he does nothing wrong if he is not willing to offer them as an argument, with the implication that he thinks his fellow citizens should be moved by it.

The picture of citizens entering public deliberation already loaded with public reasons and primed to offer them¹³—because the necessary critical reflection has already been done—is false to the way in which deliberation actually proceeds. It also leaves insufficient room for the ways in which participants profit from the critical reflection prompted by others' reactions to what they say. Participants in public deliberation try out arguments, criticize the reasons offered by others, point out to one another where their reasons are faulty or inaccessible and where their conclusions are inadequately supported. They help their political allies frame better arguments for the positions they hold in common. They criticize one another for apparent disingenuousness or for taking advantage of their positions. Those who participate well in public deliberation should respond to these various forms of criticism by trying to offer arguments that are better or by trying to show their own good faith or fairness.

Criticism may lead participants in public deliberation to reflect critically on the reasons they have previously offered. Their way of responding to criticism may be to think of reasons, including public reasons or what they think are public reasons, that had not occurred to them before. If they are willing to respond in this way or are open to responding in this way, then they are willing or disposed to offer reasons of the right sort to one another. But the disposition is not, or is not always, a disposition to offer reasons which had previously been thought through.

Not only is this how deliberation actually proceeds, it also seems to be how deliberation may proceed without the participants doing anything wrong. An adequate account of the dispositions public deliberation requires should allow for deliberation to proceed in this way. I said that according to one natural reading, (1e) and (1e') would not allow for this. To preclude this reading, it is helpful to change (1e) and (1e') to read:

Norm (1f) Citizens should support only political outcomes for which they are willing to offer, in due course, reasons they think are public, which they would think are sufficient upon critical reflection, and which they would think on critical reflection would be regarded as sufficient by those to whom they are willing to offer them.

and

Norm (1f') Citizens should support only political outcomes for which they are willing to offer, in due course, reasons they think are public, which are in fact public, which they would think are sufficient upon critical reflection, and which they would think on critical reflection would be regarded as sufficient by those to whom they are willing to offer them.

¹³This image is suggested by Ralph Waldo Emerson's picturesque description of Daniel Webster rising to speak against secession on the floor of the U.S. Senate. Emerson famously described Webster as "a great cannon loaded to the lips."

Norm (1f') is in important respects like the demand of civility that John Rawls famously refers to as "the proviso."¹⁴ Like the proviso, it allows participants to introduce what Rawls calls "comprehensive doctrines" into public debate. And like the proviso, it requires citizens to be willing to offer one another public reasons which they think sufficient to support their position "in due course." Some readers have asked whether the proviso is consistent with the spirit of Rawls's treatment of public reason.¹⁵ I hope that the exercise of moving from (1) to (1f) and (1f') helps to suggest what the motivation for the proviso might be. With this motivation in hand I believe it is possible to show that the proviso is consistent with Rawls's aims in introducing the idea of public reason, though I shall not attempt to show that here.

The argument for moving from (1e) and (1e') to (1f) and (1f') also suggests how a common objection to the Rawlsian view of public reason can be answered. It is often said that Rawls's view is too "monological:" that at crucial points in his arguments, Rawls downplays the importance of dialogue among citizens in favor of internal monologues. Once we see why someone defending a Rawlsian view of public reason would move to (1f) or (1f'), we can also see why this objection to such a view fails. For the move to (1f) or (1f'), with their "in due course" clauses, is made on the supposition that citizens might arrive at public reasons through actual dialogue.

My examination of (1) was not primarily intended to vindicate John Rawls's position, however. As I shall imply later, I am somewhat skeptical of that position and of some of the steps by which we have gotten to it. My examination was intended to pin down one of the elements of a deliberatively democratic character. By spelling out (1f) and (1f'), I have tried to indicate one of the norms with which deliberative democrats think good citizens are disposed to comply. First, however, I want to try pinning down strong deliberativism still further by identifying other dispositions in a deliberatively democratic character.

B. NORM (2)

Recall that (2) says:

Norm (2) Citizens should reject or modify their own view about what is to be done when they are confronted with better reasons for an alternative political outcome than they have for the one they favor.

Norm (2) is too strong, whatever its initial plausibility. For one thing, it is very difficult to say when one of two people has and presents better reasons than the other. It could be that A has a better reason than B if A has more justification

¹⁴John Rawls, *Law of Peoples*, pp. 144, 152ff.

¹⁵Charles Larmore "Public reason," *The Cambridge Companion to Rawls*, ed. S. Freeman (Cambridge: Cambridge University Press, 2003), pp. 368–93, at pp. 386f.

or warrant for holding his view than B does. Or it could be that A has a better reason than B if A's view is true and B's is false. It is not clear how we are to decide between these alternatives. Matters become even more complicated if we imagine that A has more warrant for his false belief than B does for his true one. A counterexample to (2) cannot be worked out in any detail without addressing these complications. Still, it seems we could imagine a participant in public deliberation who is confronted with what are in fact better reasons for the political outcome he opposes than he has for the outcome he favors, but who need not change his view because he has no reason to think the considerations with which he is confronted are better than the reasons he has for his own view.

It is not enough to amend (2) so that it says:

Norm (2a) Citizens should reject or modify their own view about what is to be done when they are confronted with what they regard as better reasons for an alternative.

(2a) does not say anything about the circumstances in which citizens are supposed to determine the quality of the reasons they are presented for alternative positions. It could require changes that are too precipitous, when the quality of reasons for the alternative positions is hastily overestimated. It would also allow citizens to hang onto their political views longer than they should, since citizens might overlook the quality of reasons for alternative positions through culpable dogmatism, prejudice or ignorance.

A more promising restatement of (2) might seem to be:

Norm (2b) Citizens should reject or modify their own view about what is to be done when they are confronted with reasons for an alternative that they would regard on critical reflection as better than the reasons they have for the outcome they favor.

I introduced the notion of critical reflection when I argued for the move from (1a) to (1b). I noted then that the deliberative democrat's appeal to critical reflection at that point was promissory, since the details of critical reflection need to be filled in. The same is true of the appeal to the notion at this point. Here the promissory character of the appeal is especially significant. For among the questions that need to be answered about critical reflection are the questions of which reasons or kinds of reasons are to be compared in quality, and how those comparisons are to be made. These are questions that arise once we grant that it is possible to identify some reasons or kinds of reasons as "public" and others as "non-public" or as "inaccessible."

Consider someone who has religious reasons which she thinks are sufficient for opposing the legalization of physician-assisted suicide. Suppose she is offered public reasons for the opposing outcome. And suppose that, upon critical reflection, she would find her religious reasons for opposing the legalization of assisted suicide more compelling than the public reasons she is offered for

favoring it. (2b) does not require her to change her view. Yet I assume that strong deliberativists would think that she should. They think that what matters, roughly, is how the public reasons someone has for her position stack up against the public reasons with which is presented for an alternative view. I believe those who think this think it for the same reason that they think the correct variant of (1) should refer to public reasons. They think that public deliberation may not contribute to the legitimacy of the outcomes that result unless those taking part in it are willing to conduct it in terms of public reason. And so they would think that (2b) is too weak. They might prefer:

Norm (2c) Citizens should reject or modify their own view about what is to be done when they are confronted with public reasons for an alternative that they would regard on critical reflection as better than the public reasons they have for the outcome they favor.

If need be, variants of (2c) can be constructed that replace “public reasons” with “what they think are public reasons.” But (2c) and its variants face a problem reminiscent of that faced by (1e) and (1e’). (2c) can easily be read as imposing a heavy burden on citizens who want to stick with their positions in public deliberation. It can be read to require that if citizens are to stick with their positions in public deliberation, they must have public reasons for those position that they would think better than the public reasons they are offered for alternative views *at the time their political opponents offer them those reasons*.

To require this is to require too much. Surely citizens should be able to maintain their positions in public deliberation while they look for stronger public arguments to support their positions. Citizens who comply with (1f) or (1f’) are willing to offer public arguments they would regard as sufficient for their position in due course—sometimes, as we saw, after argument with others. (2c) should allow them to maintain their positions while they do so.¹⁶ So perhaps instead of (2c), strong deliberativism should include:

Norm (2d) Citizens should reject or modify their own view about what is to be done when they are confronted with public reasons for an alternative that they would regard on critical reflection as better than the public reasons they would identify in due course for the outcome they favor.

It is not clear that (2d) is correct. For one thing, it may be that the phrase “would regard on critical reflection as better” should read “*should* regard on critical reflection as better.” Furthermore, there are thorny cases that even (2d) has difficulty handling.

Consider James, who is opposed to legalizing late-term abortions for religious reasons, has public reasons for his opposition which he thinks are sufficient to support that position and is offered public reasons for legalizing it by someone with whom he is deliberating. (2d) requires him to change his view if it would

¹⁶Unless, of course, they are required to vote or make a collective decision in the meantime.

be the case that, on critical reflection, he would find the latter reasons to be better. How are we to determine if the counterfactual is satisfied?

We can imagine James reflecting critically by asking himself which set of public reasons he would find persuasive if his religious reasons were eliminated. Suppose the answer James arrives at is that he would find the public reasons supporting legalization persuasive under that condition. If this is sufficient for saying that James would regard those reasons as better on critical reflection than the public reasons that support his position, then (2d) requires James to change his view.

But now suppose that James would arrive at a more complicated answer. Suppose he would recognize that, as Rawls suggests, the right answer to the political issue at hand is to be found by balancing public reasons.¹⁷ Which balance strikes us as correct can be a matter of brute “seeming.” One way of balancing the life of the fetus and the liberty and equality interests of the mother just seems better than another. While we can give reasons for striking the balance one way rather than another, we do not have any more confidence in the reasons we bring forward to support the balance than we do in the balance itself. Recognizing all this, James thinks that if his religious views were eliminated and he had both sets of reasons, he would find that the balance favoring legalization seems right. But he still thinks the public reasons he has for opposing legalization are sufficient in this sense: he would believe that the opposite balance would seem right to some reasonable persons. Given that he is opposed to legalization, that he has reasons—albeit non-public ones—for his opposition and that he has public reasons which he thinks some reasonable persons would find sufficient on critical reflection, it is not immediately obvious that he should change his view. And so it is not immediately obvious that (2d) is correct.

This is a complicated case, though not, I believe, an uncommon one. Perhaps it is a case on which intuitions differ. I do not want to explore it and its implications for strong deliberativism here. Instead I shall assume for the moment that strong deliberativism includes the disposition to comply with either (2d) or (2d’), which results from (2d) by replacing the phrase “public reasons” in each of its occurrences with the phrase “what they think are public reasons.” I want to look now at the third norm.

C. NORM (3)

The third norm says that:

Norm (3) Citizens should disagree respectfully with those whose reasons for alternative outcomes they do not find persuasive.

As stated, (3) can be read to require respect for *all* of those whose reasons for outcomes we oppose we do not find persuasive. This norm is surely too strong.

¹⁷Cf. Rawls, *Political Liberalism*, p. 243, note 32.

For surely there are some participants in public deliberation whom others are not bound to respect. Some of these may be people who offer arguments which are blatantly unjust or racist, for example. Others may be citizens who openly claim that politics is a way of advancing their own interests come what may, and so violate the *Common Interest Condition*.

One way to tighten (3) would be to add a reciprocity condition to it. A first approximation of the reciprocity condition would require citizens to respect those who are committed to doing their part in well-conducted deliberation. A somewhat more precise statement of the condition would require citizens to respect those who comply with the norms of strong deliberativism. This statement expresses a reciprocity condition because strong deliberativism includes a suitably qualified variant of (3). The statement therefore entails that citizens must respect those who are committed to respecting others. So let us consider:

Norm (3a) Citizens should disagree respectfully with those participants in public deliberation who comply with the norms of strong deliberativism and whose reasons for alternative outcomes they do not find persuasive.

The reciprocity condition in (3a) may not be strong enough. I argued earlier that if public deliberation is to be well-conducted, it must approximate the *Free and Equal* and the *Common Interest Conditions*. Citizens should constrain their participation in public deliberation by the demands of the common interest. And they must be able to participate in public deliberation as—to some significant but undefined extent—free equals. Their participation on the footing of freedom and equality requires the maintenance of certain background conditions, including the proper distribution of rights and opportunities.

As I have mentioned, some strong deliberativists think public reasons are reasons that have the property of being accessible to citizens as such. This characterization of public reasons says nothing about the political outcomes public reasons can be used to support. It is possible for someone to use public reasons to argue against citizens' freedom and equality. It is also possible for someone to use public reasons to argue against the distribution of rights and opportunities citizens must have if they are to participate in public deliberation as free equals. And it is possible to use public reasons while engaging in thoroughly self-interested political behavior.¹⁸ Some strong deliberativists, at least, would want to strengthen (3a) so that it does not require citizens to respect those who offer such arguments, even if they satisfy (1f) or (1f') and (2d) or (2d'). And so they would prefer:

¹⁸Rawls says that examples of the political values of public reason include the values mentioned in the *Preamble* of the US Constitution; see *Law of Peoples*, p. 144. Someone could appeal to these values to argue for conclusions that we recognize as patently unjust. It is this possibility that demands the strengthening of (3a).

Norm (3b) Citizens should disagree respectfully with those participants in public deliberation who comply with the norms of strong deliberativism, who accept the demands of the *Free and Equal* and the *Common Interest Conditions*, and whose reasons for alternative outcomes they do not find persuasive.

(3b) raises a number of questions about the nature of respect and how it is to be shown. I do not want to pursue these questions here. Instead, I want to explore (3b) just far enough to bring to light what I think is an important difference among deliberative democrats. That difference is one that cuts across the divide between those who do and those who do not accept strong deliberativism.

To see this difference, consider two groups of voters: the Listeners and the Accommodators. Both are disposed to satisfy (1f) (or (1f')) and (2d) (or (2d')). Each Listener enters an election season convinced that a given political outcome is the right one, though the Listeners disagree among themselves about which outcome that is. Because the Listeners satisfy the relevant variants of (1) and (2), they are willing to exchange and evaluate public reasons about the issue at hand, and are disposed to change their minds if confronted with what they regard as more compelling public reasons for their opponents' favored outcome. But the Listeners are willing to alter their positions *only if* confronted with such reasons. If they are not presented with such reasons, they vote for the outcome they favor.

The Accommodators also disagree about which outcome is right. Like the Listeners, they are willing to exchange and evaluate public reasons for political outcomes. They also accept a principle of political morality according to which the right political outcome is one which

- (a) gives something to everyone who complies with the relevant variants of (1) and (2), and
- (b) is willing to seek a mutually accepted solution.

And so the Accommodators are willing to modify their views and support compromise measures if their opponents are willing to do the same.

Well-conducted public deliberation is a process of reasoning and deciding together. Because both the Listeners and the Accommodators comply with the relevant variants of (1) and (2), I think it is clear that the Listeners and the Accommodators reason together. And I assume that deliberative democrats would accept this conclusion. But I think deliberative democrats would divide on the question of whether the Listeners have decided together in the appropriate way. Some deliberative democrats think that politics should be oriented toward consensus.¹⁹ This orientation toward consensus may simply require that citizens make good faith efforts to locate and offer reasons for their view that all can

¹⁹Joshua Cohen, "Deliberation and Democratic Legitimacy" in *Deliberative Democracy: Essays on Reason and Politics*, ed. J. Bohman and W. Rehg (Cambridge, Mass.: MIT Press, 1997), pp. 67–92, pt. 14.

accept. But it may also require that citizens approach political questions with the dispositions of the Accommodators. Deliberative democrats who think the latter will conclude that only the Accommodators decided together in the right way. Others are much less committed to the ideal of decision by consensus and are much more comfortable with majority rule, provided the majorities coalesced or were built on the basis of citizens' reasoning together. These deliberative democrats will conclude that the Listeners decided together. Still others may think that citizens must be Accommodators when deciding some issues but may be Listeners when deciding about others.

This difference among deliberative democrats has implications for the contents of strong deliberativism and for what a deliberatively democratic character includes. Deliberative democrats who think that the Listeners decide together will think that (3b) goes far enough. Those who think that only Accommodators have decided together will want to replace (3b) with:

Norm (3c) Citizens should work respectfully for a mutually acceptable compromise with those participants in public deliberation who comply with the norms of strong deliberativism, who accept the norms of the *Free and Equal* and the *Common Interest Conditions*, and whose reasons for alternative outcomes to those they previously endorsed they do not find persuasive.

I shall not try to adjudicate this difference among deliberative democrats. For my purposes, it suffices to bring the difference to light and to note that a powerful current in deliberatively democratic thought runs toward (3c).

D. THE THREE NORMS

I said that I would sketch what I referred to as strong deliberativism about the traits citizens must have if they are to govern themselves on the basis of public deliberation. According to strong deliberativism as I have sketched it, they should have the settled dispositions to comply with (1f) or (1f'), (2d) or (2d'), and (3b) or (3c). While strong deliberativism as I have sketched it is not explicitly defended by any deliberative democrats, the view is motivated by positions to which many deliberative democrats are committed. Careful attention to literature on deliberative democracy would, I believe, show that the various forms of strong deliberativism have many adherents.

III.

How plausible is strong deliberativism? Despite the detail with which I have tried to specify the view, a number of ambiguities and difficulties with it remain.

One difficulty confronting strong deliberativists is that of deciding which version of (1), (2) and (3) to endorse. As we saw, deciding this requires deciding whether citizens must offer one another reasons they think are public, or whether

they must offer one another reasons that really are public. It requires handling the case that I said poses difficulties with (2d). And it requires deciding whether citizens must Accommodators, Listeners or some combination of the two.

Second, the “in due course” clauses of (1f), (1f’), (2d) and (2d’) need to be made more precise. In my discussions of (1e) and (1f), I suggested that an “in due course” clause was needed because citizens must be responsive to the contributions and challenges of their fellow deliberators. Perhaps the requirements of proper responsiveness cannot be pinned down too precisely. If so, the need for “in due course” clauses, and their ineliminable vagueness, still need to be explicitly acknowledged.

The “critical reflection” clauses I introduced when trying to specify (1) and (2) also need clarification. Critical reflection and reflection from a “public point of view” are presumably idealizations of ordinary reflection. In that case, we need to know what features of ordinary reflection are idealized away and what features of it proceed ideally or better than in ordinary cases. We need to be told what information citizens have available to them when they reflect critically, whether it contains an admixture of error and, if so, how much, what rules of inference and rational choice citizens employ when they engage in critical reflection and how well they employ those rules. Without such clarification, strong deliberativism is an incompletely specified view.

Finally, there was a step in the specification of (1) that I did not contest when the step was taken, but that has important implications for the specification of all three of the norms I discussed. I want to draw attention to it now. That is the step from (1c) to (1d) and (1d’), the step at which public reasons were introduced. I am skeptical that philosophers can provide necessary and sufficient conditions for the concepts of accessibility and inaccessibility. I am therefore skeptical that they can pick out a class or classes of reasons which are inherently “public.” I have laid out some of these reservations elsewhere and do not want to revisit them now.²⁰ Instead, I want to express a different concern about public reasons. First, however, I want to mention a number of points about which I think strong deliberativists are surely right.

Strong deliberativists are correct in claiming that citizens must have certain dispositions or qualities of character if they are to take part well in well-conducted deliberation. Citizens taking part in public deliberation should be willing to offer considerations in favor of their positions that will enable others to see what reasons they have for them. They must be appropriately responsive to the reactions and replies those considerations evoke. They must be appropriately responsive to the considerations put forward by others in favor of *their* positions. And they must respect at least those other participants who show

²⁰See generally Paul Weithman *Religion and the Obligations of Citizenship* (Cambridge: Cambridge University Press, 2002). Even if the reservations laid out there are well-founded, it may be that the notion of public or accessible reasons have heuristic value. This is a possibility I explore briefly in the companion essay to this piece; see above, note 2.

that they are willing to comply with the norms of well-conducted deliberation. These dispositions are ingredients of a deliberatively democratic character. A sufficient number of citizens must have and act from them if deliberation is to serve its legitimating function.

The question I want to raise about strong deliberativism is whether public deliberation really can serve its legitimating function only if participants in public deliberation are prepared to offer one another, and are responsive to, a class of reasons which are inherently public or accessible. (1d) and (1d')—hence (1f) and (1f')—both imply that citizens should be ready to offer reasons of the same kind to *all* those with whom they are deliberating, regardless of their interlocutors' beliefs and the reasons their interlocutors would in fact find persuasive. I believe this requirement, which motivates the introduction of public reasons, is too strong. What needs to be explored is whether public deliberation can be well-conducted and can serve its legitimating function even if participants satisfy only norms which are weaker in an important respect than (1f) and (1f'), (2d) and (2d') and (3b) and (3c)—weaker insofar as they impose weaker requirements on the reasons citizens must be ready to offer and to which they must be appropriately responsive.

If the answer to this question is “yes,” then the right conception of public deliberation may be quite different from that which I have associated with strong deliberativism. Some conceptions of public deliberation offered by self-described deliberative democrats *are* quite different. They allow citizens, speaking as such, to contribute to well-conducted public deliberation by offering a range of reasons, stories and narratives, and artistic contributions, all without a settled readiness to supplement any of these contributions with public reasons. I cannot evaluate these alternative views of public deliberation here. For the moment, suffice it to say that their ultimate vindication depends upon showing that there are serious difficulties with strong deliberativism. I hope at least to have identified some such difficulties by showing just how much is involved in making strong deliberativism clear and by showing how many questions about it still need to be answered.