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Deliberative Democracy as Reflexive Social Inquiry

By

Quinlan Bernhard Bowman

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Abstract

Deliberative Democracy as Reflexive Social Inquiry

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Two overarching questions motivate this dissertation: How might the participants to a nominally democratic process themselves craft decision-making processes that are “inclusive,” or, that best approximate the ideal of treating them and those, if any, they represent as “free and equal”? And what role, if any, might a normative theory of the democratic process play in their diverse efforts to do so?

To address these questions, the dissertation juxtaposes selected aspects of the literature on “deliberative democracy” with ideas drawn from pragmatist approaches to ethics and social inquiry. Broadly speaking, pragmatists theorize by explicitly drawing on the resources provided to us by our actual practices, and by making reference to the consequences that they have for actual lives. The dissertation deploys pragmatist ideas to develop a normative theory of the democratic process, intended as a contribution to a public philosophy for contemporary democratic governance. In developing the theory, the dissertation illustrates how engaged, situated agents might invoke that theory in their diverse efforts to craft processes for collective decision-making that actually treat the citizens of the respective demos, or the members of the respective association, as “free and equal.”

In brief, the theory developed in this dissertation is a “deliberative” conception because, like other such conceptions, it stresses that democracy’s participants ought to try to justify their expressed policy preferences to one another. Yet, for a number of reasons, it is also distinct from other deliberative conceptions. For instance, it is distinctive in the stress it places on inquiry of various kinds. Indeed, the theory developed here suggests that, ideally speaking, democracy itself ought to be conducted as a form of collective social inquiry, one in which participants inquire into the procedures, virtues, and cultural practices that, in some particular context, are most apt to treat citizens or members in a way that is consistent with the values that arguably justify the adoption of a democratic process in the first place.

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Introduction

This dissertation, *Deliberative Democracy as Reflexive Social Inquiry*, juxtaposes selected aspects of the literature on “deliberative democracy” with ideas drawn from pragmatist approaches to ethics and social inquiry. Broadly speaking, pragmatists theorize by explicitly drawing on the resources provided to us by our actual practices, and by making reference to the consequences they have for actual lives.¹ Here, I deploy pragmatist ideas to develop a “normative theory of the democratic process,” meant as a contribution to a public philosophy for contemporary democratic governance. The theory, I suggest, can help democracy’s participants to reason about how to create “inclusive” democratic processes in a variety of associations and at a variety of geographic scales. The theory is basically a “deliberative” one; yet, my pragmatist orientation makes me critical of certain depictions of deliberative democracy.

Two overarching questions motivate the discussion: How might the participants to a (nominally) democratic process *themselves* craft decision-making processes that are “inclusive,” or, that best approximate the ideal of treating them and those (if any) they (ought to) represent as “free and equal”? And what role, if any, might a normative theory of the democratic process play in their efforts to do so? To address these questions, I develop my own normative theory of the democratic process, illustrating how engaged, situated agents might invoke that theory in their diverse efforts to craft processes for collective decision-making that treat the citizens of the respective demos or the members of the respective association as free and equal.

I. Problematic Aspects of the Literature, Suggested Resolutions

To clarify the intellectual context for the project, let me outline three problematic aspects of relevant literatures on dialogue, deliberation, and inclusion. Along the way, I’ll briefly indicate how I address these problems.

1.1 No Broad Agreement on What Makes a Process “Democratic,” Even at the “Ideal” Level

To begin with, note that a very broad range of democrats, including so-called “aggregative democrats” and so-called “deliberative democrats,” apparently agree that democracy is a moral or ethical ideal.² Briefly, the reason that I say this is that, at least tacitly, a broad range of democrats endorse some ideal of “free and equal personhood,” and, in consequence, some ideal of “free and equal *citizenship* or *membership*” too.³ And the notion that,

¹ Bacon (2012: 1).

² On the aggregative side, some (e.g. Cohen [2009: 224]) would place Dahl (1989), for instance. On the deliberative side, we clearly find Gutmann and Thompson (1996, 2004), Cohen (2009), and Habermas (1996); all of these authors explicitly contrast the normative theory that they develop (or co-develop in the case of Gutmann and Thompson) with so-called “aggregative” conceptions of democracy. For brief characterizations of these two “models” of democracy,” see, for instance, Chappell (2012: 98-103) and Young (2000: 18-26).

³ The notion of free and equal personhood is commonly invoked in moral and political philosophy generally, and is typically the basis for justifications for equal citizenship. Indeed, as George Sher (2015: 16) has recently commented, “One of the rare points of agreement among most...moral and political philosophers is that all persons have equal moral standing. To accept this claim is not to deny that there are innumerable moral reasons for treating different persons differently, but it is to maintain that the principles that give rise to these reasons are somehow rooted in the assumption that the interests of all persons are equally important, and that each is by his nature owed

at least in some forms of “collective decision-making” (e.g., “binding,” collective decision-making), persons ought to be treated as “free and equal” surely is a “moral or ethical ideal.” Despite such agreement, however, such democrats often do not agree on what an inclusive, democratic process would even ideally look like. Indeed, “deliberative democracy,” for instance, has often been characterized as an ideal that stands *in sharp contrast* to “aggregative democracy,” even though, as I say, so-called “deliberative democrats” and so-called “aggregative democrats” apparently endorse some ideal of “free and equal personhood,” hence some ideal of “free and equal citizenship or membership” too.⁴

Nevertheless, it is possible, I believe, to articulate a normative theory of the democratic process that is broadly persuasive to such democrats, based on the “values” of treating persons as “free” and as “equal” that they already endorse (or, at the very minimum, have good reason to endorse, given their other commitments – particularly their stated commitment to democracy itself).⁵ In short, my suggestion is that *if* democracy is conceived of as a moral or ethical ideal, there are good reasons to develop a normative theory of the democratic process that is explicitly *deliberative*, that is, which asks participants to seek out justifications for their expressed policy preferences. And, I suggest, it is plausible to claim that a broad range of democrats who *do* conceive of democracy as a moral or ethical ideal might endorse such a theory.

Now, as I’ve already intimated, the approach I take to developing my normative theory of the democratic process is a broadly pragmatic one. And again, pragmatists theorize by explicitly drawing on the resources provided by our actual practices, and by making reference to the consequences they have for actual lives. On John Dewey’s account, this entails that, in developing a moral theory, we should begin with *moral experience itself*.⁶ Following this injunction, I reason through those moments in “moral experience” in which I believe that we are most likely to *think* and to *feel* that we are being treated as “free and equal” in joint or collective decision-making. Here, my suggestion is that if we reason carefully about our “shared understandings”⁷ of what it actually *means* to “treat persons as ‘free and equal’ in joint or collective decision-making,” there are, at a certain level of generality, plausible grounds for broad agreement on what a “democratic process” should at least ideally look like.⁸ And this is

an equal measure of concern and respect.” The topic of equal consideration of interests, and of equal concern and respect for persons, is one that we consider throughout the dissertation, but especially in chapter 5.

⁴ Gutmann and Thompson (2004).

⁵ For relevant discussion, see Dahl (1989), especially chapters 6-9.

⁶ For discussion, see Pappas (2008), especially Parts I and II. See also chapter 4 of this dissertation.

⁷ For relevant discussion, see Walzer (1983).

⁸ As this formulation suggests, my approach to developing a normative theory of the democratic process is one that sees such “theory development,” as I will say throughout, as an “anthropological-interpretive” enterprise. As I mentioned, I take inspiration from pragmatist approaches to ethics and social inquiry in developing my conception of such an enterprise, drawing particularly on the ideas of John Dewey. Michelle Moody-Adams has recently articulated an approach to moral philosophy/theory that, in relevant respects, is well aligned with the approach that I adopt here and that bears significant affinities with John Dewey’s approach, as she herself occasionally notes. “Genuine moral inquiry,” Moody-Adams (1997: 169-70) writes, “is a species of self-reflection, and philosophical theorizing about morality must start from the pre-theoretical moral consciousness of those capable of being addressed by the theory. But self-reflection that qualifies as moral inquiry first requires a careful articulation of the self-conception under scrutiny. And this articulation is an exercise in interpretation.... The pre-theoretical deliverances from which philosophical interpretation begins are accessible to the philosopher only by reflection on linguistic and non-linguistic behavior; moral philosophers must presume that it is possible to isolate and identify some portion of this behavior that may reveal the structure of moral experience. In this regard, then, moral philosophy always presupposes a kind of interpretive ethnography – although it usually involves fieldwork in familiar places.... [N]ot only does this conception of moral philosophy as an interpretive enterprise allow a robust

true both in terms of the *opportunities* that participants should ideally have and in terms of the *responsibilities* that they should ideally assume.

So, again, I reason through those moments in “moral experience” in which I believe that we are most likely to think and to feel that we are being treated as “free and equal” in joint or collective decision-making. That is, I begin with certain *paradigmatic moments* of “free and equal treatment,” reasoning through why I believe that we regard them as such. More specifically, I take certain joint decisions among genuine friends as paradigmatic of moral experiences in which we do think this way, and reason through why I think we do so. Very briefly, my suggestion is that we do so because they represent *joint or collective decisions that give equal consideration to, and that show equal concern and respect for, the good or interests of each of the participants*. Again, exploring (what I take to be) our “shared understandings” of such decisions, I derive an account of: first, the (equal and adequate) opportunities that participants ought ideally to be granted (and to grant one another) in a democratic process; and second, the principal responsibilities that they ought ideally to assume in it. Thinking through these opportunities and responsibilities, it becomes clear, I suggest, that the theory I develop is well described as a “deliberative” one. For, among other reasons, it asks participants to justify their expressed policy preferences. Hence, my approach promises to generate greater support for a deliberative conception of democracy, bringing a broader range of democrats, including more “aggregative democrats,” into the “deliberative” fold (at least at the level of political ideals; abstract reasoning, as I will stress throughout, can never, by itself, adjudicate disagreements about how to pursue particular democratic norms and values in particular contexts). And it does so by beginning from a number of premises associated with the pragmatic philosophy of John Dewey, including, as I mentioned, the idea that we ought to develop our moral theories out of anthropological-interpretive inquiry into moral experience itself.

1.2 A Lack of Reasoning about Procedures, Virtues, and Cultural Practices in Conjunction

A second problematic aspect of the literature concerns the fact that in normative democratic theory, there is sometimes a tendency to focus either on ideal procedures/procedural criteria, *or* on civic virtues, *or* on cultural practices that would arguably facilitate the creation of more “inclusive” democratic processes. And this tendency is sometimes evident in the literature on deliberative democracy in particular: indeed, deliberative theorists have sometimes focused either on ideal deliberative procedures/procedural criteria, *or* on deliberative/civic virtues, *or* on cultural practices that would arguably facilitate the creation of more “inclusive” deliberative-democratic processes.⁹ However, informed reflection on paradigmatic moments of “free and

defense of the integrity of normative moral theories *as* theories, but also it supports a reasonable (if cautious) optimism about the importance of such theories – and of philosophical moral inquiry generally – in everyday moral argument.” Moody-Adams (1997: 170-72) contrasts her approach to the thought of those (e.g. Daniels [1980: 21]) who reject “as ‘erroneous’ any suggestion that there is an important link between the methods of philosophical moral inquiry and the methods of interpretive inquiry,” and she likens it to “Dewey’s conception of moral philosophy as a contribution to the collective scrutiny of the culture from which it emerges, rather than the principal authoritative source of decisions about how, and whether, a moral conception is justified (Dewey 1994, 1-8). This Deweyan conception is an implicit rejection of the self-conception of much moral philosophy (in Daniels’s account, as in many others) on which moral philosophers simply hand down the ‘results’ of their inquiries to the non-philosophical public.”

⁹ At a minimum, this tendency can be seen in individual, discrete discussions (e.g. in a single article, chapter, or even book) on democratic theory, as when an author discusses a “procedure” that might create a more inclusive deliberative-democratic process but, in that same discrete discussion, does not say much or anything about virtues

equal treatment” in joint or collective decision-making reveals, I suggest, that, to create such processes, it is generally the case that: (a) certain *procedures* are needed and participants need to (at least tacitly) invoke certain procedural criteria to reason about such procedures in an intelligent fashion; (b) participants need to evince certain deliberative/civic *virtues* in order for the democratic process in question to function as those procedural criteria suggest it should; and (c) certain *cultural practices* are needed to make those procedures effective and to cultivate those virtues.¹⁰ Correspondingly, it reveals that the participants to such decision-making typically recognize the *need* to reason about procedures, virtues, and cultural practices “in conjunction,” and, indeed, that they *do* sometimes so reason. This reasoning is important, I suggest, for it helps to provide a better depiction of what, in whatever context democracy’s participants do (have to) act, an inclusive deliberative-democratic process would ideally look like. And, by implication, it can help them to improve their ability to craft actual decision-making processes that are (reasonably) “democratically inclusive.” (Or at least it can help them to craft decision-making processes that are more “democratically inclusive” than the respective processes were *ex ante*.) Again, when we appeal to paradigmatic moments of free and equal treatment in joint or collective decision-making, we can easily appreciate this, I think. So far as I am aware, however, no deliberative theorist has yet articulated a normative theory with the stated aim of helping democracy’s participants to reason about procedures, virtues, and cultural practices “in conjunction” – as I’ve just indicated that informed reflection on paradigmatic moments of “free and equal treatment” suggests they should. Indeed, in a variety of ways, discussions of procedures, virtues, and cultural practices *have proceeded in relative isolation from one another*. To illustrate, consider three brief examples.

Take first Habermas’s presentation of his own “normative model of democracy,” which he describes as a “procedural” conception of democracy. Here we have a case of a democratic theorist presenting an insightful discussion of an ideal procedure, *but without at the same time explicitly discussing its relation to and dependence on virtues and cultural practices*. Indeed, at least in the presentation offered in “Three Normative Models of Democracy,”¹¹ Habermas intimates that, in contrast to “the republican view” of democratic politics, his own normative democratic theory is not “dependent upon the virtues of citizens devoted to the public weal.”¹² In point of fact, as I describe at length in chapter 1, Habermas, oddly enough, adopts certain locutions in “Three Normative Models of Democracy” that can reasonably be construed as suggesting that *his model is not dependent on the “virtues” of citizens at all*. (An odd suggestion, I know. But see the discussion in section 1.2 of chapter 1 for a detailed explanation of these claims.) This way of effectively distancing himself from any attempt explicitly to elaborate the virtues that might assist democracy’s participants in realizing (something akin to) his

and cultural practices. The point here is not that the author in question only *ever* gives attention to one of the three topics in question – that he *always* ignores the other two topics. He might, indeed, discuss these topics elsewhere. Rather, the point is that, in presenting his normative democratic theory, the three topics in question are not presented and reasoned about “in conjunction” – a fact that, I believe, weakens the theory’s potential contribution to improving actual democratic practice. Below I provide some brief examples.

¹⁰ This claim is developed throughout the dissertation, but especially in chapter 4. Note that by “cultural practices” I shall loosely mean practices that draw from the broader culture in which a (nominally) democratic process takes place, ones that, if they were somehow incorporated into that process, would arguably: assist the participants in assuming (or dispose them to assume) the responsibilities that our procedural criteria suggest they should ideally assume; promote the effective granting of the opportunities that our procedural criteria suggest they should have; and consequently promote the exhibition of certain relevant virtues.

¹¹ Habermas (1994).

¹² *Ibid.* 3-4.

“procedural” conception of democracy leads to a lack of attention being paid to the cultural practices that arguably might promote the cultivation of such virtues. Likewise, it leads us away from the question: How might such cultural practices be incorporated into the procedures (the “various forms for deliberation” and “fair bargaining processes”¹³) that he describes as laying the basis for democratic legitimacy in his model?

Take next Gutmann and Thompson’s discussion (in *Democracy and Disagreement*) of the deliberative/civic virtues that the authors would like democracy’s participants ideally to exhibit. Here we have a case of two democratic theorists presenting an insightful discussion of relevant virtues, *but without at the same time explicitly discussing their relation to an ideal procedure (or to a set of ideal procedural criteria) and without at the same time discussing their relation to and dependence on cultural practices*. For instance, Gutmann and Thompson discuss the virtue of “civic integrity,” which they think that deliberators should exhibit in order to show one another “mutual respect.”¹⁴ The authors unpack this virtue in terms of three more specific dispositions: the disposition to show “consistency in speech,” the disposition to show “consistency between speech and action,” and the disposition to show “integrity of principle.”¹⁵ The authors plausibly argue, I think, that by exhibiting these specific dispositions in the face of moral disagreement, the participants to a moral dialogue and deliberation thereby show respect for their interlocutors. Yet, the authors do not indicate what, if any, role specific cultural practices might actually play in cultivating these virtues. (In the broader culture in which any given democratic process might take place, surely there are practices for, say, testing the extent to which individuals – for instance, legislators – show “integrity of principle.” Very broadly, one common way of doing so is to test what a legislator *says* in public about his “moral values” against what his public record *indicates* about those values. We often do this, for instance, by comparing his campaign and other public speeches to his actual voting record.) Likewise, they do not indicate how, if at all, such practices might be incorporated into this or that particular procedure or aspect of the democratic process (for instance, how cultural practices of the kind just mentioned might be incorporated into actual public-opinion formation processes or agenda-setting process). Nor do they indicate what, if any, relationship the virtue in question has to a particular set of ideal procedural criteria.¹⁶

Take finally Iris Young’s discussion of “inclusive political communication” in *Inclusion and Democracy*.¹⁷ Young discusses various ways in which democracy’s participants can use greeting, rhetoric, and narratives/storytelling for the purpose of creating more inclusive forms of political communication. As I employ the term (see note 7 above), the practice of offering greetings, the practice of employing rhetoric in speech, and the practice of offering narratives/storytelling may each be described as a “cultural practice.” Now, here we have a case of a democratic theorist presenting an insightful discussion of cultural practices that, in some cases at least, could arguably promote more inclusive deliberative-democratic engagements, *but without saying much about (ideal) procedures/procedural criteria and while only providing a*

¹³ Ibid.

¹⁴ Gutmann and Thompson (1996: 81).

¹⁵ Ibid. 81-83.

¹⁶ In speaking of “ideal procedures” and “ideal procedural criteria,” I have in mind, for instance, the “ideal deliberative procedure” offered by Cohen (2009) and the “criteria for a democratic process” offered by Dahl (1989). (Note that Dahl [1989: 108] himself describes the criteria as articulating “ideal standards” for a democratic process.) I discuss these authors’ respective normative democratic theories in chapter 1 and, in the case of Dahl, again in chapter 5.

¹⁷ Young (2000: chapter 2).

limited discussion of the relationship between the cultural practices that she discusses and specific virtues that she thinks participants ought ideally to exhibit. As this formulation suggests, the specific variant of the tendency in question is subtler in this example. Yet, it is still identifiable.

Consider, for instance, Young's discussion of the cultural practice of offering narratives/storytelling. "Some internal exclusions¹⁸ occur because participants in a political public do not have sufficiently shared understandings to fashion a set of arguments with shared premises, or appeals to shared experiences and values."¹⁹ Where this is the case, "arguments alone will do little to allow public voice for those excluded from the discourse. Another mode of expression, narrative, serves important functions in democratic communication, to foster understanding among members of a polity with very different experience or assumptions about what is important."²⁰ Young goes on to say that narratives/storytelling can help democracy's participants to understand the "experience of others" and to counter "pre-understandings."²¹ "While it sometimes happens," she says, "that people know they are ignorant about the lives of others in the polity, perhaps more often people come to a situation of political discussion with a stock of empty generalities, false assumptions, or incomplete and biased pictures of the needs, aspirations, and histories of others with whom or about whom they communicate."²² Young's presentation suggests that she thinks that, ideally speaking, participants *ought* to try to understand others' experiences and that they *ought* to try to counter "pre-understandings" that preclude them from doing so. However, this implied claim is not given a clear formulation in terms of how it relates to an ideal procedure or a set of ideal procedural criteria. For instance, she does not explicitly say that she endorses a specific set of ideal procedural criteria that specify (among other things) certain responsibilities that participants ought ideally to assume. Were she to do so, we might be able easily to make sense of the implied claim that, ideally speaking, participants *ought* to try to understand others' experiences and *ought* to try to counter "pre-understandings" that preclude them from doing so. If, for instance, she defended a specific ideal procedural criterion that said, "participants should assume responsibility for seeking out mutually acceptable and generally accessible reasons for their expressed preferences" (as I later do²³), we could easily explain the implied claim. We might then say, for instance, that in order to seek out reasons for one's expressed policy preferences that could be *regarded* as "mutually acceptable," one has also to assume responsibility for trying to understand other participants' experiences (and how they bear on whether the "reasons" in question *could* be regarded as "mutually acceptable"). Unless one does so, one simply *can't* seek out "mutually acceptable reasons." Furthermore, in order to understand other participants' experiences, one sometimes does have to

¹⁸ On the notion of "internal exclusion," Young (2000: 55) writes: "Having obtained a presence in the public, citizens sometimes find that those still more powerful in the process exercise, often unconsciously, a new form of exclusion: others ignore or dismiss or patronize their statements and expressions. Though formally included in a forum or process, people may find that their claims are not taken seriously and may believe that they are not treated with equal respect. The dominant mood may find their ideas or modes of expression silly or simple, and not worthy of consideration. They may find that their experiences as relevant to the issues under discussion are so different from others' in the public that their views are discounted. I call these familiar experiences *internal* exclusion, because they concern ways that people lack effective opportunity to influence the thinking of others even when they have access to fora and procedures of decision-making."

¹⁹ Ibid. 71.

²⁰ Ibid.

²¹ Ibid. 73.

²² Ibid. 74.

²³ See chapter 5.

counter the “pre-understandings” that preclude such understanding. Hence, Young could then present the responsibilities in question as straightforward entailments of an explicit ideal procedural criterion.

Of course, Young does give some indication of the “model” of democratic decision-making that she regards as “legitimate,”²⁴ and this model helps to explain why she thinks that participants *ought* to try to understand others’ experiences and why she thinks that they *ought* to try to counter whatever “pre-understandings” preclude them from doing so. Hence, at the beginning of the chapter in question (chapter 2), Young does refer us back to the previous chapter, pointing out that she there “endorsed a normative ideal of democracy as a process of communication among citizens and public officials, where they make proposals and criticize one another, and aim to persuade one another of the best solution to collective problems.”²⁵ Here she says that “participants in the processes of communication must be reasonable in the sense of willing to be accountable to others. The process must be open in the sense of public and accessible for it to count as normatively legitimate.”²⁶ “Most importantly,” she continues, “democratic norms mandate inclusion as a criterion of the political legitimacy of outcomes. Democracy entails political equality, that all members of the polity are included equally in the decision-making process and have an equal opportunity to influence the outcome.”²⁷ This type of inclusion “increases the chances that those who make proposals will transform their positions from an initial self-regarding stance to a more objective appeal to justice, because they must listen to others with differing positions to whom they are also answerable.”²⁸

Notice, however, that these formulations do not lead to a clear defense of the responsibilities in question in the same way that I just suggested that a direct appeal to an ideal procedural criterion could. Indeed, with Young’s presentation, many questions immediately arise, *in part because the discussion of the “model” is not clearly integrated with the discussion of the responsibilities in question.* Here, for instance, one might reasonably ask: “How, if at all, does having an ‘equal opportunity to influence the outcome’ relate to these responsibilities? Perhaps this means that they have equal agenda-setting rights, equal rights to voice in the process, and equal voting rights. But how, if at all, do *these* ‘rights’ relate to the responsibilities in question?” Furthermore, one might reasonably ask: “Why ‘must [participants] listen to others with differing positions to whom they are also answerable,’ as Young says?” Perhaps one might think: “Yes, participants should have an ‘equal opportunity to influence the outcome’; but this does not mean that I have to ‘listen to them,’ hence try to understand their ‘experiences.’ It just means that they have equal agenda-setting rights, equal rights to voice in the process, and equal voting rights.” Here, I am not suggesting that Young is likely to lack reasonable answers to these questions. Again, I am merely pointing out that Young’s presentation does not lead to a clear defense of the responsibilities in question in the same way that I suggested that a direct appeal to an ideal procedural criterion could. For again, with Young’s presentation, the discussion of the “model” of legitimacy that she endorses is not clearly integrated with the discussion of the responsibilities that she thinks participants should ideally assume. Consequently, the discussion of the relevance of the practice of offering narratives/storytelling that she discusses *in connection*

²⁴ Ibid. 52.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid. 52.

²⁸ Ibid. 52.

with those responsibilities is less clear than it otherwise might have been, had she presented that practice as directly promoting this or that ideal procedural criterion.

Finally, a similar point may be made about the topic of virtues. Young *implies* that participants should assume certain virtues, but she does not clearly *state* that they should do so in the discussion in question.²⁹ This, I think, is lamentable, in part because virtue-terms help us to communicate what is, or what would be, involved in the *assumption* of such responsibilities as Young implies that participants should assume, such as the ones discussed above: the responsibility for trying to understand other participants' experiences and for trying to counter "pre-understandings" that preclude them from doing so. For instance, if person A wants to communicate to person B *how* she thinks that person B might actually come to understand her particular experiences and grievances, she is likely to want to appeal to virtue-terms; she is likely to want to say things like, "If you were only a bit more patient in listening to me, you'd probably see where I'm coming from"; "Be a little more charitable in your interpretation of my motives; not everyone is completely self-interested"; "Just try to be more open-minded; it will help you to see my perspective." Correspondingly, without making any reference to virtue-terms, it typically would become harder for individuals to discuss the *means* by which they think others might assume such responsibilities as are in question. Hence, for these and other reasons, it seems to me lamentable that Young does not explicitly discuss the virtues that the cultural practice of offering narratives/storytelling might help to cultivate.

So, here we have three examples that illustrate the intellectual tendency previously indicated: that in which a deliberative theorist focuses either on ideal deliberative procedures/procedural criteria, *or* on deliberative/civic virtues, *or* on cultural practices that would arguably facilitate the creation of more "inclusive" deliberative-democratic processes. Yet, again, informed reflection on paradigmatic moments of "free and equal treatment" in joint or collective decision-making reveals, I believe, that, to create such processes, it is generally the case that: (a) certain *procedures* are needed and participants need (at least tacitly) to invoke certain procedural criteria to reason intelligently about such procedures; (b) participants need to evince certain deliberative/civic *virtues* in order for the democratic process in question to function as those procedural criteria suggest it should; and (c) certain *cultural practices* are needed to make those procedures effective and to cultivate those virtues. If so, it would seem that participants should ideally reason about procedures, virtues, and cultural practices "in conjunction" – an observation that immediately suggests the thought that a normative theory of the democratic process might help them to do so.

Accordingly, the perspective I develop is that the democratic process ought to be conceived of as a form of *collective social inquiry*, in which participants inquire into the procedures, virtues, and cultural practices that, in some particular context, are most apt to promote the formulation and realization of their own democratic aims *and* that are most liable to treat citizens or members as free and equal. John Dewey took the view that democracy ought to be a form of collective social inquiry, but said little about what this might mean in practice.³⁰ As

²⁹ Indeed, the word "virtue" only appears in two sentences (two consecutive sentences, in fact) in the chapter in question. And when it does so, the term is not used to refer to individual behaviors, dispositions, or character traits at all. "Standards of political communication," Young (2000: 80; my emphasis) writes, "should be thought of as *virtues*...rather than as conditions of entry into public deliberation. Arguments, greetings, stories, and rhetoric all have their virtues." But what about the participants who do assume the responsibilities that she implies they should? Aren't *they* to be praised for exhibiting certain virtues?

³⁰ Dewey (1927).

we have already seen, Dewey also enjoined us to develop moral theories by beginning with “moral experience itself,” but said little about what this might mean in the case of normative democratic theory in particular. Here, I take up and develop these two Deweyan injunctions, arguing that a normative theory of the democratic process can function as a “tool” for practical reasoning, one that could “guide” the collective social inquiry mentioned above. That is, I argue that a normative theory of the democratic process could “guide” collective inquiry into the procedures, virtues, and cultural practices that are most apt to promote the formulation and realization of participants’ own democratic aims *and* that are most liable to treat citizens or members as free and equal. And again, reflection on certain paradigmatic moral experiences can help us to see why participants *ought* ideally to engage in such inquiry in the first place. More specifically, I suggest that when we reflect on those joint or collective decisions (say, among friends) in which we typically do think that we are being treated as “free and equal,” we notice that we typically *do* recognize the need to inquire, and that we sometimes *do* inquire, into procedures, virtues, and cultural practices (in my sense). Correspondingly, I suggest that, in order for the participants to a democratic process to treat one other (and those, if any, they [ought to] represent) as “free and equal,” they too should do so. In this way, I develop an understanding of “inclusive” democratic decision-making which underscores the crucial importance of participants themselves engaging in collective reasoning about procedures, virtues, and cultural practices, and not just about the rules, laws, and/or policies that are to be enacted *through* a “democratic process.” This way of approaching democratic inclusion offers a more robust, and so attractive, conception of democratic self-governance. Or so that will be my suggestion.

1.3 Problems Related to the Lingering Legacy of the Fact/Value Dichotomy

A third problematic aspect of the literature relates to the fact that in reasoning about democratic dialogue, deliberation, and inclusion, theorists have tended to focus on the moment of decision-making itself (and perhaps the immediate process leading up to it). Hence, they have asked such questions as: Who is present? Who do they “represent,” and who ought they to represent? What kinds of “reasons” or “considerations” are exchanged in the deliberative forum (Are they inclusive? Do they address participants as moral equals? Are they, or could they be, mutually justifiable?). Obviously, such questions are important for any discussion of democratic dialogue, deliberation and inclusion. However, by adopting this focus when we develop a normative theory of the democratic process and when we reason about how best to treat citizens or members as “free and equal” in practice, we run the risk of reproducing a certain problem that Iris Murdoch once identified with a good deal of modern moral philosophy generally.

To describe that problem in terms that are specific to our own purposes, we might say the following. To draw the “right,” or even just an “intelligent” or “morally sensitive,” conclusion about how to act in some particular case, one obviously needs to have an “adequate” *description* of one’s situation. And typically, the process of arriving at such a description has been regarded as “theoretical reasoning” *rather than* “practical reasoning,” where the former has been construed as “reasoning about the facts” while the latter has been construed as “reasoning about one’s values.”³¹ Hence, theoretical and practical forms of reasoning have been sharply separated, with reasoning about the facts therefore being sharply separated from reasoning about one’s values. Correspondingly, much social inquiry, at least where it has aimed to be “scientific,” has

³¹ For discussion, see Millgram (2005: 17-18).

sought to be “value-free” and/or “value-neutral,”³² and has taken its task to be the provision of information that is merely “factual,” which can in turn lead to “rational” (moral/ethical) decision-making. Hence, the view has been that when we reason properly, we only make “value judgments” *in the moment or process of decision-making itself* (in the moment or process of deciding how to *act* in response to our circumstances); if we are “rational,” we do not do so when coming up with the descriptions with which we then make “rational” decisions. Thus, much modern moral philosophy has focused on the moment of decision-making itself, and has assumed that “value-judgments” are properly made only *after* we have an “adequate” description of our situation at hand.³³ (This last sentence captures the “problem” that Murdoch once identified with much modern moral philosophy generally; see above.)

But this focus is, I think, detrimental to moral/ethical reasoning, and misrepresents how it actually functions. To indicate why, I begin with two of Murdoch’s arguments, but develop my own defense of them, primarily making reference to arguments from the pragmatist tradition. The two arguments are: first, that one cannot sharply distinguish between “facts” and “values”; and second, that much of the “hard work” involved in moral/ethical reasoning actually occurs in the process of coming up with an “adequate” description of one’s situation, a process that *precedes* “decision-making” (as this is typically depicted: as reasoning about how to act in response to one’s circumstances and in light of one’s values) and that *itself* involves “value judgments.”³⁴ (Hence the problem with moral philosophy focusing on the moment of decision-making itself and sharply separating “theoretical reasoning” from “practical reasoning” [hence reasoning about “the facts” from reasoning about “one’s values”].)

To defend these arguments, I develop (what I regard as) the pragmatic viewpoint that all inquiry is “value-guided” and “value-laden.” (The idea that our *social* inquiries in particular are “value-laden” is a familiar, though not uncontroversial, one in the contemporary social sciences.³⁵ As far as I am aware, however, “value-guided” is a term of art, and I will therefore need to describe what I mean by it.³⁶) Having done so, I then move on to discuss various reasons for thinking that, in light of the inevitable “value-guidedness” and “value-ladenness” of all of our inquiries, anything that is said (and not said) in some particular inquiry *could* have “moral or ethical significance and implications.” Furthermore, I discuss various reasons for thinking that those engaged in a deliberative process of mutual justification should try to understand that significance/those implications. On the whole, the literature on deliberative democracy has not been adequately attentive to this point. Indeed, by focusing on the moment of decision-making itself and by not explicitly disavowing the fact/value dichotomy,³⁷ deliberative democrats and

³² For discussion, see, for instance, Kincaid et al. (2007), Proctor (1991), Putnam (2002), Putnam and Walsh (2012), Sayer (2011), and Taylor (1985).

³³ The astute observer will immediately observe at least one major problem with this view. The idea of having an “adequate” description of the situation at hand is *itself* a “value judgment.” And even on the view I’m describing here, the judgment that one *has* such a description is made *before* we reason about how to act in light of the situation at hand. Yet, at the same time, if we reason properly/rationally, on that view, “value judgments” are only to occur when we decide or reason about how to act in light of (our description of) our situation. For discussion, see chapter 6.

³⁴ Murdoch (1999); for discussion, see Millgram (2005, chapter 5).

³⁵ For discussion, see, for instance, Kincaid et al. (2007), Proctor (1991), Putnam (2002), Putnam and Walsh (2012), Sayer (2011), and Taylor (1985).

³⁶ I do so in chapter 6. There, I’ll also explain various senses in which our inquiries may be “value-laden” too.

³⁷ Notice that my point here is not that deliberative democrats *argue for* the fact/value dichotomy. My point is rather that, in deliberative-democratic theory, it seems to me that insufficient attention has gone to *explicitly disavowing* the fact/value dichotomy (and so to thinking through the implications of our doing so, for how we should conceive

others arguably run the risk of reproducing the problematic view of moral/ethical reasoning just discussed. That is, if we do not give due attention to the descriptive-evaluative processes that inevitably precede decision-making and that inevitably exercise great influence over it, we arguably run this risk of reproducing this problematic view. By contrast, I put these processes at the center of my normative theory of the democratic process, making the politics of knowledge production central to it.

How, though, do I do so?

Above, I indicated that, on the theory that I develop, the democratic process ought ideally to be conducted as a form of “collective social inquiry.” But the fuller argument that I develop is an extended version of that claim. It reads like this: Ideally speaking, the democratic process is best conceived of as a form of “collective social inquiry,” but one that, more specifically, is conducted as a “reflexive social practice”: as a practice in which participants recognize the potential *need* to inquire, and, as appropriate, actually *do* inquire, into the (potential or actual) moral or ethical significance and implications of whatever is said (and not said) in whatever inquiries are fed into, or invoked in the context of, that process.³⁸ Briefly, I arrive at this view as follows.

As just indicated, there is a traditional view of “rational” moral or ethical reasoning that views it as a process that consists in two clearly distinct and separable “moments”: a “value-free” and/or “value-neutral” one, where we first figure out *what* our situation is; and (as we might put it) a “value-guided” and “value-laden” one, where we then decide how we would should (like to) act *in light of* that situation. But the problem with this view is that all inquiry is apparently

of “expertise,” “social science,” “knowledge production,” and the like, *within and through* deliberative-democratic processes), which raises the concern that, given that the fact/value dichotomy remains something of a “cultural institution,” deliberative democrats might (wittingly or unwittingly) contribute to the reproduction of that dichotomy in our thinking. On the loose sense in which I use the term “cultural institution,” consider the following remarks by Hilary Putnam, which serve also to indicate the relevance of challenging this dichotomy in our own discussion of everyday moral dialogue and deliberation and our own discussion of democratic theory and practice. “Understood in a sufficiently wide sense,” Putnam (1990: 127-28) remarks, “the topic of fact and value is a topic which is of concern to everyone. In this respect, it differs sharply from many philosophical questions. Most educated men and women do not feel it obligatory to have an opinion on the question whether there really is a real world or only appears to be one, for example. Questions in philosophy of language, epistemology, and even in metaphysics may appear to be questions which, however interesting, are somewhat optional from the point of view of most people’s lives. But the question of fact and value is a forced choice question. Any reflective person *has* to have a real opinion upon it (which may or may not be the same as their notional opinion). If the question of fact and value is a forced choice question for reflective people, one particular answer to that question, the answer that fact and value are totally disjoint realms, that the dichotomy ‘statement of fact *or* value judgment’ is an absolute one, has assumed the status of a cultural institution.... By calling the dichotomy a cultural institution, I mean to suggest that it is an unfortunate fact that the received answer will go on being the received answer for quite some time regardless of what philosophers may say about it, and regardless of whether or not the answer is *right*. Even if I could convince you that the fact-value dichotomy is without rational basis, that it is a rationally indefensible dichotomy, or even if some better philosopher than I could show this by an absolutely conclusive argument (of course there are no such in philosophy), still the next time you went out onto the street, or to a cocktail party, or had a discussion at some deliberative body of which you happen to be a member, you would find someone saying to you, ‘Is that supposed to be a statement of fact or a value judgment?’ The view that there is no fact of the matter as to whether or not things are good or bad or better or worse, etc. has, in a sense, become *institutionalized*.” I agree with Putnam’s assessment, and I think that democrats – including deliberative democrats – ought to take up the challenge of showing why the fact/value dichotomy *is* a “rationally indefensible dichotomy.” Here, I hope to contribute to that challenge, but make no claim to have fully met it.

³⁸ For an explanation of why I say “the (potential or actual) moral or ethical significance and implications of whatever is said (and not said)” in those inquiries, see chapter 5, note 83.

“value-guided” and “value-laden,” and so there apparently *is* no form of inquiry that is “value-free” and/or “value-neutral.” From this it follows, I submit, that anything we say in any of our inquiries *could* have “moral or ethical significance and implications.” Hence, insofar as it is “rational,” the democratic process will not be divided into two stages (as the traditional view would have it), one in which participants “gather the facts” about relevant circumstances (where this process is viewed as one of collecting and/or producing observational, descriptive, explanatory, and predictive information, data, and/or knowledge about the facts of those circumstances and where this is viewed as not involving “value judgments”) and one in which they subsequently decide together – through some form of collective decision-making – what (individual or collective) “ends” or “values” they would like to realize, and how they would like to do so, *given* those circumstances. Rather, insofar as it is “rational,” I suggest, the democratic process will be conducted as a “reflexive social practice”: again, as a practice in which participants recognize the potential need to inquire, and, as appropriate, actually do inquire, into the (potential or actual) moral or ethical significance and implications of whatever is said (and not said) in whatever inquiries are fed into, or invoked in the context of, that process. This is not only because the aforementioned traditional view of moral or ethical reasoning fails on its own terms (as I try to indicate it does); it is also because the normative theory of the democratic process that I develop in chapter 5 suggests its own view of “rationality” that is relevant here.³⁹

³⁹ It is well to recall that “moral” or “ethical” discourse has sometimes been characterized as “arational” or perhaps even “irrational,” since, in modernist thinking at least, values have often been seen as “beyond the scope of reason,” in Andrew Sayer’s (2011: 3) phrase. However, I agree with Sayer (and with John Dewey, for that matter) that “values [are] within reason” (Sayer 2011: chapter 2). Furthermore, I agree with Hanna Pitkin’s assessment that “moral discourse” has its own kind of “rationality.” Pitkin (1972: 152-154; my emphasis) writes: “Those positivistically inclined... will doubt that moral discourse can have a logic or a rationality at all, since it seems to them ‘normative’ and resting ultimately on personal preference or taste or feeling, beyond the reach of reason.... Against this view, [Freidrich] Waismann and [Stanley] Cavell and [Michael] Oakeshott argue that moral discourse has its own standards of rationality; it does not lack logic, but its logic is of a different kind and structure than the logic of science. Oakeshott maintains, at least with respect to conduct, that each kind of human activity has an ‘idiom’ of its own, with its own distinctive rationality. Rationality is not one single thing, the same in all areas of thought, but has its own distinct embodiments in various realms of human life. *It consists essentially of faithfulness to the particular idiom in which one happens to be operating....* In science or mathematics, the rationality of an argument depends upon its leading from premises all parties accept, in steps that all can follow, to an agreement upon a conclusion which all must accept. And, of course, “all must accept” does not mean that no human creature could conceivably refuse or fail to accept the conclusion. It means, rather, that anyone who fails to accept the conclusion is regarded as either incompetent in that mode of reasoning, or irrational.... But the criteria of rationality in scientific agreement need not be taken as the only ones in the world, as equally defining rationality in esthetics or morals or politics.... The point of moral argument [or more discourse in general, I would add] is not agreement on a conclusion, but successful clarification of two people’s positions vis-à-vis each other. [And, *mutatis mutandis*, we could say the same thing about “the point” of moral argument where there are *various* interlocutors.] Its function is to make the positions of the various protagonists clear – to themselves and to the others. Moral discourse is about what was done, how it is to be assessed, what position each is taking toward it and thereby toward each other, and hence what each is like and what their future relations will be like. The hope, of course, is for reconciliation, but *the test of validity in moral discourse will not be reconciliation but truthful revelation of self.* ‘The direct point’ of moral discourse, Cavell says, ‘is to determine the positions we are assuming or are able or willing to assume responsibility for.’ Consequently, again, ‘what makes moral argument [or discourse] rational is not the assumption that we can always come to agreement about what ought to be done on the basis of rational methods. *Its rationality lies in following the methods which lead to a knowledge of our position, of where we stand.*’”

Following Pitkin’s depiction of moral argument/discourse, one way of explaining my interest in critiquing the fact/value dichotomy can be put this way: If all inquiry is, as I say, “value-guided” and “value-laden,” and yet we think that (in Putnam’s phrase) “fact and value are totally disjoint realms,” we will therefore miss the various ways in which “values” *are* “involved in” our inquiries, hence the various in which values (including, in some cases,

According to that theory, participants to the democratic process ought ideally to seek out mutually acceptable and generally accessible reasons for their expressed policy preferences. And this entails that they try to understand “relevant social situations and activities from relevant persons’ perspectives,” which in turn entails that they try to understand “*the (potential or actual) moral or ethical significance and implications*” of what participants say (and do not say) in relation to those situations and activities. (This, I suggest, is an aim that the idea of “value-free/neutral” social [-scientific] inquiry can undermine.) Hence, a reflexive social practice can help the participants to the democratic process to assume certain of the responsibilities that the normative theory of the democratic process that I develop suggests they should ideally assume.

In other words, if our aim is to engage in an inclusive, self-reflective moral dialogue and deliberation (as my normative theory of the democratic process suggests it should be), we should, therefore, seek to understand “the (potential or actual) moral or ethical significance and implications” of whatever *is* said during that process, based on whatever “knowledge,” “information,” or “data” it *is* (implicitly or explicitly) based on.

II. A Summary of the Reconstructive Argument

Now, taking the positive or reconstructive aspects of the above arguments together, we can then see the reasonableness of a certain conception of democracy, which I refer to as “Deliberative Democracy as Reflexive Social Inquiry.” Let me now reiterate the main reconstructive aspects of the above three arguments (from Sections 1.1 through 1.3) and then indicate how this is so.

To begin with, there are, as I previously indicated, two overarching questions behind the entire the discussion: How might the participants to a (nominally) democratic process themselves craft decision-making processes that are “inclusive,” or, that best approximate the ideal of treating them and those (if any) they (ought to) represent as “free and equal”? And what role, if any, might a “normative theory of the democratic process” play in their efforts to do so? To address these questions, I develop my own normative theory of the democratic process and illustrate how engaged, situated agents might invoke that theory in their diverse efforts to craft processes for collective decision-making that treat the citizens of the respective demos or the members of the respective association as “free and equal.” I do so by developing three main reconstructive arguments.

First, it is possible, I believe, to articulate a normative theory of the democratic process that is broadly acceptable to all democrats who view democracy as a “moral or ethical ideal,” based on some notion of “free and equal personhood,” and so some notion of “free and equal citizenship or membership” too. More specifically, I claim that if we reason carefully about our “shared understandings” of what, in practice, it actually *means* to “treat persons as ‘free and equal’ in joint or collective decision-making,” it is possible to generate broad agreement on what a “democratic process” should at least ideally look like. This is true both in terms of the opportunities that participants ought ideally to be granted (and that they ought ideally to grant

moral or ethical values) are *conveyed* by our inquiries too. And this can undermine the kind of “truthful revelation of self” that Pitkin speaks of here. Accordingly, it can undermine the aim of engaging in a genuine, self-reflective moral-ethical dialogue and deliberation, which the normative theory of the democratic process developed in chapter 5 suggests that participants should ideally do. In that sense, a philosophy of social inquiry that *denies* the “value-guidedness” and “value-ladenness” of all of our social inquiries might be considered a source of “irrationality” in relation to a deliberative-democratic process (if, indeed, it is plausible to claim that all of those inquiries *are* “value-guided” and “value-laden.”)

one another) *and* in terms of the responsibilities that they should ideally assume. And when we articulate these opportunities and responsibilities, the theory that emerges is well described as a “deliberative” one. For, among other things, it asks participants to justify their expressed policy preferences.

Second, I argue that the democratic process ought to be conceived of as a form of *collective social inquiry*, in which participants inquire into the procedures, virtues, and cultural practices that are most apt to promote the formulation and realization of their own democratic aims *and* are most liable to treat them (and those, if any, they [ought to] represent) as free and equal. To do so, I take up and develop two Deweyan suggestions: first, that democracy ought to be a form of collective social inquiry; and second, that, in developing a moral theory, we should begin with “moral experience itself.” Following these suggestions, I note that when we reflect on those joint or collective decisions (say, among genuine friends) in which we are most likely to think and to feel that we are being treated as “free and equal,” we notice that we do recognize the need to inquire into, and that, as appropriate, we actually do inquire into, the procedures, virtues, and cultural practices that would arguably promote the ability of “the process” in question to give equal consideration to, and to show equal concern and respect for, the good or interests of each of the participants. So, by analogy, I suggest that in order for democracy’s participants to treat one another (and those, if any, they [ought to] represent) as “free and equal,” they too should recognize the need to conduct such inquiry and, as appropriate, they too should actually do so.

Finally, I argue that the participants to a democratic process should be aware that anything that is said (and not said) in whatever inquiries are fed into, or invoked in the context of, that process *could* have “moral or ethical significance and implications.” Historically, much social inquiry, at least where it has aimed to be “scientific,” has sought to be “value-free” and/or “value-neutral.” On a certain traditional view, such inquiry that has been thought to lay the basis for “rational” decision-making. By contrast, the pragmatist starting point is that all inquiry is, in my terminology, “value-guided” and “value-laden.” If so, this implies, I suggest, that anything that is said (and not said) in any particular inquiry *could* have “moral or ethical significance and implications.” And those engaged in a deliberative process of mutual justification should try to understand that significance/those implications. So, “rational” decision-making has a different meaning here.

So, when we take these three reconstructive arguments together, we can then see the reasonableness of a conception of democracy which regards it as a process in which, ideally speaking, the free and equal citizens of the respective demos or the free and equal members of the pertinent association: enter into a moral-ethical dialogue and deliberation with one another; view that dialogue and deliberation as a process of inclusive, collective social inquiry; and conduct that inquiry as what I call a “reflexive social practice.” Hence the title of this dissertation: *Deliberative Democracy as Reflexive Social Inquiry*.

III. Organization of the Dissertation

In section 1.2 above, I suggested that one problematic aspect of relevant literatures is that there is sometimes a tendency to focus either on (ideal) procedures/procedural criteria, *or* on civic virtues, *or* on cultural practices that would arguably facilitate a more “inclusive” democratic process. And, I noted, this tendency is sometimes apparent in the literature on deliberative democracy in particular: indeed, deliberative theorists have sometimes focused

either on ideal deliberative procedures/procedural criteria, *or* on deliberative/civic virtues, *or* on cultural practices that would arguably facilitate a more “inclusive” deliberative-democratic processes. Thus, in a variety of ways, discussions of procedures, virtues, and cultural practices have proceeded in relative isolation from one another.

In chapter 1, I discuss one variant of the tendency in question at length: the tendency to focus on (ideal) procedures/procedural criteria without at the same time explicitly discussing deliberative/civic virtues and cultural practices. In my view, this is the most widespread and important variant of the tendency in question. This is because most normative democratic theories are, I think, broadly “liberal” in character (certainly this is the case with the literature on deliberative democracy), and, as we’ll see below, *the various kinds of “proceduralism” that often characterize liberal-democratic theories can lead to precisely this tendency*. In chapter 1, I therefore discuss selected aspects of three author’s works – Robert Dahl, Jürgen Habermas, and Joshua Cohen – indicating how the tendency in question is on display in each of their respective normative democratic theories, each of which the author describes as being a “deliberative” conception of democracy. (Cohen and Habermas are conventionally recognized as theorists of deliberative democracy, but Dahl is not. Yet, in a reply to a comment that Cohen makes in a symposium on Dahl’s *Democracy and Its Critics* [where Dahl presents the normative democratic theory in question], Dahl does describe his own theory as articulating a “deliberative” conception of democracy.⁴⁰) The main reason that I discuss these authors’ theories is because it is important to recognize how the prominence of a certain kind of “liberal proceduralism” in normative democratic theory helps to explain why democratic theorists have often failed to recognize (or at least not explicitly discussed) how their own respective (ideal) procedures/procedural criteria could assist democracy’s participants in reasoning about procedures, virtues, and cultural practices in conjunction. Thus, in chapter 1, I critically engage with selected aspects of each of these author’s works in an effort to set the background for my own normative theory of the democratic process. A major conclusion that emerges from the discussion is that in these author’s respective theories, the “*proper*” *function of normative democratic theory in democratic practice is either unclear or is presented in a way that is less desirable than it otherwise might be*. (Or both.)

This discussion sets the background for the reconstructive arguments that I pursue in the rest of the dissertation, where, as I have said, I am concerned with (a) how the participants to a (nominally) democratic process themselves might craft decision-making processes that best approximate the ideal of treating them and those (if any) they (ought to) represent as “free and equal” and with (b) what role, if any, a normative theory of the democratic process might play in their efforts to do so.

In chapter 2, the point of departure is an observation offered at the end of chapter 1, again, that, in the authors’ works that concerned us in that chapter, the “proper” function of normative democratic theory in democratic practice is either unclear or presented in a way that is less desirable than it otherwise might be (or both). One reason for this, I note, is that normative democratic theory, like other forms of moral or ethical theory, is sometimes conducted *without making clear reference to empirical inquiry*. As suggested in chapter 1, there are various lamentable consequences. One is that it is not clear what the theory’s relationship to existing democratic norms and values is; it is not clear where the norms and values articulated by the

⁴⁰ See Dahl (1991). Here, I won’t develop a position on the extent to which Dahl’s theory *is* fairly described as a “deliberative” conception. I’ll just say that I believe that it has elements of a “deliberative” conception as well as elements of an “aggregative” conception, but, for that matter, so do most normative democratic theories.

theory come from in the first place – what relation, if any, they have to *lived* experience. Correspondingly, it is not clear how, if at all, the participants to any actual democratic process might relate such theory to their own norms, values, and practices. Another consequence is that it is not clear what role, if any, normative democratic theory might play in “guiding” empirical inquiries into how best to instantiate the norms and values developed in the theory. Correspondingly, it is not clear how the participants to some democratic process might use the theory to improve that process. Therefore, in chapter 2, I begin to offer a strategy for “re-engaging” so-called “normative” democratic theory and so-called “empirical” democratic theory. Briefly, the strategy looks like this. As the classical pragmatists sought to teach us, all reasoning is, in some sense, “practical,” which obviously implies that whatever reasoning is involved in “normative democratic theory” is so too. Correspondingly, I argue that normative democratic theory is a form of “practical reasoning,” and so, like any form of practical reasoning, inevitably “involves” empirical inquiry (in an extended sense of “involvement” that I specify.⁴¹) Indeed, because normative democratic theory just *is* a form of practical reasoning and because practical reasoning inevitably *does* involve empirical inquiry, it follows that normative democratic theory just *is* an “empirical enterprise.”⁴² Hence, when we reason about what we think a democratic process should ideally look like – that is, when we engage in “normative democratic theory” – we should avoid any sharp distinction between “normative” and “empirical” forms of reasoning, just as we should avoid any such distinction between “theoretical” and “practical” forms of reasoning.

Now, if chapter 2 indicates why it is the case that normative democratic theory just *is* an empirical enterprise, chapter 3 tries to give greater clarity to the *character* of that empirical enterprise. Briefly stated, the central claim in chapter 2 is that when we *actually* carry out certain tasks that are indispensable to any “reasonable”⁴³ conception of normative democratic theory, we are then engaged in a form of “practical reasoning,” one that inevitably “involves” empirical inquiry. So, chapter 3, “Practical Reasoning is About a Unique Context,” aims to give further clarity to the character of the “practical reasoning” that is involved in that empirical enterprise. In doing so, we arrive at an extended version of “the central claim” from chapter 2, just mentioned, which looks like this: When we actually carry out certain tasks that are indispensable to any “reasonable” conception of normative democratic theory, we are then engaged in a situated form of practical reasoning, one that inevitably “involves” empirical inquiry; and this reasoning is always about a unique context, one in which our norms and values may come into conflict and in which those norms and values always need “contextual interpretation ‘in their application.’”

Having clarified the nature of the practical reasoning that is inevitably involved in any “reasonable” conception of normative democratic theory, we then, in chapter 4 (“Normative Democratic Theory as a Tool for Practical Reasoning”) go on to clarify *the “proper” function of*

⁴¹ A person’s reasoning can be said to “involve” empirical inquiry, I say, *if* it is the case that her *ability* to reason about something is tied to, in some way depends on, her own or others’ empirical inquiries.

⁴² To the empirically minded, this may seem entirely obvious. If so, it is well to recall, as I will again suggest we should in chapter 2, that, as Alasdair MacIntyre has observed, “moral philosophy [of which normative democratic theory is one variety] is often written as though the history of the subject were only of secondary and incidental importance. This attitude seems to be the outcome of a belief that moral concepts can be examined and understood apart from their history [a belief, I would add, that seems to suggest that we need not engage in empirical inquiries into the origins and formation of our democratic norms and values]. Some philosophers have even written as if moral concepts were a timeless, limited, unchanging, determinate species of concept, necessarily having the same features throughout their history, so that there is a part of language waiting to be philosophically investigated which deserves the title “*the* language of morals” (with a definite article and a singular noun)” (MacIntyre 1998: 1).

⁴³ See chapter 2, section II, for an explanation of what I mean by this term.

normative democratic theory in this “practical reasoning.” As suggested by the title, chapter 3 therefore describes how normative democratic theory might function as a “tool” for practical reasoning, one that can assist democracy’s participants in carrying out two principal tasks. First, it can help them to clarify what their own democratic norms and values are. And second, it can help them to conduct empirical inquiries that clarify how they might better uphold those norms and realize those values.

To develop these ideas, Part I of chapter 4 discusses John Dewey’s “empirical-instrumentalist” approach to moral theory, juxtaposing it with two more familiar approaches. Briefly, the “generalist” approach is to articulate moral principles that are purportedly universal in scope and that purportedly “tell us” how we are to act in cases of a particular kind. The “particularist” approach, by contrast, rejects the idea of moral principles altogether or, at a minimum, holds that, in moral deliberation, there need be no attempt to bring such principles to bear on particular situations. Sound moral judgment is non-codifiable, and can only be found as one decides particular cases. The chapter then suggests that normative democratic theory is a *kind* of moral theory, and that a Dewey-inspired approach to it is more appropriate than either a generalist *or* a particularist one. Dewey’s approach recognizes the need for moral principles that are broad in scope. It also recognizes, however, that sound moral judgment responds to the exigencies of particular situations and is, therefore, non-codifiable. Hence, a Dewey-inspired approach to normative democratic theory is sensitive to the need for such theory to balance a *kind* of generalism with a *kind* of particularism. Section II then illustrates the logic of how normative democratic theory, construed in this way, can assist democracy’s participants in carrying out the two principal tasks mentioned above: first, clarifying what their own democratic norms and values are; and second, helping them to conduct empirical inquiries that illuminate how they might best uphold those norms and realize those values.

After developing this Dewey-inspired approach to normative democratic theory in chapter 4, I then, in chapter 5 (“Toward a Normative Theory of the Democratic Process”) develop my own normative democratic theory, or as I prefer to call it, my own “normative theory of the democratic process.” To do so, I critically engage with Dahl’s “theory of the democratic process,” which, as noted, I also discuss in chapter 1.⁴⁴ Briefly, the reason that I develop my own theory through an engagement with Dahl’s theory is that, among the normative democratic theories that I am aware of, Dahl’s conception of the “proper” *character* and *function* of a normative theory of the democratic process is closest to the way in which I think we should conceive of it. And, quite often at least, the best way to make theoretical progress in some area is to differentiate one’s own theory from whatever theory is, in relevant respects at least, the theory that is “closest” to one’s own theory. This helps to make it clear how one’s own theory offers an improvement on what is “the best theory” on offer.

Dahl’s theory is based on two major premises. First, if we regard persons as somehow being “intrinsically equal,” it follows that the process by which a political association governs itself ought to give “equal consideration” to the good or interests of each of its members. Second, if we presume that the adult members of an association are “autonomous” – that they are the best judges, promoters, and defenders of their own good or interests – we should assume that they are adequately qualified to participate in that process. Based on these premises, Dahl offers four “criteria for a democratic process.” These are meant as descriptions of the ideal, defining features of a process for “binding,”⁴⁵ collective decision-making that treats persons as intrinsically equal

⁴⁴ Dahl (1989: chapter 8).

⁴⁵ On the sense in which Dahl uses the term “binding,” collective decision-making, see chapter 5, note 3.

and autonomous. Dahl's criteria specify the equal and adequate opportunities for participation that members should ideally have in such a process. The criteria, he says, are "standards – ideal standards, if you like – against which procedures proposed ought to be evaluated in any association to which the assumptions ["justifying a democratic political order" may be said to] apply," those assumptions being that persons are regarded as intrinsically equal and as autonomous.⁴⁶ More specifically, the criteria, he says, ought to be used for assessing how well alternative *procedures* furnish citizens with the equal and adequate opportunities that the criteria articulate.

In chapter 5, I suggest that, in qualified form, we should endorse Dahl's two premises, but reconsider the implications of our doing so. First off, I agree with Dahl that adult persons should be regarded as "intrinsically equal" (in Dahl's terminology), and I agree that the "binding," collective decision-making processes of an association should treat their members as such.⁴⁷ However, I propose an amendment to Dahl's first premise. Again, Dahl says that if we regard persons as somehow being "intrinsically equal," it follows that the process by which a political association governs itself ought to give "equal consideration" to the good or interests of each of its citizens/members. By contrast, I offer reasons for preferring to say that if we regard persons as somehow being "intrinsically equal," it follows that the process by which a political association governs itself ought to give "equal consideration to, and show equal concern and respect for, the good or interests of all relevant persons."⁴⁸ The second premise I do not amend: if we presume that the adult members of an association are "autonomous" – again, that they are the best judges, promoters, and defenders of their own good or interests – we should indeed assume that they are adequately qualified to participate in that process.

Turning to the criteria themselves, I agree with Dahl that we should think of the criteria for a democratic process as "ideal standards" (though I choose to use the terminology "ideal procedural criteria" instead.) However, I disagree with Dahl on two major substantive issues with respect to the criteria. Here is where I can indicate why I say that Dahl's conception of the proper *character* and *function* of a normative theory of the democratic process is closest to my own conception, but why I also say that my own theory offers an improvement on his theory.

First, I agree with Dahl that the ideal procedural criteria should specify the equal and adequate opportunities that participants should have. This is the very broad sense in which I agree with Dahl's depiction of the proper *character* of a normative theory of the democratic process. However, I disagree with him in that I maintain that they should also specify the responsibilities that they should ideally assume. That is, I argue that the ideal procedural criteria should specify not only the equal and adequate *opportunities* that the process should ideally grant citizens or the members of an association (and that participants ought to grant each other); they

⁴⁶ Dahl (1989: 108-109).

⁴⁷ Since the arguments in this dissertation are aimed at self-styled democrats, and since genuine democrats (almost?) invariably endorse some idea of "intrinsic quality" or "moral equality," I don't spend time arguing for the two claims expressed in this sentence. For the purposes of this dissertation, I just take them as background assumptions, focusing on various conclusions that seem to me to follow from them.

⁴⁸ By "relevant persons" I shall mean "all those persons whose good or interests may reasonably be expected to be (somehow) importantly affected by the 'binding,' collective decision-making process in question." Included here are: (a) the participants themselves; (b) those, if any, they "represent" (in the electoral sense); and (c) those they "ought to represent" (i.e., "anyone whose good or interests may reasonably be expected to be [somehow] importantly affected by the 'binding,' collective decision-making process in question," but who does not herself participate in the process and does not herself have "representation" in it [in the electoral sense].) See section 3.1.2 of chapter 5. Note that, in this dissertation, I make no attempt to defend a particular interpretation of the phrase "(somehow) importantly affected" by a decision.

should also specify the *responsibilities* that they should ideally assume in relation to one another (and, indeed, those, if any, they [ought to] represent). As indicated in section 1.2 above, I follow the Deweyan injunction to develop my moral theory (that is, my normative theory of the democratic process) by starting with “moral experience itself.” And anthropological-interpretive inquiry into relevant aspects of moral experience (that is, into paradigmatic moments of “free and equal treatment” in joint or collective decision-making) reveals, I suggest, that persons who view each other as intrinsically equal and autonomous recognize that they owe each other justifications for their expressed policy preferences. Therefore, the ideal procedural criteria should not just articulate certain (equal and adequate) *opportunities* but also a number of *responsibilities* related to such justification. In this way, we are led from Dahl’s own premises to a deliberative conception of the democratic process.

This, I submit, is an important outcome. As indicated in section 1.1 above, a broad range of democrats, including so-called “aggregative democrats” and so-called “deliberative democrats,” agree that democracy is a “moral or ethical ideal.” For again, it seems that all such democrats (at least tacitly) endorse some ideal of “free and equal personhood,” and, in consequence, some ideal of “free and equal citizenship or membership” too. Nevertheless, such democrats currently arrive at very different conclusions about what an inclusive, democratic process should look like. (“Deliberative democracy,” for instance, is sometimes understood to stand in sharp contrast to “aggregative democracy.”) If, however, I am able to derive a deliberative conception of democracy from the values that “aggregative democrats” and “deliberative democrats” both apparently endorse (that is, the values of treating citizens or members as “free” and as “equal”), my theory promises to bring more “aggregative democrats” into the “deliberative” fold, creating broader agreement on what a democratic process should at least ideally look like.

Second, I agree with Dahl that the ideal procedural criteria ought to be used for assessing how well alternative *procedures* furnish citizens or the members of an association with the equal and adequate opportunities that the criteria articulate. This is the very broad sense in which I agree with Dahl’s depiction of the proper *function* of a normative theory of the democratic process. However, I disagree with Dahl in that I maintain that the participants to a democratic process ought to use the ideal procedural criteria as a “tool” for practical reasoning, one that can “guide” participants’ inquiries into the *procedures, virtues, and cultural practices* that, in the particular context in which they do (have to) act, are most apt to promote the effective granting of the equal and adequate opportunities that are specified by those criteria *and* that are most apt to promote the effective assumption of the responsibilities that are specified (or entailed) by them. Dahl, for his part, only discusses the potential role of the criteria in assessing how well alternative *procedures* furnish citizens or the members of an association with the equal and adequate opportunities that his criteria articulate.

Here again, I suggest, we can see the benefit of my Dewey-inspired philosophic method – that is, we can see the benefit of engaging in anthropological-interpretive inquiry into moral experience itself. For such inquiry helps us to see *why* participants ought ideally to engage in such inquiry in the first place. That is, when we reflect on those joint or collective decisions (say, among friends) in which we are most likely to think and to feel that we are being treated as moral equals, we notice that we do recognize the potential need to inquire, and that, as appropriate, we actually do inquire, into “procedures,” “virtues,” and “cultural practices” in this way. And, reasoning analogically, we can then appreciate that, in order to treat each other (and those, if any,

they [ought to] represent) as free and equal, *the participants to a democratic process should do so too.*

Next, in chapter 6 (“Why the Democratic Process Ought to Be Conducted as a Reflexive Social Practice”), I return to the idea that, ideally speaking, the “democratic process” ought to be conceived of as a form of “collective social inquiry,” but now add a qualification to that claim. The revised and extended claim is that, ideally speaking, the democratic process is best conceived of as a form of “collective social inquiry,” but one that, more specifically, is conducted as a “reflexive social practice”: as a practice in which participants recognize the potential need to inquire, and, as appropriate, actually do inquire, into the (potential or actual) moral or ethical significance and implications of whatever is said (and not said) in whatever inquiries are fed into, or invoked in the context of, that process.

To summarize very quickly, the main motivation for this argument goes like this. As indicated in section 1.3 above, there is a traditional view of “rational” moral or ethical reasoning that views it as a process that consists in two clearly distinct and separable “moments”: a “value-free” and/or “value-neutral” one, where we first figure out what our situation is; and (as we might put it) a “value-guided” and “value-laden” one, where we then decide how we would should (like to) act in light of that situation. Chapter 6 indicates that the problem with this view is that all inquiry is apparently “value-guided” and “value-laden,” and so there apparently is no form of inquiry that *is* “value-free” and/or “value-neutral.” From this it follows, I suggest, that anything we say (and do not say) in any of our inquiries could have “moral or ethical significance and implications.” Hence, insofar as it is “rational,” our reasoning in the democratic process will not be divided into two “moments,” with the first one being “value-free” and/or “value-neutral” (when we figure out what our situation is) and the second one being “value-guided” and “value-laden” (when we figure out how to act in light of that situation). (Recall the discussion in section 1.3 above.) Rather, insofar as it is “rational,” I suggest, the democratic process will be conducted as a “reflexive social practice”: again, as a practice in which participants recognize the potential need to inquire, and, as appropriate, actually do inquire, into the (potential or actual) moral or ethical significance and implications of whatever is said (and not said) in whatever inquiries are fed into, or invoked in the context of, that process. According to the normative theory of the democratic process developed in chapter 5, participants to the democratic process ought ideally to seek out mutually acceptable and generally accessible reasons for their expressed policy preferences. And this entails that they try to understand relevant social situations and activities from relevant persons’ perspectives, which in turn entails that they try to understand *the moral or ethical significance and implications of what is said (and not said) by participants in relation to those situations and activities.* Hence, a reflexive social practice can help the participants to a democratic process to assume certain of the responsibilities specified (or entailed) by the ideal procedural criteria developed in chapter 5.

Chapter 1

Problems In/With Normative Democratic Theory

Introduction

In the Introduction, I suggested that one problematic aspect of the literature on normative democratic theory is that there is sometimes a tendency to focus either on (ideal) procedures/procedural criteria, *or* on civic virtues, *or* on cultural practices that would arguably facilitate a more inclusive democratic process. And, I noted, this tendency is sometimes apparent, for instance, in the literature on deliberative democracy, which particularly concerns us here: deliberative theorists have sometimes focused either on (ideal) deliberative procedures/procedural criteria, *or* on deliberative/civic virtues, *or* on cultural practices that would arguably facilitate the creation of more inclusive deliberative-democratic processes. Thus, in a variety of ways, I suggested, discussions of procedures, virtues, and cultural practices *have proceeded in relative isolation from one another*. And yet, informed reflection on paradigmatic moments of “free and equal treatment” in joint or collective decision-making reveals, I believe, that, in those moments, participants recognize that there is often a *need* to inquire into the procedures, virtues, and cultural practices that are most apt to promote the aim of treating participants as free and equal in such decision-making. Likewise, it reveals that, in those moments, participants often *do* inquire into such procedures, virtues, and cultural practices. Of course, I have not yet argued for these claims about “paradigmatic moments of ‘free and equal treatment,’” and in due course I shall need to do so. (I take them up in Chapter 4 and return to them at various points in subsequent chapters.) Nevertheless, if there is something to these claims, the fact that discussions of procedures, virtues, and cultural practices *have* sometimes “proceeded in relative isolation from one another” should concern us here. For the suspicion arises that whenever this tendency is apparent, the theory in question will be less useful to democratic practice than it otherwise might be. Whenever attractive democratic practices arguably reveal one thing, while normative democratic theories (seem to) suggest another, we then have at least a *prima facie* “case for concern” that something is missing in the respective theories.

In this chapter, I’d like therefore to consider one variant of the tendency in question: the tendency to focus on (ideal) procedures/procedural criteria without at the same time explicitly discussing deliberative/civic virtues and cultural practices. As mentioned in the Introduction, the reason we’ll give more attention to this particular variant of the tendency in question is that it is the most widespread and so important of the three variants mentioned there. As noted, this, I believe, is because most normative democratic theories are broadly “liberal” in character (certainly this is the case with the literature on deliberative democracy), and, as we’ll see below, *the various kinds of “proceduralism” that often characterize liberal theories can lead precisely to this tendency*. So, in this chapter I take up selected aspects of three author’s works (Robert Dahl, Jürgen Habermas, and Joshua Cohen), indicating how the tendency in question is on display in each of their respective normative democratic theories, each of which the author describes as offering a “deliberative” conception of democracy.¹

¹ As mentioned in the Introduction, Cohen and Habermas are conventionally recognized as theorists of deliberative

Briefly, the motivation behind this discussion may be characterized as follows. Like the three normative theories reviewed in this chapter, the normative democratic theory that I later develop in this dissertation is based on a commitment to treating the citizens or members of a political association as “free and equal” in collective decision-making. In that broad sense, all of these theories – including my own theory – are “liberal” theories. Furthermore, like the three normative theories reviewed in this chapter, the normative democratic theory that I later develop also maintains that our normative democratic theories should help us to reason about the *procedures* that would treat the citizens or members of a political association as free and equal. Yet, as indicated in the Introduction and as we’ll see in later chapters, I maintain that normative democratic theory ought to help us to reason about *procedures, virtues, and cultural practices “in conjunction,”* while each of the three normative theories discussed in this chapter is presented as just helping us to reason about *procedures* (or “procedures” and “institutions”). Accordingly, it is useful to investigate how the three normative theories in question arrive at this latter orientation – to see whether there might not be something mistaken in the former orientation. As the reader surely imagines, however, I obviously conclude that the former orientation – my own orientation – is preferable. And the critical investigation of the three normative theories in question will help to indicate how I arrive at this conclusion.

I. Three Varieties of Liberal Proceduralism

So, we turn now to the three varieties of liberal proceduralism mentioned above: Robert Dahl’s “theory of the democratic process,” Jürgen Habermas’s “normative model of democracy” (his “proceduralist conception” or “discourse-theoretic interpretation” of “deliberative politics”), and Joshua Cohen’s “ideal deliberative procedure.”

1.1 Problems with Dahl’s Variety of Proceduralism

We first consider Dahl’s variety of proceduralism.² In *Democracy and Its Critics*, Dahl offers a “theory of the democratic process” that articulates “criteria for a democratic process.”³ The criteria, Dahl writes, are “standards – ideal standards, if you like – against which procedures proposed ought to be evaluated in any association to which the assumptions [“justifying a democratic political order” may be said to] apply.”⁴ These criteria, he continues, “specify that citizens...ought to have equal and adequate *opportunities* to act in certain ways.”⁵ In these brief passages, we can already see two closely related features of Dahl’s proceduralism that are important for our purposes.

The first concerns his claim that the “criteria for a democratic process” are standards *whose value resides specifically in their usefulness in judging alternative “procedures.”* Now, Dahl does not explicitly deny that his criteria might be useful for other purposes: for instance, for the purpose that I have already suggested they might profitably be used for, that is, helping democracy’s participants to reason about procedures, virtues, and cultural practices in

² See chapter 5 for additional comments on Dahl’s variety of proceduralism. .

³ Dahl (1989: chapter 8).

⁴ Ibid. 108-9. These assumptions refer to, or are derived from, what Dahl calls the “Idea of Intrinsic Equality” and the “Presumption of Personal Autonomy.” See pp. 107-108. Also, on the former, see Dahl (1989: chapter 6) and, on the latter, Dahl (1989: chapter 7). See also my discussion of these assumptions in chapter 5.

⁵ Ibid. 114.

conjunction. But there is some reason to suspect that he would at least be hesitant about using it for that purpose. For, in formulating his criteria, Dahl is clearly after a kind of “minimalism”: he is trying to articulate standards for a “fair” form of collective decision-making, one that respects citizens’ personal and moral autonomy, their freedom to be self-determining.⁶ In other words, he is after criteria for a “fair” collective decision-making process for a pluralistic society. And talk of “virtues” (at least in the normative theory itself) might be thought to run against his desired minimalism.

This, I think, becomes particularly evident when we look at the second feature of Dahl’s proceduralism that is evident in the above passages: namely, the fact that Dahl’s criteria are understood as properly articulating – and as only articulating – the “equal and adequate opportunities” for participation that citizens ought ideally to have in a democratic process.⁷ In explaining why he chooses to conceive of the criteria in this way, Dahl recognizes that someone might object that the criteria for a democratic process ought to specify “duties as well as opportunities – [for instance, the] duties of the citizen to participate, to vote, to become informed, and the duty of the demos to determine how the agenda is to be decided.”⁸ In response to this possible objection, however, he says the following: “While I believe that the democratic process does imply duties like these, they are moral duties. They take their place among an array of obligations, rights, and opportunities that would confront citizens in a democratic order.”⁹ Hence, Dahl feels that he “cannot say that it would always be wrong for a citizen to choose not to fulfill the political obligations implied by the criteria of the democratic process.”¹⁰

Accordingly, Dahl’s theory contents itself with: an articulation of the “equal and adequate opportunities” that citizens ought to be granted; a recognition that his theory does, however, seem to imply certain “duties”; and a further stipulation that it is best to leave it to citizens themselves to weigh those duties against the other obligations, rights, and opportunities that they (would) confront in a democratic political order, since doing so ensures that “citizens have the freedom to choose how they will fulfill their political obligations,” which is more consistent with the values of personal and moral autonomy and with the freedom of self-determination.¹¹ Consequently, to respect the value of pluralism, we might say, *the criteria themselves, on his view, are not to say anything explicit about “duties” (or, it seems, “responsibilities” or other cognate terms).*

Now, I have a number of criticisms about this way of conceiving of the “proper” character and function of a normative theory of the democratic process.¹² But, focusing on the two features of Dahl’s “proceduralism” that I’ve already underlined, I just want to observe something of critical importance that *results* from that proceduralism.

⁶ Ibid. 108, 115.

⁷ We consider Dahl’s “criteria for a democratic process” at length in chapter 5. But to get a sense of what those “criteria” look like, how they specify various “equal and adequate opportunities,” consider the following criterion, which Dahl (1989: 109) calls the criterion of “effective participation”: “Throughout the process of making binding decisions, citizens ought to have an adequate opportunity, and an equal opportunity, for expressing their preferences as to the final outcome. They must have adequate and equal opportunities for placing questions on the agenda and for expressing reasons for endorsing one outcome rather than another.”

⁸ Ibid. 115.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² These are considered at length in chapter 5. The discussion in chapter 4 also suggests a number of disagreements with Dahl’s way conceiving of the “proper” character and function of a normative theory of the democratic process.

In light of what has already been said, we can fairly say that, at a minimum, Dahl's way of conceiving of the "proper" character and function of his normative democratic theory does not explicitly encourage us to use the criteria it articulates as a framework for reasoning about procedures, virtues, and cultural practices in conjunction, as I've suggested (but not yet argued that) we should use a normative democratic theory to do.¹³ Still more critically, however, it is arguably also fair to say that, in so far as we follow him in this respect, Dahl's way of conceiving of the criteria leads us to give inadequate attention to the *responsibilities* that are arguably necessary for the granting of the "equal and adequate opportunities" that those criteria specify. As we've seen, his view is that the criteria are just to specify (ideal) opportunities; are to be used to evaluate alternative procedures in light of how well – to what extent – they grant those opportunities; and are not themselves explicitly to specify any duties (or presumably any cognate terms, like "responsibilities"; indeed, as he articulates them, they don't explicitly specify any such cognate terms). So, what results is that Dahl's normative theory of the democratic process exhibits the tendency identified at the outset: the tendency to focus on (ideal) procedures/procedural criteria without at the same time explicitly discussing deliberative/civic virtues and cultural practices.

Let's look closely at how this is so. In Dahl's theory, the focus is just on opportunities, and on the role that the criteria can play in helping us to adjudicate between "procedures" that are more and less able to afford citizens those opportunities. Correspondingly, there is no explicit claim (to the effect) that the criteria should (or even could) be used to help democracy's participants to reason about the responsibilities that participants might be asked ideally to assume. Furthermore, the main reason to discuss deliberative/civic virtues in the first place is precisely to help us to see how democracy's participants indeed might best *assume* such responsibilities. (Or it is surely one of the main reasons for which authors have historically discussed such virtues). So, an inattention to deliberative/civic virtues arguably results from the lack of attention to responsibilities here.

Of course, one might not immediately see why there is any reason for thinking that citizens (or those who choose to participate in the democratic process, either as representatives or otherwise) have any "responsibilities" at all. Hence, one might not immediately see why indeed we should give any attention to responsibilities here. For, at least at first blush, it might appear that for a democratic process to be a "fair" collective decision-making process for a pluralistic society, it need only "grant certain 'opportunities'" to those who choose to participate. (And, indeed, it is not unreasonable, I think, to read Dahl as sometimes speaking – if not actually thinking – this way). And so, again, it might not appear that there *is* a need to speak of "responsibilities" here.

The conclusion is clearly mistaken, however. In order for a "democratic process" to treat persons in a particular way, it should be evident that the participants themselves must do so. Any time a "process" is, in actuality, a *human activity*, it obviously follows that (certain of) the participants to that activity have to assume certain responsibilities in order for the guiding aims of that process to be effectively promoted or realized (or in order for its ostensible "guiding aims" to be effectively promoted or realized). For a "process," of course, cannot literally *do* anything; but *people* can. Thus, when we speak of the "democratic process" as "doing" something, like "granting an 'opportunity,'" we have to remember that this is an elliptical, shorthand way of talking about a specific kind of activity, which, like any activity, can be performed more and less adroitly *depending on the responsibilities that relevant persons assume*

¹³ Recall my brief comments in the Introduction.

(or fail to assume) and depending on the virtues (and vices) that those persons exhibit there. Indeed, we have to remember that “the process” cannot “function” at all – much less be said “to grant equal and adequate opportunities ‘to act in certain ways’” – unless certain individuals assume certain responsibilities. Accordingly, we have to remember that in reasoning about how best to realize, or to promote, the aim of granting a participant “the opportunity to act in a certain way,” we ought to concern ourselves with the responsibilities that other participants would have to fulfill in order for “the process” to do so. Likewise, we ought to concern ourselves with the virtues that would arguably assist them in assuming (or that would arguably dispose them to assume) those responsibilities. So, there clearly is a need to speak of responsibilities here.

Furthermore, it appears plausible that insofar as there is a lack of attention to the responsibilities that participants should ideally assume, there likely will be a lack of attention to the virtues they should exhibit. For notice that when we reason about deliberative/civic virtues, it often just *is* because we think that participants ought to assume certain responsibilities, either in relation to one another or in relation to those (if any) they (ought to) represent. (Or both.) For instance, when Gutmann and Thompson suggest that legislators should ideally evince the virtue of “civic integrity,” it is *because* they want to encourage them to assume responsibility for justifying their expressed policy preferences – to the other participants, to their electoral constituents, and even to their “moral constituents” (those who are affected, or are likely to be affected, by the decision[s] in question, but who neither participate in the decision-making nor have someone to represent them in it).¹⁴ Of course, we often reason about virtues in order to specify how “the process” might grant certain opportunities to participants, too. For instance, if we suggest that participants should ideally be “open-minded” (as Gutmann and Thompson also say), it is surely in part because we want other participants to have the opportunity “to convince others of their positions,” “to be heard,” “to say their piece,” “to express their viewpoints,” “to have a voice in the process,” and so on.¹⁵ Notice, however, that this is just an indirect way of saying that we are reasoning about the “responsibilities” that participants should assume. For again, to say that a human activity should “grant certain opportunities” just *is* to say that “certain persons should assume certain responsibilities.” Hence, if we forego a discussion of responsibilities, we are likely to be less inclined (and able) to engage in a (productive) discussion of deliberative/civic virtues. Indeed, if we are not careful, we arguably might not even see the point of our doing so.

What, though, of the “cultural practices” that I have referred to? Well, parallel remarks can be made here too. That is, it appears plausible that insofar as there is a lack of attention to the responsibilities that participants should ideally assume, there will likely be a lack of attention to the cultural practices that could conceivably help to create a social climate in which participants are more likely to assume the responsibilities that our ideal procedural criteria state or imply that they should.¹⁶ For notice that when we reason about the importance of certain “cultural

¹⁴ Gutmann and Thompson (1996: 81-81). Gutmann and Thompson do not explicitly formulate the idea of “moral constituents” in this way, but I think it is implied by their presentation. We return to this idea in chapter 5.

¹⁵ Hence, in speaking of “the simple virtue of *open-mindedness*,” Gutmann and Thompson (1996: 83) write: “Cultivating this disposition maintains the possibility that citizens can be convinced of the moral merits of their adversaries’ position. Open-minded citizens try to break personal and institutional habits that would discourage them from accepting an opposing position at some time in the future, or at least from modifying their position at some time in that direction.”

¹⁶ Let me reiterate what I mean by “cultural practices”: loosely, practices that draw from the broader culture in which a (nominally) democratic process takes place, ones that, if they were somehow incorporated into that process, would arguably: assist the participants in assuming (or dispose them to assume) the responsibilities that our

practices” in the context of a democratic process, it often just *is* because we are concerned with participants assuming certain responsibilities. For instance, if we say (or imply) that the cultural practice of “greeting” one another can help to create a more “inclusive” process (as, for instance, Iris Young does), we are typically concerned with participants assuming the responsibility for treating one another with equal concern, respect, and/or consideration.¹⁷ Of course, we often reason about cultural practices in order to specify how the process might grant certain opportunities to participants, too. For instance, if we suggest (as again Young does) that the cultural practice of employing “rhetoric” in public deliberations and dialogues can sometimes help to bring much needed attention to unacknowledged or under-acknowledged grievances, we are often concerned with the process giving participants the opportunity to place issues on the agenda for discussion.¹⁸ Again, however, notice that this is just an indirect way of saying that we are reasoning about “responsibilities” here. For again, to say that a human activity should “grant certain opportunities” just *is* to say that “certain persons should assume certain responsibilities.” Hence, if we forgo a discussion of responsibilities, we are, again, likely to be less inclined (and able) to engage in a (productive) discussion of cultural practices (in the above sense). And again, if we are not careful, we might not even see the point of our doing so.

1.2 Problems with Habermas’s Variety of Proceduralism

We turn now to Habermas’s variety of proceduralism. Here, too, the tendency in question can be identified: the tendency to focus on (ideal) procedures/procedural criteria without at the same time explicitly discussing deliberative/civic virtues and cultural practices. And, as with Dahl, this tendency is evident in at least some of Habermas’s writings in that, in discussing his own normative democratic theory, *he too focuses on a “procedure,” and in such a way that an explicit acknowledgement of the relevance and importance of reasoning about deliberative/civic virtues and cultural practices falls away.*

Consider, for instance, Habermas’s article, “Three Normative Models of Democracy.” Here, Habermas criticizes two “received views of democratic politics.”¹⁹ These he refers to as, first, “the ‘liberal’ or Lockean view” and, second, the “the republican view,” and he describes

procedural criteria suggest they should ideally assume; promote the effective granting of the opportunities that our procedural criteria suggest they should have; and consequently promote the exhibition of certain relevant virtues.

¹⁷ Hence Young (2000: 57) writes: “It is not uncommon to hear a complaint from individuals or groups who have tried to make claims and arguments in a political discussion that they have been ignored, or worse, spoken about by others as though they were not there, deprecated, stereotyped, or otherwise insulted. No rules or formalities can ensure that people will treat others in the political public with respect, and really listen to their claims. I suggest, however, that situations of political communication, in which participants explicitly acknowledge the other participants, are more substantively inclusive than those that do not. What I call greeting, or public acknowledgement, is thus a specific communicative gesture with important and not sufficiently noticed functions for democratic practice.”

¹⁸ Hence Young (2000: 64-67) writes: “Explicit reflection on the function of rhetoric in political communication... reveals several uniquely positive contributions rhetoric can and sometimes does make to democracy.... Rhetorical moves often help to get an issue on the agenda for deliberation. Gutmann and Thompson make this point through the example of Carol Mosley Braun’s impassioned rhetoric when the US Senate was about to renew the patent on the Confederate flag insignia, without any debate. They suggest that without her emotional rhetoric the Senate would not have taken the issue seriously, and that therefore her extreme and even disruptive speech contributed positively to a deliberative process by motivating officials to discuss an important issue.”

¹⁹ Habermas (1994: 1).

them as having certain “opposite features.”²⁰ Having characterized these two “established models,”²¹ he then goes on to “introduce a new proceduralist conception by way of a critique of the ‘ethical overload’ of the republican view.”²² Under the section heading “Proceduralist vs. Communitarian Views of Politics,” Habermas writes:

The republican model as compared to the liberal one has the advantage that it preserves the original meaning of democracy in terms of the institutionalization of a public use of reason jointly exercised by autonomous citizens. This model accounts for those communicative conditions that confer legitimating force on political opinion- and will-formation. These are precisely the conditions under which the political process can be presumed to generate reasonable results. A contest for power, if represented according to the liberal model of market competition, is determined by the rational choice of optimal strategies. Given an indissoluble pluralism of pre-political values and interests that are best aggregated with equal weight in the political process, politics loses all reference to the normative core of a public use of reason. The republican trust in the force of political discourses stands in contrast to the liberal skepticism about reason. Such discourses are meant to allow one to discuss value orientations and interpretations of needs and wants, and then to change these in an *insightful way*.... But contemporary republicans tend to give this public communication a communitarian reading. It is precisely this move towards an *ethical constriction of political discourse* that I call into question. Politics may not be assimilated to a hermeneutical process of self-explication of a shared form of life or collective identity. Political questions may not be reduced to the type of ethical questions where we, as members of a community, ask who we are and who we would like to be. In its communitarian interpretation the republican model is too idealistic even within the limits of a purely normative analysis. *On this reading, the democratic process is dependent upon the virtues of citizens devoted to the public weal. This expectation of virtue already led Rousseau to split the citizen oriented to the common good from the private man, who cannot be ethically overburdened.* [My emphasis; the other emphases are in the original.] The unanimity of the political legislature was supposed to be secured in advance by a substantive ethical consensus. In contrast, a discourse-theoretic interpretation insists on the fact that democratic will-formation draws its legitimating force not from a previous convergence of settled ethical convictions but from both the communicative presuppositions that allow the better arguments to come into play in various forms of deliberation and from the procedures that secure fair bargaining processes. Discourse theory breaks with a purely ethical conception of civic autonomy.²³

Now, there are many aspects of this passage that I find obscure or puzzling. Putting all but one of these aside, however, just consider the claim I’ve italicized: “On this reading [i.e., on what Habermas takes to be the communitarian interpretation of the republican model of democracy], the democratic process is dependent upon the virtues of citizens devoted to the public weal. This expectation of virtue already led Rousseau to split the citizen oriented to the common good from the private man, who cannot be ethically overburdened.” For a variety of

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

²³ Ibid. 3-4.

reasons this claim is curious, but I want to highlight just one reason for saying so: Taken in context, it seems (tacitly) to suggest that Habermas believes that his own “proceduralist” conception of the democratic process is not “dependent upon the virtues of citizens devoted to the public weal” – even, perhaps, that it is not dependent upon (the cultivation of) citizen “virtues” at all.

To see this, recall three facts. First, Habermas says that his aim is to “introduce a new proceduralist conception [of the democratic process, or of democracy, or of deliberative politics – Habermas uses each of these, and other similar, phrases] *by way of a critique of the ‘ethical overload’ of the republican view.*” Second, the passage just cited comes, as noted, under the section heading, “Proceduralist vs. Communitarian Views of Politics,” suggesting that he wants to draw a firm line (to highlight a firm opposition) between, on the one hand, his own conception of deliberative politics (of the democratic process, of democracy...) and, on the other hand, the “communitarians” view. Otherwise, why would he employ the heading, “Proceduralist vs. Communitarian Views of Politics?” Third, the sentence “On this reading [i.e., on what Habermas takes to be the communitarian interpretation of “the republican model” of democracy], the democratic process is dependent upon the virtues of citizens devoted to the public weal” is *immediately followed by* the sentence: “*This expectation of virtue* already led Rousseau to split the citizen oriented to the common good from the private man, who cannot be ethically overburdened.” So, taking these three observations together, it is reasonable, I think, to read Habermas as here implying that his “proceduralist” conception of the democratic process is *not* “dependent upon the virtues of citizens devoted to the public weal.” And, what is more, it is reasonable to say that this passage reads as though Habermas wishes to defend a conception of the democratic process that isn’t “dependent upon the virtues of citizens devoted to the public weal,” and precisely *because* he thinks that a conception of the democratic process that *is* so amounts to a conception that *does* “ethically overload” or “overburden” citizens. (Or perhaps the claim is that, where implemented, such a conception leads to a situation in which they are “ethically overloaded” or “overburdened”?) But these (implied) claims are mistaken or, at the very minimum, misleading. That is, it seems to me mistaken, or at least misleading, to imply: first, that, in some meaningful sense, his “proceduralist” conception of the democratic process is not “dependent upon the virtues of citizens devoted to the public weal”; and second, that a conception of the democratic process that is so “dependent” amounts to a conception that “ethically overloads” or “overburdens” citizens, and should therefore be rejected.

Here, though, I want to focus on the first of these claims. For if the first claim fails, so does the second. Briefly, this is because if Habermas’s own conception is, in some meaningful sense, “dependent upon the virtues of citizens devoted to the public weal,” as my response to the first claim will suggest it is, then it makes no sense to reject some other conception *because* that conception is “dependent upon the virtues of citizens devoted to the public weal.”

So, consider the first claim. To begin with, it seems that the proper, even adequate or minimal, functioning of any democratic process, however conceived, just *will* be, in some measure, “dependent upon the virtues of citizens devoted to the public weal.” “Devotion to the public weal” need not, of course, take the form that Rousseau thought it should. But how could any democratic process “function” – much less function well – if *no* citizen were “devoted to the public weal”? To my mind, it is extremely difficult to understand how such a process could function at all, much less function well, if no citizen were “devoted to the public weal.” Again, any time a human process or procedure is to grant citizens (or members), or certain citizens (or members), certain opportunities – e.g., opportunities for participation, as in any “democratic

process,” however conceived – certain citizens (or members) have to assume certain responsibilities. And any time someone “assumes certain responsibilities,” she may be said to “exhibit some ‘virtue’” (or, what is more likely the case, some “cluster of virtues”). Accordingly, I think it should be admitted that the proper, even adequate or minimal, functioning of any conception of the democratic process just *will* be, in some measure, “dependent upon the virtues of [at least some] citizens [or members] [who are at least partly] devoted to the public weal.”

But, if there is any reader who is unsure about this conclusion, surely she will admit that the proper, even adequate or minimal, functioning of Habermas’s own “procedural” conception would be so “dependent,” at least when we give some content to the phrase “dependent upon the virtues of citizens devoted to the public weal.”

Recall that, in the above passage, Habermas holds that a “discourse-theoretic interpretation [of the democratic process] insists on the fact that democratic will-formation draws its legitimating force not from a previous convergence of settled ethical convictions but from both the communicative presuppositions that allow the better arguments to come into play in various forms of deliberation and from the procedures that secure fair bargaining processes.”²⁴ Surely, however, these “various forms of deliberation” depend, for their actual functioning, on (at least certain) participants exhibiting certain “virtues.” For again, “deliberation” can only happen if (at least certain) participants assume certain responsibilities, and any time they do so we can say that they “exhibit certain ‘virtues.’” Likewise, we can also say that unless (at least certain) participants do assume certain responsibilities – hence do evince exhibit certain virtues – the “various forms of deliberation” that Habermas refers to here won’t function as he intends them to function; indeed, won’t “function” at all.

Of course, one might reply here that these virtues needn’t be the virtues of a citizen who is “devoted to the public weal.” Hence, in reply to all of what has been said so far, one might be willing to concede that the proper, even adequate or minimal, functioning of any conception of the democratic process just will be, in some measure, dependent on the virtues of (at least some) citizens. Yet, one still might want to object to the claim that the actual functioning of any such conception just will be “dependent upon the virtues of [at least some] citizens [or members] [who are at least partly] devoted to the public weal.” For one might reason as follows.

Perhaps the only virtues that are pertinent here are such virtues as have *not* been traditionally associated with “devotion to the public weal,” or which, in any case, *wouldn’t* reasonably be described as virtues that are associated with such devotion. For instance, it may indeed be the case that in order for any democratic process to function, including (one that resembles) Habermas’s conception, most citizens, most of the time, have to be willing to press their demands through the democratic process itself, rather than through, say, acts or threats of violence. Presumably, no “democratic process” can function properly (or perhaps even at all) where, say, most citizens press their demands through acts of, or (plausible) threats of, violence. Yet, to assume such a “negative responsibility” (a responsibility that consists in a citizen or citizen-participant *not* engaging in certain forms of conduct) does not, by itself, necessarily amount to the exhibition of any such “virtue” as has traditionally been associated with “devotion to the public weal,” or which, in any case, would reasonably be described as a virtue that is associated with such devotion. For instance, the assumption of such a responsibility might flow from a simple *indifference* to “the common good,” or to “the democratic process,” not from any “devotion” to it.

²⁴ Ibid. 4.

There is, however, a serious issue with this line of reasoning. To begin with, let us grant that not *all* of the “virtues” that are, or that would be, necessary for the proper, or adequate or minimal, functioning of some particular conception of a democratic process will be such virtues as traditionally have been associated with “devotion to the public weal,” or which could reasonably be described as virtues that are associated with such a devotion. However, on reflection, it seems clear that *some* of those virtues will be reasonably described in some such way. To keep focus, however, let me just make the point in relation to Habermas’s conception.

As we have seen, Habermas holds that “the discourse-theoretic interpretation” of the democratic process insists that “democratic will-formation draws its legitimating force...from the communicative presuppositions that allow the better arguments to come into play in various forms of deliberation and from procedures that secure fair bargaining processes.”²⁵ Surely, however, *these* “various forms of deliberation” and *these* “procedures that secure fair bargaining processes” are, or would be, dependent for their actual functioning on the assumption of certain “positive responsibilities” on the part of (at least certain) citizens and/or citizen-participants. (By a “positive responsibility,” I mean here, roughly, a responsibility that consists in someone intentionally engaging in certain forms of conduct that allow the democratic process in question to function as intended by the conception in question. More on this below.) By appreciating this, we can see how at least some of the virtues necessary for the proper, or adequate or minimal, functioning of Habermas’s conception of a democratic process *will* be such virtues as traditionally have been associated with “devotion to the public weal,” or which could reasonably be described as virtues that are associated with such devotion.

For brevity, just consider Habermas’s reference to the “various forms of deliberation” that partly lay the basis for the “legitimating force” of “democratic will-formation,” putting that reference in the context of Habermas’s fuller articulation of the “discourse-theoretic interpretation” of the democratic process that is offered in *Between Facts and Norms* (German edition, 1992), which slightly predates the article we have been referencing and is presumably the “discourse-theoretic interpretation” that he refers to in that article (from 1994). Here, the central task is arguably to provide a normative account of legitimate law under modern conditions. Modern law is fundamentally concerned with the definition, protection, and reconciliation of individual freedoms in their various organizational and institutional contexts. To be legitimate, modern law must secure the private autonomy of those individuals who are subject to it. However, legal guarantees of private autonomy presuppose an established legal code and a legally defined equal-citizenship status that articulates the basic, actionable rights that secure a space for the exercise of such private autonomy. And such rights *are* expressions of freedom *only if* the citizens can understand themselves as the authors of the laws that *interpret* their rights; or, as Bohman and Rehg write of Habermas’s view, “only if the laws that protect private autonomy also issue from citizens’ exercise of *public* autonomy as lawmakers acting through elected representatives.”²⁶ Consequently, the legal rights that define private autonomy must themselves include rights of political participation. Habermas understands the relation between private and public autonomy as one in which each presupposes the other: each is “co-original” or “equiprimordial,” since, to a considerable extent, each can be realized only if the other is so. Thus, the exercise of public autonomy presupposes citizen-participants who understand themselves as privately autonomous, while private autonomy presupposes that they can shape their individual freedoms through the exercise of their public autonomy.

²⁵ Ibid. 4.

²⁶ Bohman and Rehg (2014).

Now, an abstract account of these rights to private autonomy and political participation is generated via reflection on the nature of discursive legitimation (as articulated in the D-Principle²⁷) in contexts shaped by the functional demands for law.²⁸ The system of rights then constitutes a minimum set of normative institutional conditions for any legitimate political order, that is, the normative framework for constitutional democracies. It is within these frameworks that political institutions, such as legislatures, must operate. What is still more important for our purposes, however, Habermas's conception of *public autonomy* entails that "the legitimacy of ordinary legislation must ultimately be traceable to robust processes of public discourse that influence formal decision-making in legislative bodies."²⁹ This idea is summarized in Habermas's democratic principle of legitimacy: "only those statutes may claim legitimacy that can meet with the assent of all citizens in a discursive process of legislation that in turn has been legally constituted."³⁰ Of course, "decisions about laws typically involve a combination of validity claims: not only truth claims about the likely consequences of different legal options, but also claims about their moral rightness (or justice), claims about the authenticity of different options in light of the polity's shared values and history, and pragmatic claims about which option is feasible or more efficient."³¹ Hence, for Habermas, "legitimate laws must pass the *different* types of discursive tests that come with each of these validity claims."³² As Bohman and Rehg note, "this strong orientation toward cognitive validity qualifies Habermas's version of deliberative democracy as an 'epistemic' theory," putting it "in a rather puzzling position."³³

On the one hand, it represents a specification of the discourse principle for a particular kind of discourse (legal-political discourse). This make it analogous to the moral principle (U), which specifies (D) for moral discourse.³⁴ As a specific principle of reasonable discourse, the democratic principle seems to have the character of an idealizing presupposition insofar as it presumes the possibility of consensual decisionmaking in politics. For Habermas, reasonable political discourse must at least begin with the supposition that legal questions admit in principle of single right answers ...or at least a set of discursively valid answers on which a fair compromise, acceptable to all parties, is possible.³⁵

One the other hand, however,

²⁷ See note 34 below.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Habermas (1996: 110).

³¹ Bohman and Rehg (2014).

³² Ibid.

³³ Ibid.

³⁴ As Bohman and Rehg write (2014), "Habermas summarizes his idealized conception of practical discourse in the 'discourse principle' (D), which we might state as follows: A rule of action or choice is justified, and thus valid, only if all those affected by the rule or choice could accept it in a reasonable discourse. Although he first understood (D) as a principle of moral discourse, he now positions it as an overarching principle of impartial justification that holds for all types of practical discourse... As such, it simply summarizes his argumentation theory for any question involving the various 'employments of practical reason'... (D) thus applies not only to moral rightness and ethical authenticity, but also to the justification of technical-pragmatic claims about the choice of effective means for achieving a given end. Each type of practical discourse then involves a further specification of (D) for the content at issue."

³⁵ Ibid.

the democratic principle lies at a different level from principles like (U), as Habermas himself emphasizes.... The latter specify (D) for this or that single type of practical discourse, in view of internal cognitive demands on justification, whereas the former pulls together all the forms of practical discourse and sets forth conditions on their external *institutionalization*. From this perspective, the democratic principle acts as a bridge that links the cognitive aspects of political discourse (as a combination of the different types of idealized discourse) with the demands of institutional realization in complex societies. As such, the democratic principle should refer not to consensus, but rather to something like a warranted presumption of reasonableness. In fact, in a number of places Habermas describes democratic legitimacy in just such terms, which we might paraphrase as follows: citizens may regard their laws as legitimate insofar as the democratic process, as it is institutionally organized and conducted, warrants the presumption that outcomes are reasonable products of a sufficiently inclusive deliberative process of opinion- and will-formation... The presumption of reasonable outcomes thus rests not so much on the individual capacities of citizens to act like the participants of ideal discourse, but rather on the aggregate reasonableness of a “subjectless communication” that emerges as the collective result of discursive structures—the formal and informal modes of organizing discussion... This means that democracy is “decentered,” no longer fully under control of its own conditions and no longer based on a congruent subject of self-legislating discourse.³⁶

However, regardless of whether we emphasize the first of the above interpretations of the democratic principle or the second of them, the same point can be made: Habermas’s “epistemic proceduralism” (Habermas’s own term), and the “various forms of deliberation” associated with its implementation, would surely be dependent on the assumption of certain “positive responsibilities” on the part of (at least certain) citizens and/or citizen-participants. With the first conception, we saw, reasonable political discourse must at least begin with the supposition that legal questions admit of discursively valid answers on which a fair compromise, acceptable to all parties, is possible, while on the second conception, reasonable outcomes rest primarily on the aggregate reasonableness of a “subjectless communication” that emerges as the collective result of the formal and informal modes of organizing discussion in a society. But in both cases, the discursive communication and deliberation referred to would surely be dependent on the assumption of certain “positive responsibilities” on the part of (at least certain) citizens, citizen-participants, and/or their elected representatives.

How so? Well, as a matter of definition, anything that can reasonably be described as a genuine “deliberation,” or as a “sufficiently inclusive deliberative process of opinion- and will-formation,” inevitably *involves* the participants assuming such responsibilities, and not just “negative responsibilities.” For when parties to a discussion actually do engage in anything like genuine “deliberation,” they just *do* “assume certain ‘positive responsibilities’” in relation to one another: for instance, as ordinary experience indicates, they assume responsibility for listening to one another and for trying to understand each other’s perspectives on relevant social situations and activities.³⁷ Where they do not do so, we simply aren’t willing to *say* that they are “deliberating.” What is more, when they do so deliberate, we may therefore say that they

³⁶ Ibid.

³⁷ This is a theme we take up in later chapters, especially chapter 5.

“exhibit certain ‘virtues’”: like being (in some degree) “patient,” “understanding,” and/or “sympathetic.” Likewise, if they don’t show some such virtues, we simply aren’t willing to *say* (or to *imply*) that they are assuming certain “positive responsibilities” in relation to one another, hence are not then willing to *say* (or to *imply*) that they are engaged in genuine “deliberation” (however precisely we would define that term). For these reasons, we may conclude that the “deliberations” that are part of Habermas’s procedural conception are dependent, for their actual functioning, on the virtues of citizens, citizen-participants, and/or their elected representatives. What is more, some of these virtues are, or would be, such virtues as traditionally have been associated with “devotion to the public weal,” or which could reasonably be described as virtues that are associated with such devotion – even if they are not primarily the *result* of it. As suggested, a genuine attempt to “understand someone else’s point of view,” for instance, is part of what we *mean* by any kind of moral, ethical, or even practical “deliberation.” Such an attempt (by some number of participants) is part of what we mean when we say that someone engaged in a “deliberation” with someone else, and, at least where the deliberation concerns the justifiability of this law or that law, the attempt in question just *will* entail that they “exhibit some virtue” (like “patience” [in, say, trying to understand what other participants’ concerns are] or “generosity” [in, say, assuming – without having any way of proving – that participants are largely or at least partly sincere in what they are saying]) in making that attempt. Likewise, we are warranted in saying that unless they do exhibit some such virtues, the “various forms of deliberation” that Habermas refers to simply won’t reasonably be described as such, simply won’t function as he intends them to function. Perhaps, indeed, they won’t even function at all. Furthermore, such virtues can reasonably be described as virtues that are associated with a concern for the good of others, and, when that concern is manifest in relation to a broader public, as it is meant to be in such “deliberations,” they can reasonably be described as virtues that are associated with a concern for “the common good.” And again, this is true *even if the primary motivation for which particular agents show those virtues doesn’t reside in a commitment to “the common good” or “the public weal.”*

So, it is reasonable, I think, to conclude that Habermas’s (implied) claim that his “proceduralist” conception of the democratic process is not “dependent upon the virtues of citizens devoted to the public weal” is either just mistaken or at best misleading. And this is especially so when we recall that, for Habermas, the “discursive opinion- and will-formation” that is said to lay the basis for legitimate law under modern conditions emerges via the interplay of three major discursive arenas: “the dispersed communication of citizens in civil society; the ‘media-based mass communication’ in the political public sphere; and the institutionalized discourse of lawmakers.”³⁸ “When these arenas work well together,” Bohman and Rehg note of Habermas’s view, “civil society and the public sphere generate a set of considered public opinions that then influence the deliberation of lawmakers.”³⁹ Hence, *the “legitimizing force” of “democratic will-formation” does not, as one might initially reply in response to my criticism, simply emerge out of the “virtues” of elected representatives who engage in “various forms of deliberation”; it emerges out of the virtues of citizens and citizen-participants who engage in “various forms of deliberation” as well.*

Thus, at least to function well (and arguably even to function at all), Habermas’s normative conception of democracy would also be “dependent upon the virtues of citizens,” and, to a considerable degree, “dependent upon the virtues of citizens devoted to the public weal.”

³⁸ Bohman and Rehg (2014).

³⁹ *Ibid.*

Again, surely this appears a reasonable interpretation when we grant: that unless they do exhibit some such virtues, the “various forms of deliberation” that Habermas refers to simply won’t reasonably be described as such; that some such virtues can reasonably be described as virtues that are associated with a concern for the good of others; and that when that concern is manifest in relation to a broader public, some such virtues can reasonably be described as virtues that are associated with a concern for “the common good” or the “public weal.” And again, this is true even if the primary motivation for which particular agents show those virtues doesn’t reside in a commitment to “the common good” or the “public weal.” Furthermore, we reinforce this conclusion when we notice that any conception of the *media* “functioning well” in a democratic society presupposes that at least some journalists and other media participants and producers choose certain areas to investigate that are reasonably construed as somehow being in “the public interest,” i.e., as concerning “the common good,” and that they present their findings in ways that are broadly accessible to the public. In other words, it seems to presuppose (at least) a (professional) devotion to “the common good” or “public weal.”

Now, taking the above considerations together, it is fair to say that, at least in the presentation of Habermas’s normative democratic theory in “Three Normative Models of Democracy,” the tendency in question is again on display: the tendency to focus on (ideal) procedures/procedural criteria without at the same time explicitly discussing deliberative/civic virtues and cultural practices. Hence, as with Dahl’s normative theory, an explicit acknowledgement of the relevance and importance – indeed, I would say, indispensability – of deliberative/civic virtues, and so certain cultural practices, to the effective instantiation of the “procedures” in question does not explicitly feature in the presentation of that theory – or even in the discussion (such as it is) of the uses to which it could or should be put.

1.3 Problems with Cohen’s Variety of Proceduralism

We turn now to Joshua Cohen’s normative democratic theory. As we’ll see, the tendency in question is here on display too.

Like Dahl and Habermas, Cohen is concerned with the appropriate way of arriving at collective decisions in a pluralistic society – with collective decision-making “under conditions of pluralism.”⁴⁰ Hence, in “Deliberation and Democratic Legitimacy,” Cohen presents an “ideal deliberative procedure”⁴¹ for a “deliberative democracy,”⁴² which he construes as being a “pluralistic association”⁴³ whose “affairs are governed by the public deliberation of its members.”⁴⁴ To develop the ideal deliberative procedure, Cohen proceeds as follows.

To begin with, he agrees with John Rawls that “when properly conducted...democratic politics involves *public deliberation on the common good*, requires some form of *manifest equality* among citizens, and *shapes the identity and interests* of citizens in ways that contribute to the formation of a public conception of the good.”⁴⁵ However, he disagrees with Rawls’s way of accounting for “the attractiveness and importance of these three features of the deliberative democratic ideal.”⁴⁶

⁴⁰ Cohen (2009: 26).

⁴¹ Ibid. 16.

⁴² Ibid. 16.

⁴³ Ibid. 22.

⁴⁴ Ibid. 16.

⁴⁵ Ibid. 19.

⁴⁶ Ibid. 19.

Rawls, he says, regards the above three “conditions” as “natural consequences of the ideal of fairness.”⁴⁷ And he offers both a “formal” and an “informal” argument in support of this view. Very briefly, the formal argument, Cohen says,

is that parties in the original position would choose the principle of participation with the proviso that the political liberties have their fair value. The three conditions are important because they must be satisfied if constitutional arrangements are to ensure participation rights, guarantee a fair value to those rights, and plausibly produce legislation that encourages a fair distribution according to the difference principle.⁴⁸

With the informal argument, “the suggestion is that, since we accept the intuitive ideal of a fair system of cooperation, we should want our political institutions themselves to conform, insofar as it is feasible, to the requirement that terms of association be worked out under fair conditions.”⁴⁹ Thus, Cohen quotes Rawls as writing:

Justice as fairness begins with the idea that where common principles are necessary and to everyone’s advantage, they are to be worked out from the viewpoint of a suitably defined initial situation of equality in which each person is fairly represented. The principle of participation transfers this notion from the original position to the constitution...[thus] preserv[ing] the equal representation of the original position to the degree that is feasible.⁵⁰

And elsewhere, Rawls writes: “The idea [of the fair value of political liberty] is to incorporate into the basic structure of society an effective political procedure which *mirrors* in that structure the fair representation of persons achieved by the original position.”⁵¹ Thus, “in this informal argument,” Cohen writes, “the original position serves as an *abstract model* of what fair conditions are, and of what we should strive to mirror in our political institutions, rather than as an initial-choice situation in which regulative principles for those institutions are selected [as in the formal argument].”⁵²

Again, Cohen thinks that “Rawls is right in wanting to accommodate the three conditions” of the deliberative-democratic ideal that were previously mentioned,⁵³ but he finds “less plausible that the three conditions are natural consequences of the ideal of fairness,” as the “formal” and “informal” arguments summarized above would suggest they are. (To recall, the three conditions were expressed as follows: “When properly conducted...democratic politics involves *public deliberation focused on the common good*, requires some form of *manifest equality* among citizens, and *shapes the identity and interests* of citizens in ways that contribute to the formation of a public conception of the common good.”⁵⁴) More specifically, he suggests that if we follow Rawls in “taking the notion of fairness as fundamental” and in “aiming...to model political arrangements on the original position, it is not clear why, for example, political

⁴⁷ Ibid. 20.

⁴⁸ Ibid. 19.

⁴⁹ Ibid. 20.

⁵⁰ Quoted at Ibid. 19-20. For the original, see Rawls (1971: 221-222).

⁵¹ Ibid. 20.

⁵² Ibid.

⁵³ Ibid. 20.

⁵⁴ Ibid. 19.

debate ought to be focused on the common good, or why the manifest equality of citizens is an important feature of a democratic association.”⁵⁵ Indeed, “the pluralist conception of democratic politics as a system of bargaining with fair representation for all groups seems [to Cohen] an equally good mirror of the ideal of fairness.”⁵⁶

Cohen, of course, recognizes that Rawls has a response to this objection; it is just that he finds it unsatisfying. Rawls, he suggests, would recognize that the three conditions

do not follow directly from the ideal of a fair system of cooperation, or from that ideal as it is modeled in the original position. Rather, we arrive at them when we consider what is required to preserve fair arrangements and to achieve fair outcomes. For example, public political debate should be conducted in terms of considerations of the common good because we cannot expect outcomes that advance the common good unless people are looking for them. Even an ideal pluralist scheme, with equal bargaining power and no barriers to entry, cannot reasonably be expected to advance the common good as defined by the difference principle.⁵⁷

Yet, Cohen thinks this response is “too indirect and instrumental and argument for the three conditions. Like utilitarian defenses of liberty, it rests,” he thinks, “on a series of highly speculative sociological and psychological judgments.”⁵⁸ By contrast, Cohen proposes “an account of the value of [“an association whose affairs are governed by the public deliberation of its members”⁵⁹] that treats democracy as itself a fundamental political ideal and not simply as a derivative ideal that can be explained in terms of the values of fairness or equality of respect.”⁶⁰ Moreover, he suggests that “the reason why the three [conditions] are attractive it not [as Rawls suggests] that an order with, for example, no explicit deliberation about the common good and no manifest equality would be unfair (though of course it might be)”; it is rather that “*they comprise elements of an independent and expressly political ideal,*” the one just mentioned, where the focus is “in the first instance on the appropriate conduct of public affairs,” or, on “the appropriate ways of arriving at collective decisions.”⁶¹

So, the second main step in Cohen’s argument is to articulate what he calls a “‘formal conception’ [or “formal ideal”] of deliberative democracy,” which has just such a focus. What is the role of this formal conception or ideal in democratic practice? At this point, it is important to note that, *in discussing the role of that formal ideal in democratic practice, Cohen adopts the same metaphor as Rawls does, but employs it differently.* Understanding how precisely he employs this metaphor will help us to appreciate the specific character of Cohen’s variety of proceduralism, which, again, is our overarching interest here.

As we earlier saw, Cohen quotes Rawls as stating that “the idea [of the fair value of political liberty] is to incorporate into the basic structure of society an effective political procedure which *mirrors* in that structure the fair representation of persons achieved by the original position.”⁶² Cohen adopts the metaphor of “mirroring,” but, as I say, employs it

⁵⁵ Ibid. 20.

⁵⁶ Ibid. 20.

⁵⁷ Ibid. 20-21.

⁵⁸ Ibid. 21.

⁵⁹ Ibid. 16.

⁶⁰ Ibid. 16.

⁶¹ Ibid. 21.

⁶² Quoted at Cohen (2009: 20); Cohen’s emphasis. For the original, see Rawls (2005: 330).

differently than Rawls. As we'll see, Cohen first stipulates what the formal ideal itself consists in. (He simply states that it has "five main features," which we'll summarize below.) He then observes that

a [normative] theory of deliberative democracy aims to give substance to this formal ideal by characterizing the conditions that should obtain if the social order is to be manifestly regulated by deliberative forms of collective choice. I propose to sketch a view of this sort by considering an ideal scheme of deliberation, which I shall call the "ideal deliberative procedure." The aim in sketching this procedure is to give an explicit statement of the conditions for deliberative decision-making that are suited to the formal conception, and thereby to highlight the properties that democratic institutions should embody, so far as possible. *I should emphasize that the ideal deliberative procedure is meant to provide a model for institutions to mirror* – in the first instance for the institutions in which collective choices are made and social outcomes publicly justified – and not to characterize an initial situation in which the terms of association themselves are chosen.⁶³

So, to summarize, Cohen develops his normative democratic theory and explains its function in democratic practice in this way. The first task is to stipulate a formal conception or formal ideal of one's preferred kind of democracy (in this case, a "'formal conception' of deliberative democracy"⁶⁴). The second task is to develop a normative theory (in this case, a normative "theory of deliberative democracy"⁶⁵), which gives substance to the formal ideal by characterizing the conditions that should obtain if the social order is to be manifestly regulated by forms of collective choice that instantiate that theory (in this case, "deliberative institutions"⁶⁶). In this way, the theory articulates an ideal procedure (in this case, an "ideal deliberative procedure"⁶⁷). And finally, whoever is involved in the designing or crafting of institutions for collective decision-making is to look to the ideal procedure (in this case, the ideal deliberative procedure) for a model⁶⁸ that should be mirrored in those institutions (in this case, in "deliberative institutions"⁶⁹).

Enumerating these steps gives us a broad overview of the variety of "proceduralism" that characterizes Cohen's essay. However, to understand the importance of that proceduralism for our own specific purposes, we need to look briefly: at the details of the "formal conception of deliberative democracy"⁷⁰ that Cohen stipulates; at the "ideal deliberative procedure"⁷¹ that he articulates; at some of the remarks that he makes about how his "characterization of ideal deliberation" allows us to say something "more substantive about a deliberative democracy," in particular, about the "implications of a commitment to deliberative decisions for the terms of social association";⁷² and finally, at some of the remarks he makes about certain "natural

⁶³ Ibid. 23.

⁶⁴ Ibid. 22.

⁶⁵ Ibid. 23.

⁶⁶ Ibid. 22.

⁶⁷ Ibid. 23.

⁶⁸ Ibid. 23.

⁶⁹ Ibid. 22.

⁷⁰ Ibid. 22.

⁷¹ Ibid. 23.

⁷² Ibid. 25.

objections to the conception” he develops, which serve “to clarify the conception of deliberative democracy by sketching the lines along which a response should proceed.”⁷³

First, then, consider the formal conception of deliberative democracy, which has “five main features” (which I’ll abbreviate here).

- D1 A deliberative democracy is an ongoing and independent association, whose members expect it to continue into the indefinite future.
- D2 The members of the association share...a commitment to coordinating their activities within institutions that make deliberation possible and according to norms that they arrive at through their deliberations. For them, free deliberation among equals is the basis of legitimacy.
- D3 A deliberative democracy is a pluralistic association.... While sharing a commitment to the deliberative resolution of problems of collective choice (D2), they also have divergent aims, and do not think that some particular set of preferences, convictions, or ideals is mandatory.
- D4 Because the members of a democratic association regard deliberative procedures as the source of *legitimacy*, it is important to them that the terms of their association not merely *be* the results of their deliberation but also be *manifest* to them as such....
- D5 The members recognize one another as having deliberative capacities, i.e., the capacities required for entering into a public exchange of reasons and for acting on the results of such public reasoning.⁷⁴

Now consider the ideal deliberative procedure, the articulation of which constitutes the third main step in Cohen’s argument. The ideal deliberative procedure “captures” the “principle” that “outcomes are democratically legitimate if and only if they could be the object of a free and reasoned agreement among equals.”⁷⁵ In articulating the ideal procedure, “three general aspects of deliberation” have to be addressed: “There is a need to decide on an agenda, to propose alternative solutions to the problems on the agenda, supporting those solutions with reasons, and to conclude by settling on an alternative.”⁷⁶ Again, abbreviating, the procedure looks like this:

- I1 Ideal deliberation is *free* in that it satisfies two conditions. First, the participants regard themselves as bound only by the results of their deliberation and by the preconditions for that deliberation. Their consideration of proposals is not constrained by the authority of prior norms or requirements. Second, the participants suppose that they can act from the results, taking the fact that a certain decision is arrived at through their deliberation as a sufficient reason for complying with it.
- I2 Deliberation is *reasoned* in that the parties of it are required to state their reasons for advancing proposals, supporting them, or criticizing them. They give reasons with the expectation that those reasons (and not, for example, their power) will settle the fate of their proposal.... Reasons are offered with the aim of bringing others to accept the proposal, given their disparate ends (D₃) and their commitment (D₂) to setting the conditions of their association through free deliberation among equals...

⁷³ Ibid. 29.

⁷⁴ Ibid. 22-23.

⁷⁵ Ibid. 23.

⁷⁶ Ibid. 23.

- I3 In ideal deliberation parties are both formally and substantively equal in that the rules regulating the procedure do not single out individuals. Everyone with the deliberative capacities has equal standing at each stage of the deliberative process. Each can put issues on the agenda, propose solutions, and offer reasons in support of or in criticism of proposals. And each has an equal voice in the decision. The participants are substantively equal in that the existing distribution of power and resources does not shape their chances to contribute to deliberation, nor does that distribution play an authoritative role in the deliberation....
- I4 Finally, ideal deliberation aims to arrive at a rationally motivated *consensus* – to find reasons that are persuasive to all who are committed to acting on the results of a free and reasoned assessment of alternatives by equals. Even under ideal conditions there is no promise that consensual reasons will be forthcoming. If they are not, then deliberation concludes with voting, subject to some form of majority rule....⁷⁷

The fourth and fifth steps in Cohen’s argument are: to offer some remarks about how “this characterization of ideal deliberation” allows us to say something “more substantive about a deliberative democracy” (in particular, about the “implications of a commitment to deliberative decisions for the terms of social association”);⁷⁸ and to offer some remarks about certain “natural objections” to the conception deliberative democracy that he discusses, which serve to clarify it “by sketching the lines along which a response should proceed.”⁷⁹ The fifth step is just an extension of the fourth one; it allows us to “continue to pursue the relationship between the ideal procedure and more substantive issues about deliberative democratic association.”⁸⁰ So, for ease of exposition, we’ll consider these last two steps together. As the below discussion indicates, this also allows for an easier explication of my own critical remarks on Cohen’s arguments, which are interspersed below.

Turning, then, to his “more substantive” remarks and the “more substantive issues” they concern, Cohen begins with some comments on the “notion of the common good.”⁸¹ He suggests that “the characterization of an ideal deliberation procedure links the formal notion of deliberative democracy with the more substantive ideal of a democratic association in which public debate is focused on the common good of the members”:

Since the aim of ideal deliberation is to secure agreement among all who are committed to free deliberation among equals, and the conditions of pluralism obtains (D_3), the focus of deliberation is on ways of advancing the aims of each party to it. While no one is indifferent to his/her own good, everyone also seeks to arrive at decisions that are acceptable to all who share the commitment to deliberation (D_2).⁸²

However, he immediately raises a potential objection: “While public deliberation may be organized around appeals to the common good, is there any reason to think that even ideal deliberation would not consist in efforts to disguise personal or class advantage?”⁸³ “There are

⁷⁷ Ibid. 23-25.

⁷⁸ Ibid. 25.

⁷⁹ Ibid. 29.

⁸⁰ Ibid. 28.

⁸¹ Ibid. 25.

⁸² Ibid. 25.

⁸³ Ibid. 25-26.

two responses to this question,” he suggests.⁸⁴ In considering these two responses, *I can begin to state what I find problematic about Cohen’s approach to articulating his normative democratic theory.*

The first response, Cohen says, is that “in my account of the formal idea of a deliberative democracy, I stipulated (D₂) that the members of the association are committed to resolving their differences through deliberation, and thus to providing reasons that they sincerely expect to be persuasive to others who share that commitment.”⁸⁵ As he notes, however, the objection is presumably “best understood as directed against the plausibility of realizing a deliberative procedure that conforms to the ideal, and this is not answerable through stipulations.”⁸⁶

This much I find unproblematic. The issue I want to signal arises when he describes his second response, which, given the way he seem to offer it as an alternative to the first response, we are apparently to understand as (at least largely) consisting in an appeal to a set of factual propositions (as opposed to being a primarily “stipulative” response).

“The second response,” he says, “rests on a claim about the effects of deliberation on the motivations of deliberators.”⁸⁷ More specifically,

*A consequence of the reasonableness of the deliberative procedure (I₂) together with the condition of pluralism (D₃) is that the mere fact of having a preference, a conviction, or an ideal does not by itself provide a reason in support of a proposal. While I may take my preferences as a sufficient reason for advancing a proposal, deliberation under conditions of pluralism requires that I find reasons that make the proposal acceptable to others who cannot be expected to regard my preferences as sufficient reasons for agreeing. The motivational thesis is that the need to advance reasons that persuade others will help to shape the motivations that people bring to the deliberative procedure in two ways. First, the practice of presenting reasons will contribute to the formation of a commitment to the deliberative resolutions of political questions (D₂). Given that commitment, the likelihood of a sincere representation of preferences and convictions should increase, while the likelihood of their strategic misrepresentation declines. Second, it will shape the content of preferences and convictions as well. Assuming a commitment to deliberative justification, the discovery that I can offer no persuasive reasons on behalf of a proposal of mine may transform the preferences that motivate the proposal. Aims that I recognize to be inconsistent with the requirements of deliberative agreement may tend to lose their force, at least when I expect others to be proceeding in reasonable ways and expect the outcome of deliberation to regulate subsequent action.*⁸⁸

Now, I am not concerned to challenge the factual premises contained in this passage; I want to leave my considered views on them open here. Instead, I want to bring attention to the stipulative aspects of this second response (which, again, is apparently presented as an *alternative* to the first, stipulative response noted above), and to place those aspects of it in

⁸⁴ Ibid. 26.

⁸⁵ Ibid. 26.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid.

relation to some of the remarks Cohen offers about the ideal deliberative procedure providing a “model” that “institutions” “should mirror, so far as possible.”⁸⁹

To begin with, notice the phrases I have italicized in the above block quote. *Each of these is stipulative or refers us back to one or more stipulations.* Take the first such phrase: “A consequence of the reasonableness of the deliberative procedure (I₂) together with the condition of pluralism (D₃)...” There are obviously two stipulations here: first, that “the deliberative procedure” is reasonable (I₂, recall, says that “deliberation is *reasoned* in that the parties of it are required to state their reasons for advancing proposals, supporting them, or criticizing them. They give reasons with the expectation that those reasons [and not, for example, their power] will settle the fate of their proposal...); and second, that the condition of pluralism obtains (D₃ stipulates, recall, that “while sharing a commitment to the deliberative resolution of problems of collective choice (D₂), they also have divergent aims, and do not think that some particular set of preferences, convictions, or ideals is mandatory”).

Now, note how these stipulations (especially the first one) appear to be doing the bulk of the work in Cohen’s second response to the objection in question, in his “claim about the effects of deliberation on the motivations of deliberators.”⁹⁰ For instance, as we see further down in the block quote, “the motivational thesis is [precisely] that *the need* to advance reasons that persuade others will help to shape the motivations that people bring to the deliberative procedure in two ways.” Again, the first of these is that “the practice of presenting reasons will contribute to the formation of a commitment to the deliberative resolution of political questions (D₂).” But this, it seems, is only plausible if there already *is* a sincere commitment to “the deliberative resolution of political questions” on the part of some considerable number of pertinent individuals. If there is not, “the motivational thesis” arguably becomes significantly less plausible. Hence why the next line reads: “*Given that commitment*, the likelihood of a sincere representation of preferences and convictions should increase, while the likelihood of their strategic misrepresentation declines.” In other words, Cohen appears to recognize here that this aspect of the “motivational thesis” depends crucially on the prior, proper operation of (something significantly like) the ideal deliberative procedure itself. And the same could be said of the second way in which “the need to advance reasons that persuade others will help to shape the motivations that people bring to the deliberative procedure”: “it will shape the content of preferences and convictions as well.” (Again, see the above block quote.) For again, the claim begins with a stipulation: “*Assuming a commitment to deliberative justification*, the discovery that I can offer no persuasive reasons on behalf of a proposal of mine may transform the preferences that motivate the proposal.”

Crucially, however, the objection in question is not, or is not primarily at least, about the effects that we can expect to emerge once the procedure is already up and running (for some “significant” period of time). Rather, as he himself summarizes it, the objection is presumably “best understood as directed against the plausibility of *realizing* a deliberative procedure that conforms to the ideal, and this is not answerable through stipulations.”⁹¹ Hence, Cohen’s premising of the motivational thesis on a number of clear stipulations, as suggested above, is likely to leave the hypothetical objector unsatisfied.

To this observation one might initially think it persuasive to respond as follows, however. *The way to respond more directly to the objector’s concern is to remind her that the ideal deliberative procedure is meant as a model for institutions to “mirror,” so far as possible.*

⁸⁹ Ibid. 29.

⁹⁰ Ibid. 26.

⁹¹ Ibid. 26.

Hence, the stipulations in question are not mere stipulations, akin to saying: the beliefs and commitments referenced just *are* present. Rather, they are stipulations that certain deliberative institutions exist, and given this fact, the motivational thesis *then* becomes plausible. But this response is yet another stipulation: that those institutions do exist, and, moreover at some adequate level of functioning. But again, as stated, the objection is precisely concerned with the plausibility of this (ever) being so. So a stipulation that it just is so is not likely to be persuasive.

Suppose now that we put aside the objection as it was precisely stated, just considering the second response on its own terms. Is “the motivational thesis” convincing? Is it convincing to say that “the need” to advance reasons that persuade others will help to shape the motivations that people bring to the deliberative procedure in the two ways Cohen suggests?

For brevity, let us just consider the first way: Will “the practice of presenting reasons...contribute to the formation of a commitment to the deliberative resolution of political questions,” making it so that “the likelihood of a sincere representation of preferences and convictions should increase, while the likelihood of their strategic misrepresentation declines”? Well, perhaps so, given the commitment to “the deliberative resolution of political questions,” as Cohen says. But qua factual premise, the claim only seems to have force if: first, we have a fairly clear sense of *where that commitment originates*, what other broadly held values stand in support of it; and second, if we have at least some sense of *what “the institutions” look like in which that commitment is widely operative*. On neither of these points, however, does Cohen’s response strike me as particularly persuasive.

The “formal conception of deliberative democracy”⁹² is, Cohen says, “rooted in the intuitive ideal of a democratic association in which the justification of the terms and conditions of association proceeds through public argument and reasoning among equal citizens.”⁹³ Now, this ideal *may* well be an “intuitive” one for self-described democrats who strongly endorse not only the equal moral worth of persons (hence support some form of “equal citizenship”) but who also endorse the idea that, as a general matter, individuals ought to be presumed the best judges of, and the most reliable and vigilant defenders of, their own good or interests.⁹⁴ For then, it seems to me, we arguably have a reasonable way of responding to the inevitable critic of Cohen’s “intuitive ideal,” who very well might retort: “Intuitive for you, perhaps, but not for me! Sure, I agree with the ideal of ‘equal citizenship.’” But not all citizens, ‘morally or intrinsically equal’ though they may be, are equally *capable* of engaging in ‘public argument and reasoning’ about the ‘terms and conditions’ of their ‘democratic association.’ If they are not, then I have trouble appreciating what is ‘intuitive’ about your ideal. Indeed, it seems to me somewhat counter-intuitive. In such deeply complicated matters as ‘argument and reasoning’ about ‘the terms and conditions’ of a ‘democratic association,’ can’t we treat citizens as equals by having the wiser, the more intelligent, and perhaps the more experienced simply give equal consideration to the good or interests of each citizen, much in the way that we allow – and think we should allow – parents to do so with respect to their children? Why have, for instance, the significantly less wise, less intelligent, and less experienced participate, and on the same footing?”

⁹² Ibid. 22.

⁹³ Ibid. 21.

⁹⁴ In other words, for people who endorse something like Dahl’s “Presumption of Personal Autonomy.” See Dahl (1989: chapter 7). See also chapter 5 of this dissertation.

Now, if we appeal to (something like) what Dahl calls the Idea of Intrinsic Equality and the Presumption of Personal Autonomy,⁹⁵ we then have grounds for making an appeal to *fairness* in justifying or promoting the ideal: it may be “fair” to have, say, parents largely determine what decisions are most apt to promote the good or interests of their children, but it is not so when we are speaking of adults. For they, we generally presume, *are* “autonomous”: we presume that, as a general matter, they are the best judges of, and the most reliable and vigilant defenders of, their own good or interests, not that others are.⁹⁶ Having this appeal available to us, we would then be able to explain why Cohen’s ideal may seem “intuitive” to us: because it broadly comports with our actual experiences of those moments when we typically do think and feel that we are being treated “fairly” *qua* persons who are intrinsically equal *and* who are “autonomous” (in the above sense), and who view themselves as such.⁹⁷

Yet, Cohen’s account seems to push us away from this response. To begin with, he states that “the notion of a deliberative democracy is rooted in the intuitive ideal of a democratic association in which the justification of the terms and conditions of association proceeds through public argument and reasoning among *equal* citizens.”⁹⁸ But again, the appeal that I am suggesting might be more plausible here is explicitly rooted in “the intuitive ideal” (if you like) of a democratic association in which the justification in question proceeds through public argument and reasoning among *equal and autonomous citizens*, not just “equal” ones.⁹⁹ More importantly, though, Cohen, as we’ve already noted, *explicitly distances himself from an appeal to “ideal fairness.”* Though his critical comments focus on Rawls’s way of “taking the notion of fairness as fundamental,” it seems that Cohen wants to avoid an appeal to (at least ideal) fairness altogether. In part at least, this is because “the pluralist conception of democratic politics as a system of bargaining with fair representation seems [to him] an equally good mirror of the ideal of fairness,” and he apparently does not want to endorse that conception.¹⁰⁰ Accordingly, Cohen, as we have seen, proposes “an account of the value of [“an association whose affairs are governed by the public deliberation of its members”¹⁰¹] that treats democracy as itself a fundamental political ideal and not simply as a derivative ideal that can be explained in terms of the values of fairness or equality of respect.”¹⁰² Consequently, it is, I think, relatively more difficult for Cohen to respond to our hypothetical objector here. And, in short, this is why I say that Cohen has not offered a clear sense of where the commitment to “the deliberative resolution of political questions” precisely comes from, what other broadly held values stand in support of it.

What, though, of the other issue I raised in relation to the plausibility of Cohen’s “motivational thesis,” that is, whether or not his discussion offers at least some sense of what

⁹⁵ See Dahl (1989), chapters 6-8.

⁹⁶ See Dahl (1989: 105, 107-8).

⁹⁷ For relevant discussion, see chapter 5 of this dissertation.

⁹⁸ *Ibid.* 21.

⁹⁹ Cohen (2009: 27-28) does discuss the value of “autonomy” in the presentation in question. Yet the discussion would have been clearer had he said: “The notion of a deliberative democracy is rooted in the intuitive ideal of a democratic association in which the justification of the terms and conditions of association proceeds through public argument and reasoning among equal *and* autonomous citizens.” Furthermore, it seems to me that Cohen’s argument would have been stronger had he appealed to the idea that citizens/members who *are* “equal” and who *are* “autonomous” *should* be treated with “equal respect” and *should* be treated “fairly.” For all of these values seem to rise and fall together, as I suggest in chapter 5.

¹⁰⁰ *Ibid.* 20.

¹⁰¹ *Ibid.* 16.

¹⁰² *Ibid.* 16.

“the institutions” in question might look like, were the commitment to “the deliberative resolution of political questions” to be widely operative? Here again, I do not find his discussion particularly persuasive. As noted, Cohen says that the ideal deliberative procedure is meant as a “model” for “institutions” to “mirror,” so far as possible. And, in the essay in question, he is obviously (and somewhat understandably) not concerned to detail the relevant institutions themselves. *But the metaphor of “mirroring” does not strike me as helpful in thinking about the plausibility of the motivational thesis, which depends on such details.* To assess the claim that “the likelihood of a sincere representation of preferences and convictions should increase, while the likelihood of their strategic misrepresentation declines” in some institutional setting, we have to have some sense of what that setting looks like. And this, presumably, is the role that the ideal deliberative procedure is to play. Yet a closer look at the mirroring metaphor renders this problematic, I think.

To begin with, notice that when, in defending the motivational thesis, Cohen speaks of “the need” to advance reasons that persuade others, he is apparently referring us back to I₂ and D₂. (I₂: “Deliberation is *reasoned* in that the parties of it are required to state their reasons for advancing proposals, supporting them, or criticizing them. They give reasons with the expectation that those reasons (and not, for example, their power) will settle the fate of their proposal”; D₂: “The members of the association share...a commitment to coordinating their activities within institutions that make deliberation possible and according to norms that they arrive at through their deliberation.”) That is, in speaking of “the need” to advance reasons that persuade others, he is apparently referring us back to *these stipulations*. Yet he is also doing more than that: he is now making a factual claim about what is likely to occur given the presence of institutions that *are* “mirrored” on the ideal deliberative procedure. Hence, he says that “*the practice* of presenting reasons will contribute to the formation of a commitment to the deliberative resolution of political questions.”¹⁰³ And it is precisely at this point that we should like to know what the institutions themselves look like (or what that “practice” looks like) – beyond the fact that they (it) simply “mirror” (“mirrors”) the ideal deliberative procedure. Or, to put the point another way, it is precisely at this point that we should like to know *what this “mirroring” might consist in and how this bears on the motivational thesis in question.* Taken by itself, however, the mirroring metaphor is not very helpful in sorting this matter out – nor is the fact that Cohen also claims that “*the institutions themselves...determine* whether there is equality, whether deliberation is free and reasoned, whether there is autonomy, and so on.”¹⁰⁴

If I₂, for instance, stipulates that “deliberation is *reasoned* in that the parties of it are required to state their reasons for advancing proposals, supporting them, or criticizing them” and that participants “give reasons with the expectation that those reasons (and not, for example, their power) will settle the fate of their proposal,” we are apparently to understand that the institution or institutions in question “mirror” these conditions. But what does it mean to say that an institution “mirrors” these two stipulations? With respect to the first stipulation, perhaps it just means that deliberation in the institution(s) in question just *is* “reasoned” in the sense just specified. In that case, fair enough. But we would then want to know how this is so, what, if anything, it *is* about “the institution itself” that makes it so. Just saying that it “mirrors” this first stipulation does not give us much to work with here. Indeed, it amounts to just saying that (behavior within) the institution(s) in question does meet the condition in question. And parallel remarks could be made with respect to the second stipulation, that is, that participants “give

¹⁰³ Ibid. 26; my emphasis.

¹⁰⁴ Ibid. 29.

reasons with the expectation that those reasons (and not, for example, their power) will settle the fate of their proposal.”¹⁰⁵

Furthermore, saying that the institution itself, or that the institutions themselves, “determine(s)” whether (say) deliberation is “free and reasoned” doesn’t, unfortunately, help us evaluate the motivational thesis either. For again, we should like to know how this is so, what it *is* about “the institution” that makes it so. Do the pertinent institutions “determine” whether, or to what extent, participants “give reasons with the expectation that those reasons (and not, for example, their power) will settle the fate of their proposal”? If so, how? Do the pertinent institutions “determine” whether, or to what extent, participants “state their reasons for advancing proposals, supporting them, or criticizing them”? If so, how?

For instance, it might be the case that an institutional format “requires” that participants state their reasons. (Recall that the ideal deliberative procedure – specifically, I_2 – says: “Deliberation is *reasoned* in that the parties of it are required to state their reasons for advancing proposals, supporting them, or criticizing them.” Hence, if actual “deliberative institutions” are meant to “mirror” I_2 , it might be thought that the institutions in question should *literally* “require” participants “to state their reasons for advancing proposals, supporting them, or criticizing them.”) If so, do we, indeed, have good reason to expect that “the likelihood of a sincere representation of preferences and convictions should increase, while the likelihood of their strategic misrepresentation declines” *simply in virtue of that (literal, institutional) “requirement”*? Why should the mere “requirement” to offer those reasons, regardless of one’s antecedent motives, lead to the outcome in question? Or, if this kind of reason giving is not (literally) “required” in the institution in question, what, if any, “properties” of that institution do give us good reason to expect that outcome? Further stipulations, as Cohen himself notes, won’t be sufficient to render the motivational thesis plausible on its face. It wouldn’t be compelling just to say, for instance, that the features that make the expectation in question plausible are the other features of the ideal deliberative procedure that are also “mirrored” in the institution – without saying anything about what, in practice, *that* might mean either. Such a response would simply beg the question.

Now, the immediate objective of these comments has been to point out a number of potential problems, ambiguities, confusions that (may plausibly) arise when we *speak* a certain way; I have been using the above discussion of Cohen’s motivational thesis as a way of driving this point home. But, for our purposes, there is a broader, more important point that we can now appreciate.

Authors commonly speak of “institutions” and/or “procedures” as “doing” certain things (for instance, as “determining” certain outcomes), but without elaborating on the *responsibilities* that certain persons (e.g. the participants to a deliberation) would have to assume in order for those outcomes to be effectively realized. (Again, when – if – we speak this way, we have to remember that it is a shorthand, elliptical way of talking about a specific activity, which, like any activity, can be performed more and less adroitly depending on the responsibilities that relevant persons assume [or fail to assume] and depending on the virtues [and vices] that those persons exhibit “in,” “through,” or “around” that “activity.”) Consequently, they often do not explicitly discuss the virtues that those persons would necessarily exhibit were they to assume those responsibilities, and that would arguably assist them in assuming (or that would dispose them to assume) those responsibilities in the first place. Correspondingly, they often do not discuss the cultural practices that would arguably promote the assumption of those responsibilities, and that

¹⁰⁵ Ibid. 24.

would arguably enhance the likelihood that participants to the activities in question do exhibit relevant virtues. Where this is so in discussions of (ideal) procedures/procedural criteria, the tendency in question arises: the tendency to focus on (ideal) procedures/procedural criteria without at the same time explicitly discussing deliberative/civic virtues and cultural practices. And, in point of fact, this is the case with Cohen's essay.

Two specific features of Cohen's way of speaking about the role of the ideal deliberative procedure in democratic practice lead us to observe this outcome in his essay: first, the fact that, as we have seen, he *speaks* of deliberative institutions functioning properly to the extent that they "mirror" the ideal deliberative procedure; and second, the fact that, as we have also seen, he *speaks* of "institutions" as "determining" key outcomes, such as whether or not "deliberation" is "free and reasoned."¹⁰⁶ As we saw in our critical discussion of the motivational thesis, the idea that an institution might "mirror" certain stipulations that are constitutive of a particular "independent and expressly political ideal" is by no means clear. And, I now emphasize, this is perhaps particularly so where the stipulations in question refer to beliefs, commitments, expectations, and the like – for instance, the "commitment to coordinating activities...within institutions that make deliberation possible and according to norms that [participants] arrive at through their deliberations."¹⁰⁷ The idea that an *institution itself* might "mirror" this commitment is, taken by itself, ambiguous at best. What is more, speaking as though we simply could "mirror" such stipulations as are contained in the ideal deliberative procedure can easily take our attention away from the arduous task of judging what responsibilities, in some particular context, participants would have to assume in order for "the institutions" to "make deliberation possible." In consequence, it can also take our attention away from the arduous task of specifying what, in that particular context, it would precisely *mean* for them to "assume those responsibilities." And the second feature of Cohen's way of speaking may also, if we are not careful, contribute to the same result: by speaking of "institutions" as themselves "determining" key outcomes, such as whether or not "deliberation" is "free and reasoned," our attention may again be drawn away these arduous tasks.

For instance, genuine "deliberation" about moral or ethical disagreements surely entails, on any reasonable interpretation of that term, a sincere attempt on the part of the participants to try to understand each other's perspectives on relevant social situations and activities.¹⁰⁸ (This includes, notice, the they attempt to understand the others' perspectives on whatever the others regard as "relevant social situations and activities," not just what they themselves do.¹⁰⁹) And, to be sure, no "institution" can ensure that participants make such an attempt – that they *assume* the responsibility for doing so. (For instance, an institutional format that "requires" participants to "state their reasons for advancing proposals, supporting them, or criticizing them" surely would not, by itself, ensure that participants assume that responsibility.) Recognizing this, we are naturally led to such questions as: How, then, might a particular "institution," in this or that setting, (help to) cultivate the willingness, disposition, inclination, ability to assume that responsibility? And what, in practice, might that even mean? (That trained facilitators employ certain well-proven tactics? That certain forms of cultural self-criticism are part of the public-opinion formation stage that is intentionally built into, and that precedes the decision-making stage in, that institution? That some deliberators employ emotional "rhetoric" in the way that Iris

¹⁰⁶ Ibid. 29.

¹⁰⁷ Ibid. 22.

¹⁰⁸ We return to this theme in later chapters, especially in chapter 5.

¹⁰⁹ This, too, is a theme we return to in later chapters, especially in chapter 5.

Young suggests they sometimes should, so as, for instance, to motivate others to discuss, and thereby hopefully come to a better understanding of, some important issue that would otherwise be ignored?¹¹⁰ Or...?) Furthermore, what, in some particular context, might it even mean to “assume that responsibility”? In other words, what other, “more specific responsibilities” might it entail? (Challenging one’s preconceptions? Interrogating one’s self-understandings? Learning to be more charitable?)

As a general matter, we can say, as I just did, that a sincere attempt to engage in “deliberation” about moral or ethical matters entails a sincere attempt on the part of the participants to try to understand each other’s perspectives on relevant social situations and activities. But we then need to move from a discussion of such a “general responsibility” (one, for instance, that is specified or entailed by an ideal procedural criterion, such as the criterion that “deliberation is reasoned...Reasons are offered with the aim of bringing others to accept the proposal, given their disparate ends (D₃) and their commitment (D₂) to setting the conditions of their association through free deliberation among equals”) to a discussion of further, “more specific responsibilities” that are, or, depending on the circumstances, may be, implicated in, or partly constitutive of, (our concept of) that “general responsibility.” In this way, we move from a more abstract conversation about (the) general responsibilities (that are specified [or entailed] by an ideal procedural criterion, for instance) to more specific judgments about what, in this or that particular context, “assuming” these “general responsibilities” would actually mean.

For instance, in the context of a moral or ethical deliberation that involves the participation of (say) two principal “cultural groups,” one of which has been the clear historic victim of (let us say) marginalization, oppression, violence, and disenfranchisement on the part of the other, dominant cultural group, a sincere effort to understand relevant social situations and activities from the perspectives of individuals from the former group might well entail that the latter group assume responsibility for (say) “unlearning” a great deal of “history.” That is, it might well entail that they assume responsibility for (say) interrogating and even rejecting “vicious generalizations,” “racial stereotypes,” “deep-seated cultural prejudices,” and so on – ones which, if left unexamined or even just unacknowledged, might well prevent (many of) them from meaningfully assuming the responsibility for trying to understand relevant social situations and activities from the perspectives of the other group’s members – hence from meaningfully assuming responsibility for engaging in (say) “reasoned” deliberation aimed at “setting the conditions of their association.”

In any case, however, the overarching points here are two. The first is that to speak of some “deliberative institution” as “mirroring” (say) the “requirement” that participants “state their reasons for advancing proposals, supporting them, or criticizing them” does not, by itself, bring our attention to the specific responsibilities that would make their doing so meaningful, or, to the specific responsibilities the assumption of which might plausibly lead to such desired outcomes as an increase in the “sincere representation of preferences and convictions” with a corresponding decline in the “strategic misrepresentation” of them. And the second point is that neither does talk of “institutions” “determining” these or other outcomes bring our attention to these responsibilities (again, perhaps especially so where those institutions are said to do so by “mirroring” beliefs, convictions, expectations, and so on). Indeed, if we are not careful, such talk may even have a bewitching effect, where a particular way of speaking leads us to a particular way of thinking, (tacitly) encouraging us to attribute agency to the institutions in which people act, rather than to the people themselves.

¹¹⁰ See footnote 18 above.

Now, as previously mentioned, there are two further results that are of interest here. The first is that, in not giving explicit attention to the responsibilities that are specified or entailed by the ideal procedural criteria that a normative democratic theory offers, we consequently give inadequate attention to the virtues that participants would necessarily exhibit were they to assume those responsibilities, and that would arguably assist them in assuming (or that would dispose them to assume) those responsibilities. And the second is that we consequently give inadequate attention to the cultural practices that could conceivably help to create a social climate in which participants are more likely to assume the responsibilities that we think they ideally should assume.

Think again of our last hypothetical, concentrating now on the issue of responsibilities. Again, we have here a moral or ethical deliberation that involves the participation of (say) two principal “cultural groups,” one of which has been the clear historic victim of (let us say) marginalization, oppression, violence, and disenfranchisement on the part of the other, dominant cultural group. And here as elsewhere, what we apparently need is: first, to refer to whatever ideal procedural criteria we think are worthy of our endorsement; second, to reason about what responsibilities are specified or entailed by those criteria; third, to reason about the virtues that participants would necessarily exhibit were they to assume those responsibilities, and that would arguably assist them in assuming (or dispose them to assume) those responsibilities; and to reason about the cultural practices that could conceivably help to create a social climate in which participants are more likely to assume the responsibilities that are specified by the criteria and/or that we think are entailed by them.

So, suppose we start with the following ideal criterion, I_2 of Cohen’s ideal deliberative procedure: “Deliberation is *reasoned* in that the parties of it are required to state their reasons for advancing proposals, supporting them, or criticizing them. They give reasons with the expectation that those reasons (and not, for example, their power) will settle the fate of their proposal.”¹¹¹ From there, we might then observe that, on any reasonable definition of a “deliberation” (including, of course, a “reasoned deliberation”) about moral or ethical matters, a sincere attempt to engage in “deliberation” about moral or ethical matters entails a sincere attempt on the part of the participants to try to understand each other’s perspectives on relevant social situations and activities.¹¹² Here, recall, there are two main “cultural groups,” one of which has been the clear historic victim of marginalization, oppression, violence, and disenfranchisement on the part of the other, dominant cultural group. (Call the former group “the subordinate group” and the latter group “the dominant group.”) So, we then note that a sincere effort on the part of many individuals from the dominant group to understand relevant social situations and activities from the perspectives of individuals from the subordinate group might well entail that they assume responsibility for “unlearning” a great deal of “history.” That is, it might well entail that they assume responsibility for (say) interrogating and even rejecting “vicious generalizations,” “racial stereotypes,” “deep-seated cultural prejudices,” and so on. These, we could say, are some of the “more specific responsibilities” entailed by the “general responsibility” that participants have for trying “to understand each other’s perspectives on relevant social situations and activities.”

Now, we then notice that there are certain virtues that the participants from the dominant group would necessarily exhibit were they to assume such responsibilities, and that would

¹¹¹ Note that this is an abbreviated version of I_2 . For the full statement, see Cohen (2009: 24).

¹¹² Again, I develop this claim at greater length in chapter 5 and return to it recurrently throughout subsequent chapters.

arguably assist them in assuming (or dispose them to assume) those responsibilities. (In the rest of this chapter and afterwards, I'll sometimes refer to these virtues as "corollary virtues.") For instance, suppose that, in entering into a genuine dialogue and deliberation with person B from the subordinate group, person A from the dominant group comes to realize that the way in which she has heretofore narrated some relevant social activity (like protests primarily organized by members of the subordinate group against police brutality in their communities) has served to reproduce "vicious generalizations" about the "character traits" and "behavioral tendencies" of members of the subordinate group. If, indeed, person A does come to this realization through conversations with person B in which she does make a sincere effort to understand the social activity in question, she just *would* exhibit some such virtues as "patience" and "open-mindedness." That is, if person A really had narrated the protests primarily organized by members of the subordinate group in a way that reproduced "vicious generalizations" about the "character traits" and "behavioral tendencies" of members of the subordinate group, and really did come to this realization by entering into a genuine dialogue and deliberation with person B from the subordinate group, she just *would* exhibit some such virtues as "patience" and "open-mindedness." So, we notice, a discussion of virtues is relevant and useful here, for it helps us to describe what characterizes the behavior of those who do assume (one or more of) the "more specific responsibilities" entailed by some "general responsibility" (e.g. the responsibility for trying to understand other participants' "perspectives on relevant social situations and activities") that is either explicitly specified or entailed by whatever ideal criterion or criteria we start with (e.g. I₂ of Cohen's ideal deliberative procedure: "Deliberation is *reasoned*..."). Furthermore, we notice that the identification of such virtues helps us to characterize what would be involved in the assumption of (say) "the more specific responsibilities" in question, hence also to characterize what would be involved in the assumption of the "general responsibility" in question. And we notice that without making reference to some such virtues, it becomes harder to discuss the *means* by which participants to a dialogue and deliberation might assume "the more specific responsibilities" in question, hence also the "general responsibility" in question.

For instance, B's ability to communicate to A that she is somehow failing to assume the "general responsibility" in question and that she is somehow failing to assume (at least some of) the "more specific responsibilities" in question is partly dependent upon the availability of certain virtue-terms. If, say, B is in a moment in which she is trying to get A to see that her way of narrating the protests in question does reproduce "vicious generalizations" about the "character traits" and "behavioral tendencies" of members of the subordinate group (hence is in a moment in which she is trying to get A to "understand her perspective on relevant social situations and activities"), an appeal to such virtues as "patience" and "open-mindedness" might help her to communicate, for instance, *why* she thinks that A is failing to assume "the general responsibility"/"the more specific responsibilities" in question. (Person A: "I think you're way off base: the protesters are just using this whole thing about 'police brutality' as an excuse to act disruptively. They're probably mostly unemployed and so don't have anything better to do." Person B: "No, I'm pretty sure you'd see where you are wrong – and how offensive that statement is – if you would just take the time to hear me out. Please be patient; it takes time. One has to be open-minded to unlearn such preconceptions and to see that, whatever one's intentions are, statements like that have a long history behind them and serve to reproduce vicious generalizations about people from my community. If you show a bit more patience and open-mindedness, it shouldn't be too hard to see my perspective.")

Finally, we are led to the realization that there are practices that draw from the broader culture that, if they were somehow incorporated into the process in question, could conceivably help to create a social climate in which participants from the dominant group are more likely to assume “the general responsibility”/“the more specific responsibilities” in question, and so to exhibit certain “corollary virtues” as well. For instance, we might think here about the practice of offering “testimony.” Testimonies are used in a variety of settings – for example, in legal discussions and courtrooms, in social movement organizations and protest activities – to give voice to types of experiences that often go unheard and even unacknowledged.¹¹³ Resistance movements, for instance, sometimes use them to reveal the oppression of the communities that they emerge from, to expose the repression that they suffer at the hands of government agencies or others. So, in the present case, we might consider having individuals from the protest activities in question and from the communities in which police brutality has (allegedly) occurred provide testimonies about their experiences. To be sure, such testimonies are no *guarantee* that other participants will (even try to) assume the “the general responsibility”/“the more specific responsibilities” in question. Yet, it is not inconceivable that they might encourage some of them to do so. Moreover, there are other potential benefits to the inclusion of such testimonies, as we can see, for instance, by appealing to other aspects of whatever ideal procedural criteria we might endorse. (I proceed on the assumption that whatever those criteria are, they will presumably specify, or entail, that the participants to the process in question ought to have, as Dahl puts it, “opportunities to act in certain ways.” I, for one, cannot conceive of anyone wanting to develop a normative democratic theory that does not specify such opportunities. Indeed, I cannot even make sense of the *idea* of a “normative democratic theory” that does not do so. What would it even consist in? A list of the opportunities that participants should *not* have? In no sense would such a theory be about “democracy.”)

Suppose, for the moment, that we endorse Cohen’s ideal deliberative procedure, for instance. Well, we might then see that I₃ is relevant here:

In ideal deliberation parties are both formally and substantively equal in that the rules regulating the procedure do not single out individuals. *Everyone with the deliberative capacities has equal standing at each stage of the deliberative process. Each can put issues on the agenda, propose solutions, and offer reasons in support of or in criticism of proposals. And each has an equal voice in the decision.* The participants are substantively equal in that the existing distribution of power and resources does not shape their chances to contribute to deliberation, nor does that distribution play an authoritative role in the deliberation....¹¹⁴

There are various ways that we can see this, but just consider the idea that “each [participant] can...offer reasons in support of or in criticism of proposals.” In thinking about how best to approximate this aspect of I₃, we might just focus narrowly on what we could call “procedural requirements.” This term connotes rules that can be codified and, in principle at least, easily followed. For instance, rules can stipulate that each participant has a “right” to “put issues on the agenda” for democratic discussion. Clearly, however, no such rules/procedural requirements can *themselves* ensure that participants meaningfully have these opportunities; in some cases, they might not even make this outcome plausible. Hence the usefulness of reasoning about, and

¹¹³ For discussion, see Young (2000: 70-77).

¹¹⁴ Ibid. 24.

potentially including, certain cultural practices (such a testimony) that, if they were somehow incorporated into the process in question, could conceivably help to create a social climate in which it is more likely that participants will meaningfully have such opportunities. For instance, it is conceivable that, in some cases, where space is given to testimonies from groups who likely will be affected by a potential policy decision (say, about policing in some community), testimony about police brutality in that community could help participants to “put issues on the agenda” for discussion in a more meaningful way.

The above considerations underline what is potentially missed (or at least what we are not explicitly encouraged to think about) when we speak of some “deliberative institution” as simply “mirroring” this or that ideal procedural criterion or as simply “mirroring” an ideal procedure taken as a whole. Likewise, they underline what is potentially missed (or at least what we are not explicitly encouraged to think about) when we talk of “deliberative institutions” as *themselves* “determining” this or that outcome.

If, as a consequence of either or both of these ways of speaking (and so perhaps thinking), we do not give adequate attention to “the general responsibilities”/“the more specific responsibilities” that are specified or entailed by the ideal procedural criteria that a normative democratic theory offers, we may consequently give inadequate attention to such corollary virtues as those discussed above. And this is problematic, for, among other reasons, it is useful to talk about such virtues precisely to fill out our descriptions of what is involved in assuming those responsibilities in the first place; it helps us to communicate to each other what precise behaviors are arguably necessary for the effective instantiation of the procedural criteria in question. Likewise, if, as a consequence of either or both of these ways of speaking (and so perhaps thinking), we do not give adequate attention to “the general responsibilities”/“the more specific responsibilities” that are specified or entailed by the ideal procedural criteria that a normative democratic theory offers, we may consequently give inadequate attention to the cultural practices that might promote the effective assumption of those responsibilities. (Likewise, if, for whatever reason, we don’t give adequate attention the *opportunities* that we think participants should have, parallel remarks could be made: we might therefore give inadequate attention to the responsibilities, virtues, and cultural practices that are relevant to the effective granting of those opportunities.)

Conclusion

Normative democratic theory, including deliberative-democratic theory, is sometimes characterized by kind of “proceduralism,” according to which the role of the democratic theorist is to articulate an “ideal procedure,” or “ideal procedural criteria,” for (“fair”¹¹⁵) democratic decision-making on the part of citizens and/or their representatives. In this chapter we have explored the specific kind of proceduralism that, at one point or another, Robert Dahl, Jürgen Habermas, and Joshua Cohen has each adopted, paying particular attention to how that author’s particular variety of liberal proceduralism leads to the tendency signaled throughout: the

¹¹⁵ I put “fair” in parentheses here because, while (for instance) Dahl and Habermas (as we’ve seen) both make explicit references to “fairness” in justifying their theories, Cohen’s position is more complicated in this respect. As we saw, Cohen (2009: 16) depicts his conception as “an account of the value of [“an association whose affairs are governed by the public deliberation of its members”] that treats democracy as itself a fundamental political ideal and not simply as a derivative ideal that can be explained in terms of the values of fairness or equality of respect.”

tendency to focus on (ideal) procedures/procedural criteria without at the same time explicitly discussing deliberative/civic virtues and cultural practices.

With Dahl's liberal proceduralism, we saw, the role of a normative democratic theory is to offer "criteria for a democratic process," where these are construed as "standards – ideal standards, if you like – against which procedures proposed ought to be evaluated in any association to which the assumptions [“justifying a democratic political order” may be said to] apply.”¹¹⁶ These criteria, we saw, “specify that citizens...ought to have equal and adequate opportunities to act in certain ways.”¹¹⁷ “They represent ideas of human possibilities against which actualities may be compared.”¹¹⁸ In short, Dahl's manner of speaking suggests that the primary role of normative democratic theory is to help us to engage in practical reasoning about how to craft procedures that grant citizens opportunities to act in certain ways.

Accordingly, there is no (explicit) indication that the criteria might be used for the purpose of reasoning about procedures, virtues, and cultural practices in conjunction. (Again, while I have provided some indication of why it should serve this function, the argument is developed at greater length in subsequent chapters, especially chapter 4.) Dahl does not explicitly disavow this idea, but he does disavow the idea that the criteria themselves should articulate “duties”; he doesn't include any mention of “duties” in his ideal procedural criteria, nor is there any reference to “responsibilities” or other cognate terms. The main reason for this, it seems, is that although he believes that his theory does imply certain “duties,” he believes it best to leave it to citizens themselves to weigh those duties against the other obligations, rights, and opportunities that they (would) confront in a democratic political order, since doing so ensures that “citizens have the freedom to choose how they will fulfill their political obligations,” which is more consistent with the values of personal and moral autonomy and with the freedom of self-determination.¹¹⁹ Consequently, to respect the value of pluralism, he seems to conclude, the criteria themselves are not to say anything explicit about “duties” (or, it seems, “responsibilities” or other cognate terms). Correspondingly, there is no discussion of the virtues that participants would necessarily exhibit were they to assume the responsibilities involved in the granting of the opportunities specified by the criteria. Furthermore, he does not explicitly consider the virtues that would arguably assist them in assuming (or dispose them to assume) those responsibilities in the first place – hence that would also assist participants in granting each other certain opportunities in a meaningful way. Correspondingly, he does not discuss any cultural practices that would arguably promote the assumption of those responsibilities, and that would arguably enhance the likelihood that participants to the activities in question do assume certain responsibilities, hence grant certain opportunities and exhibit certain virtues as well.

With Habermas's proceduralism, the same tendency is on display. Like Dahl, Habermas is concerned with articulating a “procedural” conception of democracy that respects “the fact of pluralism,” to invoke Rawls's well known phrase; he is concerned not to “ethical[ly] overload” or “overburden” the citizens of a polity, as he suggests that at least some “contemporary republicans” would (wittingly or unwittingly) have us do, since they preserve the original meaning of democracy in terms of the institutionalization of a public use of reason jointly exercised by autonomous citizens (this aspect of republicanism Habermas likes), but “give this public communication a communitarian reading”: they assimilate politics to a “hermeneutical

¹¹⁶ Dahl (1989: 108-109).

¹¹⁷ Ibid. 114.

¹¹⁸ Ibid. 109).

¹¹⁹ Ibid. 115.

process of self-explication of a shared form of life or collective identity,” and construe “the democratic process [as being] dependent upon the virtues of citizens devoted to the public weal.”¹²⁰ “In contrast, a discourse-theoretic interpretation insists on the fact that democratic will-formation,” in Habermas’s own formulation, “draws its legitimating force not from a previous convergence of settled ethical convictions but both from the communicative presuppositions that allow the better arguments to come into play in various forms of deliberation and from the procedures that secure fair bargaining processes.”¹²¹

Clearly, however, if those “various forms of deliberation”¹²² are to have any “legitimizing force,” (some number of) participants to them will have to assume certain (positive and negative) responsibilities in relation to one another (and, as the case may be, those they [ought to] represent). Pace what Habermas *says* (in “Three Normative Models of Democracy,” for instance), “democratic will-formation draws its legitimating force,” on his own (implied) view, not from “*the communicative presuppositions* that allow the better arguments to come into play in various forms of deliberation and from the procedures that secure fair bargaining processes,” but rather from *the action of individuals who act in accord with those “communicative presuppositions”* in “various forms of deliberation” (and from the action of individuals who act in certain ways within those “fair bargaining processes.”¹²³) And, at a general level, this is but another way of saying that “democratic will-formation” *has* “legitimizing force” to the extent that the participants to these deliberations and fair bargaining processes assume certain (positive and negative) responsibilities in relation to one another (and, as the case may be, those they [ought to] represent). From this it follows that, on Habermas’s own conception, the “legitimizing force” of “democratic will-formation” *is* “dependent on the virtues citizens,” and, to some extent it seems, on citizens who exhibit virtues that have been traditionally associated with “devotion to the public weal,” or that could reasonably be described as being associated with such devotion (even if the primary motive for their exhibiting those virtues is not such devotion).

So, like Dahl, Habermas wishes to respect the value of pluralism, and his particular way of trying to do so seems to lead our attention away from the need to engage in reasoning about procedures, virtues, and cultural practices in conjunction.

Finally, the same may be said of Cohen’s variety of proceduralism. Cohen’s “ideal deliberative procedure” is an “independent and expressly political ideal” for a “pluralistic association”,¹²⁴ it is meant as an ideal for an association in which “the members have diverse preferences, convictions, and ideals concerning the conduct of their own lives. While sharing a commitment to the deliberative resolution of problems of collective choice (D₂), they also have divergent ends, and do not think that some particular set of preferences, convictions, or ideals is mandatory.”¹²⁵ As we saw, Cohen first articulates a “formal conception of deliberative democracy” and then an “ideal deliberative procedure.”¹²⁶ The ideal deliberative procedure is meant as “a more substantive account of deliberative democracy,” one that “is meant to provide a model for institutions to mirror.”¹²⁷ And, importantly, Cohen speaks of the institutions that do try

¹²⁰ Habermas (1994: 4).

¹²¹ Ibid.

¹²² Parallel remarks could be made about the “fair bargaining processes” Habermas refers to, but our analysis focused on the “various forms of deliberation” here referenced.

¹²³ Though again, we just focused on the “various forms of deliberation” here.

¹²⁴ Cohen (2009: 22, 21, 22).

¹²⁵ Ibid. 22.

¹²⁶ Ibid.

¹²⁷ Ibid. 22, 23.

to “mirror” the ideal deliberative procedure as themselves “determining” whether we witness various outcomes that are meant to be a part of that procedure: for instance, whether or not “deliberation” is “reasoned.”

These ways of speaking we found problematic, however: it is highly ambiguous to say that an “institution” “mirrors” stipulations regarding (for instance) beliefs, expectations, and convictions, e.g., that parties to deliberation “give reasons with the expectation that those reasons (and not, for example, their power) will settle the fate of their proposal”; and it is unclear, even misleading, to say that “institutions” themselves can “determine” such outcomes as whether or not “deliberation is free and reasoned.”¹²⁸ Relatedly, the plausibility of such factual claims as accompany the discussion of the desirability or justifiability of the ideal deliberative procedure suffers as a result of these ways of speaking. We found this to be the case, for instance, with the claim that “the practice of presenting reasons will contribute to the formation of a commitment to the deliberative resolution of political questions (D₂),” which in turn suggests that “the likelihood of a sincere representation of preferences and convictions should increase, while the likelihood of their strategic manipulation declines.”¹²⁹ To assess the plausibility of such a claim, what is needed is some sense of what the pertinent institutions look like, what specific practices might be involved there, beyond the mere fact that they “mirror” the stipulation(s) in question. Or to put the point in the way that I would prefer: What is needed is a more specific sense of: the opportunities that participants should have in the process in question and of the responsibilities that participants should assume; the virtues that they would exhibit in granting those opportunities and assuming those responsibilities and that would arguably dispose them to grant those opportunities and to assume those responsibilities; and the cultural practices that might be incorporated into that process which would arguably promote the granting of those responsibilities and the assumption of those responsibilities. But again, talk of institutions “mirroring” the ideal procedure and of institutions “determining” relevant outcomes does not, by itself, explicitly bring our attention to these opportunities, responsibilities, virtues, and cultural practices. Rather, it seems to focus us on procedures (or on “institutions”) alone. Hence, as with Dahl and Habermas too, Cohen’s variety of proceduralism leads to the tendency in question: the tendency to focus on (ideal) procedures/procedural criteria without at the same time explicitly discussing deliberative/civic virtues and cultural practices. Hence, we again do not see an explicit recognition of how his normative theory might function as a framework for reasoning about procedures (in which participants [can] grant each other certain opportunities and assume certain responsibilities), virtues, and cultural practices in conjunction. And again, attention is apparently drawn away from the *need* to engage in such reasoning in the first place.

Taking these three liberal proceduralisms together, it is not hard to identify what is common to them: they are all after a kind of “minimalism,” one which allows for as much moral-ethical pluralism as possible, while still retaining a fundamental commitment to collective choice through (deliberative-) democratic decision-making. This, in short, is the “liberal core” that they share, and it is, I believe, why, in its own way, each of them can be read as being, or at least as seeming, wary of any talk of “responsibilities,” “virtues,” or even “cultural practices” – *at least in the presentation of (the character and function of) the normative democratic theory itself*. But, I am afraid, each of these liberal proceduralisms is less useful to democratic practice than it otherwise might be *precisely because of this shared feature*. (This, perhaps, was clearest in the discussion of Cohen’s theory, but it also came out in the discussion of the other two theories as

¹²⁸ Ibid. 24, 29.

¹²⁹ Ibid. 26.

well.) As indicated, what we apparently need to do when we reason about how actually to craft and implement a democratic process is to reason about procedures (and so opportunities and responsibilities), virtues, and cultural practices in conjunction. But the tendency to focus on (ideal) procedures/procedural criteria without at the same time explicitly discussing deliberative/civic virtues and cultural practices does not explicitly encourage us to do so, indeed, at times at least, diverts our attention away from the need to do so in the first place.

Now, if the preceding critical comments on the tendency in question help to motivate how I myself will later describe the “proper” character and function of normative democratic theory in democratic practice (briefly, as a “tool” for practical reasoning that can and should help democracy’s participants to conduct empirical inquiries into the procedures, virtues, and cultural practices that, in some particular context, are most apt to promote the effective granting of the equal and adequate opportunities specified in the theory’s ideal procedural criteria *and* that are most apt to promote the effective assumption of the responsibilities that are specified or entailed by those criteria), they also help to motivate some preliminary tasks that we will need to take up before proceeding to that discussion. So, let me close with some brief comments on these tasks. In doing so, hopefully the motivation behind my proposed way of describing the proper character and function of normative democratic theory in democratic practice will begin to become clearer. If not, it should so as we move through chapters 2, 3, and 4.

My closing comments concern the relationship between theory and empirical inquiry. When an author develops and presents his normative democratic theory, what, if any, links the author sees between his theory, on the one hand, and empirical inquiry, on the other hand, is not always clear. Here, I would like to highlight two senses in which this is so, both of which are evident in one or more of the three theories reviewed in this chapter. However, I will center my comments on Cohen’s theory, in part because it is freshest in our minds.

Very briefly, the first sense in which this is so is that the theory in question is developed or at least presented in such a way that it is not clear how, if at all, the author understands the theory to have *emerged out of empirical inquiry*. One consequence is that it is unclear what the author would say about where the democratic norms and values come from in the first place – about what relation, if any, they have to *existing* (democratic) norms, values, and practices. As we saw, Cohen, for instance, presents his ideal deliberative procedure as an “independent and expressly political ideal” for a “pluralistic association”;¹³⁰ it is meant as an ideal for an association in which “the members have diverse preferences, convictions, and ideals concerning the conduct of their own lives. While sharing a commitment to the deliberative resolution of problems of collective choice (D₂), they also have divergent ends, and do not think that some particular set of preferences, convictions, or ideals is mandatory.”¹³¹ This way of framing his ideal raises various pressing questions. One is: If some actual association is “pluralistic” in this sense, what reason do we have for expecting that its members would all find the ideal “intuitive,” or even that most of its members would? If the ideal were presented, for instance, as somehow being *an interpretation of certain norms and values that are widely shared in the association in question*, the claim about intuitiveness would not be so problematic. But since Cohen doesn’t frame his ideal as emerging through this kind of “empirical inquiry” (what I referred to in the Introduction – and what will later continue to refer to – as “anthropological-interpretive inquiry”), that claim does indeed seem problematic. Hence, for at least this reason, it does seem advisable to clarify where the democratic norms and values come from in the first

¹³⁰ Cohen (2009: 22, 21, 22).

¹³¹ *Ibid.* 22.

place – what relation, if any, they have to existing (democratic) norms, values, and practices. Doing so, I believe, makes it easier for democracy’s participants to see how the theory might help them to *improve* their (nominally) democratic practices. Where normative democratic theory does not have a clear connection to existing (democratic) norms, values, and practices, this seems more difficult to imagine.

Very briefly, the second sense in which the links between a normative democratic theory and empirical inquiry may sometimes be unclear concerns the fact that authors sometimes do not say anything explicit, or do not say much that is explicit, about how, if at all, their theories might relate to *future* empirical inquiries. Think again of how Cohen’s theory is presented. As we discussed at length, the ideal deliberative procedure is meant to provide a “model” for deliberative institutions to “mirror,” and these institutions are in turn thought to “determine” whether this or that desired outcome is witnessed (e.g., whether “reasoned deliberation” is so). Yet this way of framing the character and function of normative democratic theory in democratic practice does not give a clear indication of what role, if any, the theory itself might play in actual empirical inquiries. If an institution is to “mirror” the ideal deliberative procedure, does this mean that we are to take its stipulations as essentially articulating *specific rules to be followed*? If so, perhaps it will seem that the theory essentially has no role to play in actual empirical inquiries. Here, the procedure might be thought of as setting down rules to be followed *regardless of context*, obviating the need for “empirical inquiry.” Or suppose someone interprets the “mirroring” metaphor quite differently. They are quite sure that the ideal procedure’s stipulations are precisely stated and that, normatively speaking, democracy’s participants should try to approximate them as much as possible. Yet, on their view, such procedural criteria always need to be given a *context-specific interpretation*, for the criteria are stated at a sufficiently high level of abstraction so as to necessitate such interpretation. If so, it will perhaps seem that the theory does have a role to play in future empirical inquiries. It might, say, be thought of as providing expectations about the conditions in which democracy’s participants might plausibly anticipate that certain human “goods” will be realized. And so, at a minimum, it might be thought that the theory could serve an important role in orienting inquiries into what, more precisely, those “conditions” might *consist in in this or that context*. In any case, however, the point here is that unless an author gives us a clear indication of how, if at all, he envisages his theory relating to future empirical inquiries, we are left mostly guessing here. And this, I would again add, undermines the potential for the theory to play a productive role in actual democratic practice.

In short, these brief considerations suggest that, in developing a normative democratic theory, it is useful to clarify what, if any, links we think our theory has to empirical inquiry, and in two broad senses. First, it is helpful to indicate how, if at all, we think that the theory *emerged out of* empirical inquiry. Among other things, this should also help to clarify what, if any, relationship there is between, on the one hand, the norms and values that the theory articulates and, on the other hand, the norms and values that may or may not already exist in this or that particular community. And second, it is helpful to indicate how, if at all, the theory might relate to *future* empirical inquiries. This should help to clarify what, if any, role the theory might play in reshaping actual democratic practices in the future. So, in the next chapter, we’ll begin to take up these tasks.

Chapter 2

Re-engaging Normative and Empirical Democratic Theory, Or, Why “Normative” Democratic Theory is “Empirical” All the Way Down

Introduction

Sharp divisions continue to separate “normative political theory” from “empirical political science.”¹ These divisions are evident, for instance, in the historic separation of “normative democratic theory” from “empirical democratic theory,” where “normative democratic theory” has been construed as something that political *theorists* and *philosophers* sometimes engage in, while “empirical democratic theory” has been construed as something that political (and other social) *scientists* sometimes engage in.² These sharp conceptual divisions and the divisions of disciplinary labor that express them reflect, *inter alia*, the legacy of logical positivism, which sharply distinguished between “facts” and “values,” hence between “empirical” and “normative” forms of theory as well.³ Historically, though, it has been much more common for political scientists to argue that their own work is, or could be, “value-free” and/or “non-normative” than it has been for political theorists and philosophers to argue (or even directly suggest) that *their* work is, or could be, so to speak, “empirics-free.” Yet, as John Dryzek has observed, “normative political theory” has, indeed, “sometimes [been] characterized as an evidence-free zone.”⁴

In this chapter, I criticize this characterization, critically taking up the proposition that “normative democratic theory” (*qua* one form of “normative political theory”) might be characterized as an “evidence-free zone” or as “empirics-free.” More specifically, I do so by offering a conceptual strategy for challenging any sharp distinction between “normative” democratic theory and “empirical” democratic theory. Very briefly, the strategy goes like this.

When we *actually* carry out certain tasks that are indispensable to any “reasonable”⁵ conception of “normative democratic theory,” we are then engaged in a form of “practical reasoning.” And “practical reasoning” inevitably “involves” empirical inquiry (in an extended sense of “involvement”⁶). From this recognition it follows that normative democratic theory is best conceived of as a form of practical reasoning, “involving,” as it always does, one or another form of empirical inquiry. This conclusion gives us reason not only to avoid any sharp

¹ For discussion, see Fung (2007), Gerring (2006), Pitkin (1972), and Shapiro (2007). There are, of course, important exceptions to this generalization. For instance, the literature on deliberative democracy currently features a lively engagement between empirical approaches and researchers and normative theories and theorists. See, among others, Dryzek (2012), Fung and Wright (2003), and Rosenberg (2007).

² Cnudde and Neubauer (1969).

³ For discussion, see Putnam (2002). The Cnudde and Neubauer (1969) volume offers one example of the influence of the logical positivist’s fact/value dichotomy on the field of “empirical democratic theory.”

⁴ Dryzek (2007: 237).

⁵ In section II, I indicate what I mean by a “reasonable” conception on normative democratic theory.

⁶ Here, a person’s reasoning can be said to “involve” empirical inquiry *if* it is the case that her *ability* to reason about something is tied to, in some way depends on, her own or others’ empirical inquiries. I also use the term “influenced” in an extended sense: I say that a person’s reasoning is “influenced” by empirical inquiries *if* it is the case that her *ability* to reason about something is tied to, in some way depends on, her own or others’ empirical inquiries.

distinction between “normative” and “empirical” forms of theory but also to avoid any such distinction between “theoretical” and “practical” forms of reasoning. Indeed, as the classical pragmatists sought to teach us, all reasoning is, in some sense, “practical,” which obviously implies that the reasoning involved in normative democratic theory is so too. Taking up this perspective, the chapter argues for a re-engagement of “normative” and “empirical” democratic theory. Indeed, because normative democratic theory just *is* a form of practical reasoning and because practical reasoning inevitably *does* “involve” empirical inquiry, it follows that normative democratic theory just *is* a form of empirical inquiry.

This is an important recognition, not just because “normative political theory” has, indeed, “sometimes [been] characterized as an evidence-free zone,”⁷ but also because, as I indicated in chapter 1, it is not always clear what links, if any, an author sees between her own normative democratic theory and empirical inquiry. To recall, one sense in which I suggested this is so is that it is sometimes unclear how, if at all, the author understands the theory to have *emerged out of empirical inquiry*. However, if normative democratic theory just is an empirical enterprise, the minimal response to this kind of unclarity is to say: Whatever the details, the fact is that the theory in question just did “emerge out of empirical inquiry.” And recognizing this can serve to prompt more detailed inquiries into how precisely the theory did (wittingly or unwittingly) emerge out of this or that particular form of empirical inquiry. From there, interesting insights can emerge about how, for instance, the theory in question does or does not relate to the past or present norms and values of this or that particular community; or about how the individuals from this or that particular community may or not interpret some relevant concept differently; or about how the theory relies on tacit empirical premises that do not take adequate account of evidence that contravenes those premises; and so on.

The rest of this chapter is divided in three sections. To situate my argument, section I briefly reviews two recent calls to give practical reasoning its due: the first is for *moral philosophy/theory* to give practical reasoning its due, the second for *empirical social science or inquiry* to do so. Elijah Millgram has recently maintained that moral philosophers have given inadequate attention to practical reasoning, and that moral philosophy/theory has suffered as a result.⁸ Likewise, Andrew Sayer has recently maintained that empirical social scientists have given inadequate attention to practical reasoning, and that the ability of social scientists to appreciate the “evaluative” nature of our being in the world has consequently suffered.⁹ Here, I give support to both of these claims and, moreover, indicate why they are relevant to – indeed, reasonable with respect to – the conduct of normative democratic theory. In doing so, however, I also indicate why the authors’ respective arguments would be strengthened by the recognition that all reasoning, whether in moral philosophy or empirical social science, is a form of “practical reasoning.” Both authors ask us, in brief, to “give practical reasoning its due.” Yet, neither of them explicitly recognizes that theoretical reasoning just *is* a form of practical reasoning, a recognition that, as I say, would strengthen both of their accounts.

Section II turns directly to the topic of normative democratic theory, indicating, roughly in the way that I’ve already suggested, why normative democratic theory just is a form of practical reasoning, and so inevitably does “involve” empirical inquiry. Here I indicate in further detail why it is crucial that we not just give more attention to “practical reasoning,” giving such reasoning its due, so to speak, but rather that we recognize that normative democratic theory just

⁷ Dryzek (2007: 237).

⁸ Millgram (2005).

⁹ Sayer (2011).

is a form of practical reasoning. Recognizing this is crucial because it allows us to see that “normative democratic theory” just is a form of empirical inquiry, and so allows us to defend the call for “re-engagement” between “normative democratic theory” and “empirical democratic theory” in a particular way. That is, it clarifies that the call for “re-engagement” is actually a call to recognize that our existing democratic norms, values, and theories inevitably *have* been “empirically generated” and that our future democratic norms, values, and theories inevitably *will* be so.

Section III then concludes.

1. Two Recent Calls to Give Practical Reasoning Its Due

1.1 Giving Practical Reasoning Its Due in Moral Theory

In *Ethics Done Right: Practical Reasoning as a Foundation for Moral Theory*, Elijah Millgram defends the view that all moral philosophies and normative ethical theories presuppose some kind of “theory” (or at least an implicit understanding) of “practical reasoning,” where “practical reasoning” is construed as “reasoning directed toward deciding what to do,” or, as he also says, “reasoning directed toward decision or action.”¹⁰ And yet, “for most of the past, philosophers have not been especially self-aware when it came to their [own] opinions about practical reasoning. Typically they didn’t notice more than one or two possibilities, and typically one of those seemed to them obviously right, and not to need much in the way of sustained argument or defense.”¹¹ For diverse reasons, this inattention to practical reasoning has been problematic, and Millgram defends a number of claims that are intended to show why greater attention to practical reasoning could generate more “successful” moral theories. These include, but are not limited to, that “the strong moral theories of the past – the moral theories that have passed the test of canonization – have distinctive takes on practical reasoning”; that the “central features of those moral theories are consequences of the understandings of practical reasoning that underlie them,” and hence that “when you show *how* moral theories pair off with theories of practical reasoning, you gain theoretical insight into the deep structural features of your moral theories”; that the “problems in [these] moral theories can often be traced back to problems in the underlying theory of practical reasoning”; and that “[strong] theories of practical reasoning are [therefore] the *engines* of strong moral theories.”¹²

Now, despite the historic inattention to practical reasoning in moral philosophy/normative ethical theory that Millgram point us to, none of these claims should be particularly jarring. For, on reflection, “it should not be surprising that a theory [or an implicit understanding] of practical reasoning can have consequences for moral philosophy/normative ethical theory. Moral reasoning is reasoning about what to do in which specifically moral issues are at stake.”¹³ Indeed, “because moral reasoning [just] is [a form of] practical reasoning, practical reasoning stands (or *should* stand) to moral theory as process to product.”¹⁴

¹⁰ Millgram (2005: 185, 312).

¹¹ Ibid. 2-3.

¹² Ibid. 3-4.

¹³ Ibid. 312.

¹⁴ Ibid. Once having read the argument in chapter 4, the reader will appreciate (I think it is fair to predict) how the approach to normative democratic theory that I defend in that chapter is an attempt to show precisely *how* practical reasoning *should*, indeed, stand to normative democratic theory (*qua* one form or “moral theory”) as “process to product.”

Nevertheless, practical reasoning has not received its due in moral philosophy/normative ethical theory, and moral *reasoning* has suffered accordingly. So, Millgram suggests that in order to do moral philosophy/normative ethical theory well, we ought to try and get clear on what our theories (or implicit understandings) of practical reasoning actually are, and, if necessary, to try and develop new such theories (understandings). Indeed, he counsels that, in doing moral philosophy/normative ethical theory, we give priority to practical reasoning.¹⁵

1.2 Giving Practical Reasoning Its Due in Social Science/Inquiry

In *Why Things Matter to People: Social Science, Values and Ethical Life*, Andrew Sayer offers a similar observation about the academic social sciences: here too, there is a long-standing tendency for authors to neglect the topic of practical reasoning.¹⁶ Sayer's book is about "social science's difficulties in acknowledging that people's relation to the world is one of concern."¹⁷ In it, he observes that "social science's favored spectator's view of action, coupled with its wariness of [what social scientists often understand as] normative or evaluative discourse, can easily prevent it from understanding what is most important to people."¹⁸ A related consequence is that, historically, relatively little attention has been given to practical reasoning:

Insofar as social science is [regarded as] a theoretical enterprise rather than a practical one, [social scientists believe they have] less need of knowledge of particulars than do the actors who [they study]; [the social scientist] also rarely needs to respond quickly to the irreversible flow of events, simply because the researcher is generally a spectator rather than a participant. Insofar as social research tends to focus on particular aspects of lives rather than whole lives, it is less likely to appreciate the need for practical judgment in the sense of [reasoning about the] different ends that give shape to whole lives [and in the sense of reasoning about the different means to the realization of those ends]. Where it is primarily interested in common, general processes and objects, it tends to regard variation and difference as a nuisance, as 'noise', to be ignored or reduced by [a] better choice of variables. *All of these differences between the practice of social science and everyday life tend to lead to variants of the scholastic fallacy,*¹⁹ *in which social scientists focus on*

¹⁵ This is a suggestion that I directly take up in chapter 4 when discussing my own approach to developing a "normative theory of the democratic process."

¹⁶ See Sayer (2011), especially chapter 3.

¹⁷ Ibid. 1.

¹⁸ Ibid. 6.

¹⁹ "Pierre Bourdieu," Sayer (2011: 14-15) writes, "has warned us of the dangers of what he terms the 'scholastic fallacy' – of academics projecting their contemplative, discursive relation to the world onto actors who have a more practical relation to the world (Bourdieu, 2000)." This fallacy can be witnessed both in the academic social sciences and in academic philosophy. Sayer continues: "This removal from the pressures of practical activity also reflects and signals the privileged social position of the academic. Philosophy's preoccupation with reason and autonomy make it particularly liable to ignore or devalue practice, emotion, vulnerability, dependence and embodiment, and to marginalize psychological and sociological considerations. Another kind of scholastic fallacy involves the projection of social science's [alleged] suspension of evaluation onto the people it studies so [that] their evaluative relation to the world is overlooked. There is also more than a streak of scientism and status-seeking in the valuation of the bloodless descriptions of people we find in social science, like the 'rational actor' or the 'subject', which give the author an elevated status precisely because they are unlike those of everyday language. To be sure, we sometimes need [or at least arguably benefit from invoking] these abstract concepts, but the linguistic distance [they create] also signifies [a] social distance. There is further a kind of macho tendency to view the study of values, emotions and

those aspects of everyday life that fit best with their own [detached, spectator's] outlook, and therefore [lead social scientists] to devalue or ignore practical reason. Similarly the 'management' scientist's interest in finding successful general procedures can easily lead [him] to miss the value of practical reason and experience in organizational life. [However,] [s]uccessful practice depends on [an] ability to deal with variety, as well as [with the] common features [of objects and processes], and the former comes [not from an ability to follow general procedures but primarily] from experience.²⁰

Accordingly, Sayer suggests that in order to do empirical social science or inquiry²¹ well, we ought to do the same thing that Millgram suggests we do in moral philosophy/theory: again, to try and get clear on what our (tacit) theories (understandings) of practical reasoning actually are, and, if necessary, to try to develop new ones.²² Otherwise, we are liable to reproduce the deficient understandings of values that have characterized much social science – “deficient,” that is, both with regard to the place of values in social life in general and within our social-scientific research methodologies in particular.²³

1.3 The Relevance and Reasonableness of the Two Calls

Now, first consider Millgram's recommendation, the relevance of which may already be clear. In developing a “normative theory of the democratic process,” surely we are engaged, then, in “moral philosophy” or “normative ethical theory.” For, on any plausible rendering of those terms, normative democratic theory just *is* a species of moral philosophy or normative ethical theory.²⁴ Accordingly, Millgram's suggestion has a straightforward implication here. It implies that we ought to do the same thing in developing a normative theory of the democratic process that we ought to do in developing our moral philosophies generally: again, to try and get clear on what our theories of practical reasoning actually are, and, if necessary, to develop new such theories. The question, therefore, is not whether his suggestion is *relevant* here; it is whether it is *reasonable* here. Are there, indeed, good reasons to think that in order to do normative democratic theory well, we ought to try and get clear on what our theories of practical reasoning actually are, and, if necessary, to try to develop new such theories?

The answer, I believe, is yes. And, very briefly, the reason is that, as I will describe in Section II, “normative democratic theory” just *is* a form of “practical reasoning.” Hence, if we are not clear on what our own theories of practical reasoning are, we will not be clear on what we ourselves are even *doing* when we are engaged in “normative democratic theory.”

ethics [and hence practical reasoning] as less scientific [and therefore as less prestigious] than the study of power, discourse, and social structure.”

²⁰ Ibid. 85; my emphasis.

²¹ For brevity, I'll just refer to “empirical inquiry” in the rest of Section 1.

²² For simplicity, I will hereafter drop the reference to “tacit” theories or understandings of practical reasoning. I will also switch from saying “theories” or “understandings” and just refer to “theories.” However, I recognize that, below, there are references to “theories” that would be better described as “tacit theories or understandings.”

²³ Ibid. 23.

²⁴ For our purposes, “moral philosophy” and “normative ethical theory” may be treated as synonymous. However, as a matter of convenience, I shall hereafter refer to “moral philosophy” only, dropping the term “normative ethical theory.” Up until this point, I've used the latter term (instead of just “ethical theory”) to signal that the enterprise we are concerned with is, among other things, (at least loosely) a *prescriptive* one, as opposed to one that understands itself as *merely* offering descriptions and/or explanations of others' “ethical theories,” or of others' use of “ethical terms” or “vocabularies.”

One way to give a preliminary indication of why I say this is as follows. To reason about what “norms” to adopt is to engage in a process of reasoning that can be described as reasoning that is “directed toward deciding what to do” or “toward decision or action.” And, on Millgram’s view, such reasoning just *is* “practical reasoning.” Hence, if normative democratic theory consists in reasoning about (inter alia) what norms to adopt (as it plainly does), it follows that, on Millgram’s conception of practical reasoning, normative democratic theory just *is* a form of practical reasoning. What is more, if practical reasoning is reasonably characterized as Millgram characterizes it, as I believe it is, then *we ourselves* should adopt the view that normative democratic theory is a form of practical reasoning. And, with this in mind, we can then say why Millgram’s recommendation appears reasonable here.

Again, on the view just indicated: (a) normative democratic theory consists in (inter alia) reasoning about what norms to adopt; (b) reasoning about what norms to adopt *counts* as reasoning that is “directed toward deciding what to do” or that is “directed toward decision or action,”²⁵ viz., counts as “practical reasoning”; and, therefore, (c) normative democratic theory just *is* a form of practical reasoning. This clarifies the reasonableness of Millgram’s recommendation: again, that in order to do moral philosophy well (and hence, we have added, to do normative democratic theory well), we ought to try and get clear on what our theories of practical reasoning actually are, and, if necessary, to try to develop new such theories. For, as I have just said, when we are engaged in normative democratic theory we just *are* engaged in practical reasoning. Hence, if we are not clear on what our theories of practical reasoning are, this suggests that we will not be clear on what we are even *doing* when we are engaged in “normative democratic theory.” And, it would seem, we are therefore less liable to do normative democratic theory well.

What, though, of Sayer’s recommendation, which may not seem relevant here? If our concern is to develop a normative democratic theory, how is a discussion of *empirical inquiry* relevant? More specifically, what is the relevance of the suggestion that in order to do empirical inquiry well, we ought to try and get clear on what our theories of practical reasoning are, and, if necessary, to try and develop new such theories?

Well, consider the following basic line of reasoning. As I’ve said, normative democratic theory just *is*, on my view, a form of practical reasoning, viz., a form of reasoning that is “directed toward action.” In addition, however, notice that practical reasoning in turn inevitably involves “empirical inquiry.” For reasoning that is directed toward action is, among other things, reasoning that, in some measure, *responds* to the circumstances in which one finds (or places) oneself. And to “respond” to one’s circumstances, one needs to “inquire,” in some measure, into what those circumstances *are*.²⁶ At a minimum, this clarifies the *relevance* of Sayer’s recommendation here. For if (a) normative democratic theory just *is* a form of practical reasoning and (b) practical reasoning inevitably involves empirical inquiry, then (c) it would seem to follow that in order to do normative democratic theory well, we would need to do empirical inquiry well. So, in our effort to develop a normative democratic theory, a discussion of how to do empirical inquiry well is indeed relevant.

I should say a bit more, however, to clarify the *reasonableness* of Sayer’s recommendation here. For recall that “practical reasoning” is sometimes described as reasoning that is “directed toward decision or action.” (We already saw that Millgram, for instance, describes it this way.) And so notice that, at first blush, it might be thought that the kind of

²⁵ Hereafter I’ll just say, more simply, that practical reasoning is reasoning that is “directed toward action.”

²⁶ Here, I am speaking of “responses” in the *conscious, purposeful* sense of the word.

reasoning that is involved in *empirical inquiry* is “theoretical reasoning” (i.e., reasoning that is “directed toward belief”) – not “practical reasoning” (reasoning that is “directed toward decision or action”).²⁷ Thus, from this perspective at least, Sayer’s recommendation may not seem reasonable here.

One way to see why this is mistaken, however, is to reflect on the *activities* that are inevitably involved in reasoning that is “directed toward belief.” Consider, for instance, such reasoning as goes into how to describe some particular situation. Such reasoning is an indispensable part of reasoning that is “directed toward belief,” at least where the “beliefs” in question have to do with the empirical (hence social) world. Notice, however, that to reason about how to describe some situation is always to reason about whether or not, in this or that particular context, one is willing to apply some concept (hence verbally employ some word or phrase) and about whether or not one thinks it desirable to modify its use (and therefore “the content” of that concept and “the meaning” of that word or phrase). And if this does not appear to be a form of “practical reasoning,” it is useful to recall that a choice to *speak* in a certain way is always a choice to *act* in a certain way. Hence, to the extent that one *reasons* about how to speak, one is therefore reasoning *about* how to act. As such, one is then engaged in practical reasoning, for practical reasoning just *is* reasoning about how to act (that is “directed toward action”).

We can now indicate more clearly the *reasonableness* of Sayer’s recommendation here. Again, if (a) normative democratic theory just *is* a form of practical reasoning and (b) practical reasoning inevitably involves²⁸ empirical inquiry, then (c) it would seem to follow that in order to do normative democratic theory well, we need to do empirical inquiry well. But (d) since empirical inquiry (e.g. description) inevitably involves practical reasoning, we can also say (with Sayer) that in order to do empirical inquiry well (and hence normative democratic theory well), we also need to do practical reasoning well.

Furthermore, taking the above claims together, we can then see why there is an initial case for endorsing the claim that *normative democratic theory is best conceived of as a form of practical reasoning, involving, as it always does, one or another form of empirical inquiry.*

1.4 The Principal Shortcoming of the Two Calls to Give Practical Reasoning Its Due

So far I have suggested that Millgram’s call to give practical reasoning its due is relevant and reasonable in the context of our own discussion of normative democratic theory, just as

²⁷ Indeed, it is conventional to *contrast* “practical reasoning” with “theoretical reasoning,” as Millgram (2005: 312) does: “Practical reasoning is reasoning directed toward decision or action, *as contrasted with theoretical reasoning*, which is directed toward belief.”²⁷ Note also that he describes “theoretical reasoning” (reasoning that is “directed toward belief”) as “reasoning about the facts” (2001: 17), while he seems to imply that “practical reasoning” (reasoning that is “directed toward decision or action”) is reasoning about “values.” This implied claim can reasonably be gleaned from, for instance, from the following passage (Millgram [2001: 17]): “To draw the right conclusion about what to do, you normally have to have an adequate description of your situation. Arriving at such a description is usually regarded as theoretical rather than practical reasoning: you are reasoning about the facts, *rather than about the values.*” Hence, from the perspective suggested by these passages, it might be thought that the kind of reasoning that is involved in *empirical inquiry* is “theoretical reasoning” (reasoning that is “directed toward belief” and that is “about the facts”), *not* “practical reasoning” (reasoning that is “directed toward decision or action” and is about “values”).

²⁸ In this section, section 1.3, I am not putting the word “involve” in quotes, as I do elsewhere in this chapter. Here, I am using the word in an ordinary sense. In the rest of the essay, I will put it in quotes, since I will then be using it the technical sense signaled in note 6 above.

Sayer's call is so too. However, both of these calls are weaker than they otherwise might be, and for precisely the same reason: neither acknowledges that the form of reasoning that they are concerned with – moral philosophy in the case of Millgram and empirical inquiry in the case of Sayer – just *is* a form of “practical reasoning.”

At one point, Millgram, for his part, does come very close to acknowledging this. As we saw, he writes that “moral reasoning is reasoning about what to do in which specifically moral issues are at stake,”²⁹ and adds that, indeed, “because moral reasoning [just] is [a form of] practical reasoning, practical reasoning stands (or *should* stand) to moral theory as process to product.”³⁰ In this formulation, Millgram comes close to stating that moral theory just *is* a form of practical reasoning. However, he does not quite say that it is, and there are good reasons to question that he would be willing to do so. Indeed, as is conventional, Millgram contrasts “practical reasoning” with “theoretical reasoning”: “Practical reasoning is reasoning directed toward decision or action, *as contrasted with theoretical reasoning*, which is directed toward belief.”³¹ And this formulation seems to suggest that moral theory is not a form of practical reasoning (even if moral reasoning is so), for it posits that moral *theory* is directed at one thing (belief), while moral *reasoning* is directed at another (decision or action).

What about Sayer? Similarly, Sayer describes “practical reason” as “reasoning about what we should do.”³² However, once again, he does not, in the work in question at least, explicitly take the position that the reasoning involved in empirical inquiry is itself a form of practical reasoning, even though he is much concerned to defend the legitimacy of various *forms* of practical reasoning (beyond the “instrumentalist” version of it according to which reason can inform us about what might be “rational” means to our ends but is silent about our ends [or values] themselves, since, on some interpretations of “instrumental” practical reasoning at least, our ends [values] are interpreted as being merely “arbitrary” or merely “subjective,” based on mere “preferences” or on “cultural conventions” alone).³³

In contrast to these two authors, the view I want to adopt is a pragmatist one, namely, that to hold a belief just *is* to be prepared to act in a certain way.³⁴ Hence, to *reason* about what to believe just *is* to reason about how (to be prepared) to act in certain ways. Or, in other words, “theoretical reasoning” (reasoning that is “directed toward belief”) just *is* a form of “practical reasoning” (reasoning that is “directed toward decision or action”). Once we appreciate this, we can then see how Millgram and Sayer's respective calls to give practical reasoning its due can be strengthened. And we can then see how, re-interpreted in this pragmatic fashion, their arguments can offer still greater support to our own call for a “re-engagement” between “normative” and “empirical” democratic theory than they currently do.

²⁹ Ibid. 312.

³⁰ Ibid.

³¹ Ibid. 312.

³² Sayer (2011: 61).

³³ See Sayer (2011: chapter 2).

³⁴ Fesmire writes that “classical pragmatism... replaces beliefs-as-intellectual-abstractions with beliefs-as-tendencies to act”; hence, “all reasoning is in some sense prudential” (2003: 28). Likewise, Christopher Hookway writes that “all of the classic pragmatists identified beliefs and other mental states as *habits*. According to Peirce, our beliefs ‘Guide our desires and shape our actions’... The content of a belief is not determined by its intrinsic phenomenal character; rather, it is determined by its role in determining our actions” (2013). And, writing on John Dewey in particular, Gouinlock (1976: xxxiii) writes that, for Dewey, “to have an idea is to be prepared to act in certain ways.”

Now, there are a variety of paths by which we might hope to substantiate the pragmatist-inspired claim that normative democratic theory is a form of practical reasoning. In the next section, however, I'd like to adopt the following basic strategy. Let us think through why someone might be thoroughly skeptical of the claim that normative democratic theory just *is* a form of practical reasoning, hence inevitably does involve empirical inquiry. We'll assume that our interlocutor begins from the assumption that "normative democratic theory" is precisely that: a "normative" enterprise and not, therefore, an "empirical" one. And, correspondingly, we'll assume that *she* assumes that it is a "theoretical" enterprise and not, therefore, a "practical" one.

In reviewing the below line of hypothetical questioning, my aim is to offer a brief outline of the strongest case for thinking that empirical inquiry is not an indispensable part of "normative democratic theory," properly so called. And by indicating why even that case is so implausible, I hope thereby to clarify why normative democratic theory is best conceived of as a form of practical reasoning, involving, as it always does, one or another form of empirical inquiry.

II. Why "Normative" Democratic Theory is "Empirical" All the Way Down

Now, let us suppose that our interlocutor begins by reasoning as follows. Roughly, aren't the central tasks in "normative democratic theory": (a) to articulate a conception of what our "democratic norms and values" are; (b) to labor through one or another form of justification for our wanting to uphold those norms and to realize those values; and (c) to offer some account of how we might "weigh" those norms and values in relation to whatever other norms and values we might have?³⁵ If so, it isn't apparent how anything like social (-scientific) inquiry would necessarily (have to) enter in here.

Indeed, when we look still closer, don't we discover that *we can carry out tasks (a)-(c) without making any direct appeal to any kind of "empirical inquiry" – to any kind of "social science" or "social inquiry" – whatsoever?*³⁶ That is, can't we (a) articulate our democratic norms and values (e.g., the value of give "equal consideration to each citizen's good or interests" and the norm of granting citizens "equal voting rights") by just reasoning about whatever "more basic" values we might have (e.g., the desirability of "treating citizens as equals"), showing that a commitment to the former values simply "follows from" a (sincere) commitment to the latter? If so, this would seem to allow us to carry out task (b) as well: laboring through a justification for

³⁵ Below I explicitly affirm that these three tasks are, indeed, indispensable to normative democratic theory. Hence, in speaking of "'reasonable' conceptions of normative democratic theory," I have in mind, for the purposes of this chapter, any conception of normative democratic theory that *does* recognize the indispensability of these three tasks.

³⁶ If it strikes the reader as implausible that someone might actually conclude this, note again that, as Dryzek (2007: 237) writes, "normative political theory is," indeed, sometimes characterized as being "an evidence-free zone." Dryzek (2007: 237), for his part, regards this characterization as "generally" being unfair. I would go one step further, suggesting that this characterization would *always* be unfair. Here, however, I don't have the space to develop that claim, for I would have to say something first about what "normative political theory" *itself* is, then defend the claim that *that* form of theory isn't fairly characterized as "an evidence-free zone." And to do all of that would take me beyond my immediate purposes here. Below, however, it *is* precisely my aim to defend the claim that (any "reasonable" conception of) *normative democratic theory* (*qua* one form of "normative political theory") isn't fairly characterized as "an evidence-free zone," at least where "evidence-free zone" bears the meaning of an area of reasoning or inquiry that does not "involve" or is not "influenced" by some person or persons' empirical inquiries. (On what I mean by the claim that an area of reasoning or inquiry "involves" or is "influenced" by empirical inquiries, refer to note 6 above.) The argument does, I believe, apply to the more general category of "normative political theory" as well, but again, defending that broader claim is beyond my immediate purposes here.

our holding those values. In short, showing that the former values “follow from” the latter ones would, then, constitute our “justification” for (at least) those latter values.³⁷ And this would seem to suggest that to carry out tasks (a) and (b), we need only reason through our values and (at least certain of) the “implications” of our having them.

Finally, can’t we also (c) offer an account of how we might “weigh” the norms and values articulated under (a) against whatever other norms and values we might have, simply reasoning through the “relative importance” we would assign to our realizing some value (or norm) X over some other value (or norm) Y? For instance, in everyday life don’t we rank the “desirability”³⁸ of such things as spending a day in the park with one’s children against the “desirability” of writing a bit more of one’s book manuscript?³⁹ Furthermore, isn’t it the case that we can fairly represent such moments as instances of “reasoning through the ‘relative importance’ we would assign to our realizing some value X over some other value Y”? And, what is more to the point, isn’t it the case that we could carrying out these tasks without making any “direct appeal” to anything like social science or inquiry?

Likewise, can’t we do the same *in normative democratic theory*, the difference being only that we’d be “weighing” different norms and values, for instance, that we’d be weighing the desirability⁴⁰ of having some matter subject to “public,” i.e. “democratic,” decision-making against (say) the desirability of leaving that matter to “private” decision-making? And, what is more to the point, isn’t it then the case that we could accomplish (a)-(c) without making any direct appeal to anything like social science or inquiry? Hence, isn’t it the case that we can, indeed, carry out “the central tasks” of normative democratic theory without making any direct appeal to anything like social science or inquiry?

Here, I do not want to deny that, indeed, each of these tasks should be central to (whatever we might agree to call) “normative democratic theory.” (I do, however, wish to back down from the claim that these are “*the* central tasks” of such theory. Rather, I would just say: “these tasks are central, indeed indispensable, to [any ‘reasonable’ conception of] such theory.”) Furthermore, I do not want to deny that, *at a certain level of abstraction*, we can indeed carry out tasks (a)-(c) “without making a ‘direct appeal’ to anything like social science or inquiry” – and, moreover, that we can indeed do so intelligently.

For instance, we can, I think, (a) intelligently reason about how to articulate our own democratic norms and values without ourselves engaging in (what we would typically call), or without “directly appealing to” (what we would typically call others’), social (-scientific) inquiries. In a sense, we do this – to take a simple example – whenever we conclude that “to treat citizens as ‘equals,’” we ought to grant them (some form of) “equal voting rights.” To reach this conclusion, we need not ourselves engage in any laborious inquiry into, for instance, the vast

³⁷ This, of course, leaves open the question of how the *former* values are “justified.” For our purposes, however, let us assume that our interlocutor believes that those values (e.g. “treating citizens as equals”) are straightforward logical derivations from ideas given by our universal reason, or from laws that are given by God, or from universal human feelings. In short, suppose that, to her mind, these values *don’t* derive from anything like social (-scientific) inquiry. In this way, we’ll suppose, our interlocutor would maintain that the values in question are straightforward “logical implications” of other “more basic values” or are *themselves* such values, where these latter values *aren’t*, again, derived from anything like social (-scientific) inquiry.

³⁸ For present purposes, it is not important whether this “desirability” is construed in terms of pleasure/utility, or well-being/flourishing, or the fulfillment of one’s duties (say, to spend time with one’s kids), or whatever.

³⁹ Again, it is not important here whether this desirability is construed in terms of pleasure, or well-being/flourishing, or the fulfillment of one’s duties (say, to earn a livelihood for one’s family), or whatever.

⁴⁰ As before, how this “desirability” is construed need not concern us here.

array of voting systems employed by countries throughout the world – nor, indeed, into any voting system at all. Nor need we rely on others to conduct such inquiries. Still further, we need not even (consciously or unconsciously) *refer* to such inquiries. We need only reason from (1) the premise that “citizens ought to be treated as ‘equals’” to (2) the conclusion that “‘equal citizens’ ought to have ‘equal voting rights.’” And (1), we might say, is a “normative premise” (*not* a “factual premise”), while (2) is what we might call a “normative conclusion” (*not* a “factual conclusion”). (What additional premises might be involved in reaching that conclusion need not concern us for the moment; for these might also be described as “normative premises” rather than “factual” ones.) Moreover, *at a certain level of abstraction*, such “normative premises” and “normative conclusions” *can* be defended without making any “direct appeal” to “social science or inquiry.”

Furthermore, we can also (b) labor through one or another form of *justification* for our endorsing those norms and for our holding those values without making any such appeal. As suggested, it is possible for us to articulate our democratic norms and values by, for instance, reasoning from (1) the “normative premise” that “citizens ought to be treated as ‘equals’” to (2) the “normative conclusion” that “such treatment demands that citizens have ‘equal voting rights.’” In doing so (i.e., in carrying out task [a]), we would, then, be laboring through a “justification” for our endorsing those norms and for our holding those values; we would, then, be showing that the latter norm/value “follows from” a (sincere) commitment to the former norm/value (i.e., we would be carrying out task [b]). And again, to reach this conclusion, we need not ourselves engage in any laborious inquiry into, for instance, the vast array of voting systems employed by countries throughout the world – nor, indeed, into any voting system at all. Nor need we rely on others to conduct such inquiries. And still further, we need not even (consciously or unconsciously) *refer* to any such inquiries. Hence, we would, then, be able to carry out task (b) without making any “direct appeal” to social (-scientific) inquiry.

Likewise, we can also, in this way, (c) offer some account of how we might “weigh” those norms/values in relation to whatever other norms/values we might have. For instance, to return to an earlier example, we can, without “directly appealing to” social (-scientific) inquiry, intelligently compare (say) the desirability of having some matter subject to “public,” i.e. “democratic,” decision-making with (say) the desirability of leaving that matter to “private” decision-making.

Suppose, for instance, that person A is both a self-styled “democrat” *and* a self-styled “libertarian.” Now, suppose that *qua* democrat, A believes that some choices are, indeed, properly regulated by “public” forms of democratic decision-making. Suppose, however, that *qua* libertarian, A also places a very high premium on “individual liberty.” For her, we’ll suppose, there are choices that are unequivocally “individual choices,” where these are understood as choices that don’t affect any “public”; instead, they affect, and only affect, *the individuals who themselves make those choices*. And to A’s mind, the choice of whom to have sexual relations with, in the privacy of one’s own home, is a paradigmatic example of such a choice. Believing this, A therefore concludes that the choice of whom to have sexual relations with, in the privacy of one’s own home, is not properly regulated by “public” forms of democratic decision-making.⁴¹ In this way, A arrives at a position in normative democratic theory, and, moreover, *without herself engaging in any kind of social (-scientific) inquiry*, and

⁴¹ For A, it is only properly subject to “private” forms of democratic decision-making. For, on A’s own view, the persons who do engage in such relations *each* have to “freely consent” to doing so. And, in that more restricted sense, the decision *is* ideally “democratic.”

without herself directly appealing to (or [consciously or unconsciously] referring to) others' social (scientific-) inquiries.

However, in affirming that, at a certain level of abstraction, we can, indeed, intelligently so reason, I am *not* affirming that this is all that “normative democratic theory” consists in. Nor am I affirming that it is all that it *ought* to consist in. Indeed, my suggestion is rather different, and can be summarized in the following main claims.

At a certain level of abstraction, (something like) tasks (a)-(c) surely would be part of any “reasonable” conception of “normative democratic theory.” Furthermore, at some such level, we can, as I’ve just indicated, carry out these tasks without making any “direct appeal” to social (-scientific) inquiry. However, on any plausible interpretation of the purpose of normative democratic theory, the idea is *to gain some clarity about what democratic values one reflectively wants to realize (and wants others [to want] to realize) and to gain some guidance about what democratic norms one reflectively thinks that one ought to uphold (and thinks that others ought to [want to] uphold)*. And the point of gaining such clarity, and of attaining such guidance, is, of course, to figure out how best to act in specific cases of decision-making in order to realize those values and to uphold those norms. Yet, there is no plausible argument that I can think of to support the claim that general statements about such “norms” or “values” would provide unambiguous “guidance,” or perfect “clarity,” about how one could exactly do so in particular cases. That is, any such norms or values will always demand contextual interpretation “in their ‘application.’”⁴²

Hence, to decide how to act, I am suggesting, one has to engage in a *context-specific deliberation, which partly concerns how those norms and/or values are themselves to be interpreted there*;⁴³ norms and values cannot simply be “applied.” And this appears to be so even if one thinks that there are “universal norms” to be upheld and/or “universal values” that ought to be realized. What is more, actual deliberation about what to do in any given context does not, I am suggesting, only happen at a level at which we *can* carry out tasks (a)-(c) “without making any direct appeal to something like social science or inquiry”; or at the very least, it does not *best* happen by just operating at such a level. Moreover, as we’ll see below, even when we do deliberate without making “direct appeals” to social (-scientific) inquiry, our reasoning still “involves” empirical inquiry, in an extended use of that term.⁴⁴ So, actual deliberation clearly “involves” one or another form of empirical inquiry: it involves a process of (more or less formal, more or less conscious) inquiry into the circumstances in which we (are) *actually* (to) decide something. In other words, actual deliberation always takes place in a specific, unique context, and, in some sense, always concerns how to act in that context *and* how certain norms

⁴² This is a claim that I develop at some length in chapter 3.

⁴³ Of course, there are many cases of human action in which we don’t consciously so deliberate, but act rather on the basis of our “feel for the game” (Bourdieu, 1998; 2000). But I am concerned with such cases as when we *do* reason about what “norms” to uphold and about what “values” to realize, for we are concerned precisely with our efforts to *articulate* our democratic norms and values. And again, in such cases, I am claiming, we *do* have to engage in a “context-specific” deliberation. Furthermore, in such cases, I am again claiming, it is highly implausible to suggest that any such “norms” or “values,” abstractly stated, would provide *unambiguous* guidance, or *perfect* clarity, about how one should (wish to) act.

⁴⁴ Again, I use “involve” in a broad sense, that is, to include the claim that if one’s *ability* to reason about some premise or conclusion is tied to, is in some way dependent upon, one’s own or others’ empirical inquiries, then the reasoning in question may be said to “involve” one or another form of empirical inquiry.

and/or values are to be interpreted there.⁴⁵ And in that sense, it is always a form of *situated practical reasoning*, “involving,” as it always does, one or another form of empirical inquiry.

2.1 The Analytic Fallacy and How It Can Occlude the “Empirical” Character of “Normative” Democratic Theory

Now, to ignore or to overlook that actual deliberation about one’s norms and values clearly does “involve” one or another form of empirical inquiry is, I believe, to commit the kind “philosophical fallacy”⁴⁶ that John Dewey repeatedly warned us against. And if we can avoid committing this fallacy, we can easily appreciate that when we actually engage in such deliberation, it *is* always a form of situated practical reasoning, “involving,” as it always does, one or another form of empirical inquiry. Hence, we can easily appreciate why normative democratic theory just *is* a form of empirical inquiry, and so easily defend our call for “re-engagement.”

Recently, Gregory Pappas has brought our attention to the importance of Dewey’s critique of “the philosophical fallacy.” “Philosophers,” Pappas writes, “have not only failed to let their own inquiries be guided by and returned to context but *they have also defended notions of thinking as devoid of all context*. Hence, Dewey concludes that ‘the most pervasive fallacy of philosophic thinking goes back to [the] neglect of context.’ (LW 6:5). This general failure was so common in philosophy that he [chose to call] it ‘the philosophical fallacy’ (LW 1:51).”⁴⁷ “The philosophical fallacy,” Pappas continues, “became Dewey’s main tool of criticism in divergent areas of philosophy, and he discovered many different ways that philosophers made the same fundamental mistake.”⁴⁸ Unfortunately, however, Dewey “never clearly set forth in a systematic way the various formulations and versions of the fallacy.”⁴⁹

Here, we need only consider one version of this fallacy, which Pappas aptly calls the “analytic fallacy.” “Analysis,” Pappas writes,

is a process where we discriminate some particulars or elements within a context.... Philosophers [and, we may add, anyone else who is engaged in “analysis,” in this generic sense] commit the analytic fallacy when the results of an analysis are interpreted as complete in themselves [, that is, as considered] apart from any context. ‘It is found whenever the distinctions or elements that are discriminated are treated as if they were final and self-sufficient’ (LW 6:7).... Though Dewey refers to this fallacy as one of analysis, it is not limited in its application to a specific phase of inquiry. *The key to this fallacy is that the rich and concrete context from which distinctions are abstracted is forgotten and the results of inquiry are given a status that they do not and should not have.*⁵⁰

⁴⁵ Historically, pragmatist philosophers have often emphasized precisely this feature of deliberation, as they have always had a deep appreciation for the radical contingency and uncertainty of lived experience. For instance, John Dewey once wrote: “Practical activity [and hence deliberation about how to act] deals with individualized and unique situations which are never exactly duplicable and about which, accordingly, no complete assurance is possible.” Quoted in Caspary (2000: 19).

⁴⁶ Dewey (1981: 51).

⁴⁷ Pappas (2008: 26).

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

How, though, are Dewey's observations relevant here? They are relevant, I believe, because, on a particular understanding of our own interlocutor's claim, the fallacy is operative here, that is, operative in the claim that we can, indeed, carry out normative democratic theory "without any direct appeal to social (-scientific) inquiry."⁵¹

So, let us return to the line of reasoning that led our interlocutor to make her claim. Above, I granted that we can, indeed, carry out tasks (a)-(c) "without any direct appeal to social (-scientific) inquiry." Furthermore, I granted that we can, indeed, do so intelligently.⁵² However, I was quick to point out that this is only so *at a certain level of abstraction*. And it is this qualification that is key to understanding where the analytic fallacy lies. Seeing this, we can more easily appreciate why it is the case that "normative democratic theory is best conceived of as a form of situated practical reasoning, "involving,"⁵³ as it always does, one or another form of empirical inquiry.

To see this, we again consider tasks (a)-(c). This time, however, we'll pay very close attention to the level of abstraction at which we are thinking.

To recall, task (a), roughly stated, is to articulate a conception of what our "democratic norms and values" are, while task (b) is to labor through one or another form of justification for our endorsing those norms and for our holding those values. Now, I earlier said that an example of our carrying out tasks (a) and (b) together is whenever we conclude that in order "to treat citizens as 'equals,'" we ought to grant them (some form of) "equal voting rights." And I earlier said that such a conclusion can, indeed, be reached "without any direct appeal to social (-scientific) inquiry." At this point, however, a number of qualifications should be made.

First, notice that, in characterizing the position that I do affirm, I have been using the phrase "without any *direct* appeal to social (-scientific) inquiry." Yes, it is true that an individual person can arrive at this conclusion without making any such appeal: she need not herself *conduct* such inquiry, and she need not herself even (consciously or unconsciously) *refer* to any such inquiry.

Nevertheless, there are a number of angles from which we can see that some such person will have been "influenced" by some such inquiry, or, what is to say the same thing here, from which we can see that their reasoning would "involve" some such inquiry. For surely it is the case that the "deduction" in question is, if you like, a "historically and culturally mediated" one, that is, one that relies on a variety of (at least tacit) judgments about *the circumstances in which "equal treatment" is most likely to be realized (or approximated)*, judgments that must have been derived from someone's (or some people's) having observed/inquired into such circumstances.

For instance, some might be led to the conclusion in question by reflecting on the history of restrictive or exclusionary franchise systems, e.g., those that have excluded women or certain races/ethnicities. And in order to be able so to reflect, one needs to have access to information

⁵¹ The qualification that the analytic fallacy is only operative *on a particular understanding of our interlocutor's claim* is important here, for much depends on how we interpret the phrase "without any *direct* appeal to social (-scientific) inquiry" in the claim in question. ("We can indeed carry out tasks (a)-(c) 'without any direct appeal to social (-scientific) inquiry.'") As I indicate below, this claim, at a certain level of abstraction, is defensible. However, at another level, I believe that it is not so.

⁵² Recall, however, that while our interlocutor characterized these tasks as "*the central tasks*" in normative democratic theory, I stated that I would rather say: "these tasks are central, indeed indispensable, to (any 'reasonable' conception of) such theory."

⁵³ Again, see note 6 above for a description of how I'm using "involvement" here.

that is at least partly based on someone's (or some people's) observations. Or to take another example, others might be led to that conclusion by reflecting on their own lived experiences, e.g., on experiences they've had where some small minority of individuals at their workplace has been granted all of the decision-making authority, while the majority has been consigned to the passive receipt of "orders from above." In such a case, one's own observations would, then, be (part of) the basis for one's conclusion here. Hence, while it is true that an individual person may arrive at the conclusion in question without any "direct appeal" to social (-scientific) inquiry, again, it seems that she must have been "influenced" by some such inquiry. And it is by abstracting away from, if you like, "the observational-informational context" in which she does arrive at that conclusion that we can miss this point. When we do so, we may therefore commit Dewey's analytic fallacy. *Hence, careful attention to the level at which we do depict the agent's reasoning can help us to avoid this outcome.*

Moreover, our (more or less conscious) reflections on, and observations of, our own or others' lived experiences are (at least partly) responsible for *the content that we give to the pertinent concepts here*.⁵⁴ "equal treatment" and "equal voting rights" are, indeed, live, evolving, adaptable concepts, and our ability "to apply" those concepts is tied to a particular history, just as our willingness (or unwillingness) to do so is too.⁵⁵ To borrow a phrase from Dewey, surely these are not concepts that "descend out of the a priori blue."⁵⁶ Nor, clearly, would we want to say that the conclusion in question is one that "descend[s] as an imperative from a moral Mount Sinai."⁵⁷ Even if one thinks that there are strong reasons for supposing that some notion of "equality" is somehow "built into our 'moral intuitions'" and that these intuitions are somehow "biologically rooted" (and in that sense "universal"), surely it is implausible to claim that the content of the concept of "equal treatment" can be so described.⁵⁸ And surely it is implausible to claim that the content of the concept of "equal voting rights" can be too. Rather, what we have here are two concepts with histories, so that to be willing and able to apply those concepts in any given instance, one has to be a participant in the interpretation of those histories.⁵⁹ And, what is more, to engage in such participation is always *to engage in practical reasoning*: it is always to reason about whether or not, in this or that particular context, one is willing to *apply* some concept (hence verbally employ some word or phrase) and about whether or not one thinks it desirable to modify its use (and therefore the content of that concept and the meaning of that word or phrase). Furthermore, to engage in such participation is always *to engage in empirical inquiry*: it is always (more or less consciously, more or less formally) to inquire into how some

⁵⁴ If it is unclear why this point bears mention here, it is useful to recall the following observations, offered by Alasdair MacIntyre (1998: 1) in *A Short History of Ethics*: "Moral philosophy is often written as though the history of the subject were only of secondary and incidental importance. This attitude seems to be the outcome of a belief that moral concepts can be examined and understood apart from their history. Some philosophers have even written as if moral concepts were a timeless, limited, unchanging, determinate species of concept, necessarily having the same features throughout their history, so that there is a part of language waiting to be philosophically investigated which deserves the title "*the language of morals*" (with a definite article and a singular noun)."

⁵⁵ If one's ability to use or apply some concept is tied to a particular history, so must one's willingness to apply it be so too. Unless one understands a concept, one *can't* be willing (sincerely, truthfully) to use or apply it. Hence, if one's understanding of a concept *is* tied to a particular history, one's willingness to use or apply it is so too.

⁵⁶ Dewey (1981: 219).

⁵⁷ *Ibid.*

⁵⁸ For discussion of the idea that some moral intuitions are biologically rooted (and in that sense "universal"), see Hauser (2006).

⁵⁹ Gadamer (2011); Bevir (1999).

concept is typically employed, and to reflect upon how one is likely to be understood if one does choose to employ it (in this way or that).

Now, if this does not appear to be a form of “practical reasoning,” it is useful to recall that a choice to *speak* (in a certain way) is always a choice to *act* (in a certain way); or, more simply, to speak is always to act. Hence, to the extent that one *reasons* about how to speak, one is therefore reasoning *about* how to act. And, as such, one is then engaged in “practical reasoning,” for practical reasoning just *is*, recall, reasoning about how to act (“directed toward action”).

Furthermore, if such practical reasoning does not appear to entail one or another form of “empirical inquiry,” it is useful to recall that when we do inquire into how some concept is typically used, we do spend time *observing how it is used by (those who we [more or less consciously or unconsciously] regard as) competent speakers*. Obviously, such observation is fundamental to any process of language learning, whether we are learning our own native language, a foreign tongue, some specialized professional discourse, or whatever.

Of course, at times such inquiry is conducted *imaginatively*, as when, for instance, we have some sense of the meaning of a word or term, but are not yet confident that it applies in this or that particular case, and so choose to ask someone to describe such circumstances as when one *would* typically use that word or phrase. Now, we can, of course, regard this as a form of direct observation of its use, for we are, then, observing our interlocutor use the word or term in question. But we can also regard it as form or imaginative projection into the circumstances in which someone *would* use it. (Or we can think of it in both of these ways. Indeed, I think that these are just two ways of saying the same thing, placing emphasis on different “moments” of the process of trying to come to an understanding of an unclear hermeneutic or semantic meaning.) Either way, however, our practical reasoning would, then, *depend on empirical inquiry*. For even on the latter description, the person in question is still indirectly depending on observation: she is, then, relying on the linguistic knowledge that her interlocutor has gained through observation.⁶⁰ And, as before, it is by abstracting away from the context in which the agent does arrive at the conclusion in question that we can miss this point. For instance, it is by abstracting away from, if you like, “the socio-linguistic environment” in which these terms are invoked, and the historical backdrop against which they were developed, that we can do so. And again, when we do so, we may therefore commit Dewey’s analytic fallacy. *Hence, attention to the “level” at which we do depict the agent’s reasoning can, once again, help us to avoid this outcome.*

What, though, of task (c)? To recall, this third task, roughly stated, is to offer some account of how we might “weigh” our “democratic norms and values” in relation to whatever other norms and values we might have. Again, there is a sense in which we can intelligently weigh the former against the latter. And indeed, at a certain level of abstraction, we surely do sometimes weigh (at least some of) our norms and values in this way, and without making any “direct appeal to social (-scientific) inquiry.”

Again, however, *actual* deliberation about how to act in *particular* cases does not operate only at such a level; or at the very least, it does not *best* do so. Moreover, even when we do so deliberate, our reasoning still “involves” empirical inquiry, in our extended use of that term.

⁶⁰ Note, however, that I do not refer here to “knowledge” that I believe her interlocutor has *merely* developed through observation: her own interpretations and inferences will also be implicated, as may others’ instructions, for instance.

To return to our earlier example, think again of person A, who regards himself as both a “democrat” *and* a “libertarian.” Earlier we arrived at the conclusion that, without directly appealing to anything like social (-scientific) inquiry, A can intelligently compare (say) the desirability of having some matter subject to “public,” i.e. “democratic,” decision-making with (say) the desirability of leaving that matter to “private” decision-making. There, we supposed that, *qua* democrat, A believes that some choices are, indeed, properly regulated by “public” forms of democratic decision-making. However, we supposed that, *qua* libertarian, A also places a very high premium on “individual liberty.” For her, we supposed, there are choices that are unequivocally “individual choices,” where these are understood as choices that don’t affect any “public”; they affect, and only affect, the individuals who themselves make those choices. And, to A’s mind, the choice of whom to have sexual relations with, in the privacy of one’s own home, is a paradigmatic example of such a choice. Hence, A concludes that *that* choice is not properly regulated by “public” forms of democratic decision-making. And in this way, we said, A *may* arrive at a position in normative democratic theory, and, moreover, without herself engaging in any kind of social (-scientific) inquiry, and without directly appealing to (or even [consciously or unconsciously] referring to) others’ social (scientific-) inquiries.

However, paying close attention to the level of abstraction at which we are depicting A’s reasoning here, we can now see how her actual deliberation in some particular case would not operate only at such a level; or at a minimum, that it would not best do so. Moreover, even if it did so operate, it would still “involve” empirical inquiry, in our extended use of that term.

Take first the suggestion that, as a matter of fact, A’s deliberation would “involve” empirical inquiry. Again, there are a number of angles from which we can see that A’s reasoning would “involve” one or another form of empirical inquiry.⁶¹ To begin with, recall that A begins with two important premises: (1) that there are choices that are unequivocally “individual choices,” where these are understood as choices that don’t affect any “public”; they affect, and only affect, the individuals who themselves make those choices; and (2) the choice of whom to have sexual relations with, in the privacy of one’s own home, is a paradigmatic example of such a choice.

Now, it may or may not be the case that during the period in which A is (consciously or unconsciously) weighing the desirability of having the subject matter in question (the choice of whom to have sexual relations with, in the privacy of one’s own home) subject to “public,” i.e. “democratic,” decision-making against the desirability of leaving that matter to “private” decision-making, A *then* engages in one of one or another form of empirical inquiry. But let us suppose that she does not do so. Still, it must be the case that her reasoning would “involve” one or another form of empirical inquiry. We can see this by noticing that *premises (1) and (2) above both presuppose judgments about the consequences of certain (kinds of) human actions.* And such judgments may only be derived from (someone’s) empirical observations.

First, consider premise (1): again, that there are choices that are unequivocally “individual choices,” where these are understood as choices that don’t affect any “public,” in the above sense. To say (either in general or in any particular case) that a choice affects, and only affects, the individuals who themselves make that choice is obviously (in part) an empirical claim.⁶² Yes, it is apparently the case that *once we have already developed a concept of*

⁶¹ Here again, I use “involve” in a broad sense, that is, to include the claim that if one’s *ability* to reason about some premise or conclusion is tied to, is in some way dependent upon, one’s own or others’ empirical inquiries, then the reasoning in question may be said to “involve” one or another form of empirical inquiry.

⁶² But it is only “in part” an empirical claim, for it also a *theoretical* claim. See note 63 below.

“*individual choice*,” we can then reason abstractly about whether this or that specific (kind of) choice *is* such a choice. However, surely it is the case that: first, whatever precise content we do ascribe to our concept of “individual choice,” that content is (at least partly) historically derived; second, that “historical derivation” is the result of a process in which various individuals make choices about whether or not the (kind of) “choice” in question does “affect” individuals other than those who make that (kind of) choice; and third, such choices may only be derived from (someone’s or some people’s) empirical observations. If indeed there are “innate ideas,” the idea of an “individual choice” is surely not one of them.⁶³ If not, we are warranted in saying that whatever the precise content we ascribe to our concept of “individual choice,” that content has arisen (in part at least) out of a *particular history of judgments about the consequences of certain (kinds of) human actions, i.e., out of empirical observations*. And this would be as true of A’s reasoning about the category of “individual choice” as it would be of any other agent’s reasoning about that category. Hence, for that reason alone we should conclude that A’s reasoning would “involve” one or another form of empirical inquiry, in our extended sense of that term.

What, though, of premise (2), that the choice of whom to have sexual relations with, in the privacy of one’s own home, is a paradigmatic example of an “individual choice,” in the above sense? *Mutatis mutandis*, the same could be said here too. For neither is it the case that we can judge whether some particular (kind of) choice – e.g., the choice of whom to have sexual relations with, in the privacy of one’s own home – *is* a “paradigmatic example” of an “individual choice” without (at least indirectly) relying on (someone’s) observations about the consequences of certain (kinds of) human actions that *are* (and are not) described as constituting such a choice.

Accordingly, as with tasks (a) and (b), so too with task (c): we are warranted in saying that by abstracting away from the context in which the agent does arrive at the conclusion in question, we can mistakenly conclude that she may do so without being influenced by her own or others’ social (-scientific) inquiries. For instance, it is by abstracting away from the judgments about the consequences of certain (kinds of) human actions that led the agent to ascribe whatever specific content she does ascribe to the concept of “individual choice” that we may conclude that she arrived at the conclusion in question without being influenced by on her own or others’ social (-scientific) inquiries; or, it is by abstracting away from the judgments about the

⁶³ One reason that I say this is that it seems to me manifestly implausible to claim that there is *one* “idea of ‘individual choice,’” one which has such definite criteria of application that, if agents would only reason correctly, they could universally agree on those criteria, independent of their particular cultures and respective historical backgrounds. Again, to regard something as an individual choice is, in our sense, to regard it as a choice that affects, and only affects, the person(s) who make(s) that choice. But, aside from the choices made by an individual on an island by himself, very few choices indeed are “individual choices” in our sense. (And even our lone individual can make choices that could affect others, and importantly so: for instance, whenever he pollutes the water around his island.) For, whenever humans live together, there are very few choices indeed that do not at least have the *potential* to affect others, even if slightly. For instance, if I choose to wear a pink shirt, and you don’t like pink shirts on men, then my choice, when you see me, can be said to “affect you” if you feel a distaste in seeing me in that shirt.

Does this render the idea of an “individual choice” invalid in social settings? Surely it does not. It just goes to show that the choice to call something an individual choice, in our sense, is a theory-laden one, since it entails that we make (at least tacit) judgments about what (kinds of) effects, anticipated or actual, we (are to) regard as “important enough” to (at least implicitly) classify them as “effects” at all. For instance, I might regard the “effect” that the color of my shirt has on you as so insignificant that I would be unwilling even to *call* that an “effect” (even if I am willing, in some other context, for some other purpose, to do so); but, by contrast, I might regard the “effect” of your burning trash in your backyard as so significant that I *would* be willing to call that an “effect” – indeed, one so important that I would regard that choice as properly subject to public regulation, hence democratic decision-making.

consequences of certain (kinds of) human actions that led her to conclude that the act in question *is* a “paradigmatic example” of an “individual choice” that we may conclude this. And again, when we do so, we may therefore commit Dewey’s analytic fallacy. *Hence, attention to the “level” at which we do depict the agent’s reasoning can, once again, help us to avoid this outcome.*

Suppose, however, that despite the above comments, our interlocutor were to claim that A *can* reach her position in normative democratic theory without “being influenced by” her own or others’ social (-scientific) inquiries. Suppose, for instance, that she objects to the extended sense in which we have used the terms “involve” and “influenced by,” so that, for her, it is still sensible to claim that A *may* arrive at her position “without directly appealing to her own or others’ social (-scientific) inquiries” – precisely, for instance, in the way that we originally had supposed our interlocutor might reason. Well, hopefully I have already said enough to convince the reader that our interlocutor would be clearly mistaken here. Suppose, however, that we were to encounter someone who, in spite of the foregoing arguments, still isn’t convinced. In such an event, we need not press the point; instead, we could just prescind from our disagreement here. For indeed, it is more important to appreciate that actual deliberation *best* happens through “direct appeals to social (-scientific) inquiry” than it is to appreciate that actual deliberation simply *does* “involve” such inquiries. And the reason for this is that once we appreciate that actual deliberation *best* happens in this way, the claim that, as a matter of fact, it does so happen is, for our purposes at least, a less important one. After all, our purpose here simply *is* to establish how, in a certain broad sense, actual deliberation does “best happen.” Why else develop a *normative* democratic theory?⁶⁴

However, this does not mean that our time has been wasted here – that is, wasted in arguing that, at least in our own extended sense of these terms, actual deliberation *is* inevitably “influenced by” social (-scientific) inquiry or, which is to say the same thing here, inevitably does “involve” such inquiry. Quite the contrary: the above discussion has placed us in a better position to clarify just how such theory does “best proceed through explicit appeals to such inquiry.” And it has done so precisely by indicating the various ways in which empirical inquiry may be “involved” in normative democratic theory. Hence, if the even-more-stubborn interlocutor that we are now imagining at least concedes that empirical inquiry *may* be involved in (any of) these ways, our task now is to indicate how, in carrying out tasks (a)-(c), it is (presumptively) *best* that it is so. (And I see no reasonable grounds for her not conceding this point.)

To do so, take note of the several ways in which the above discussion has suggested that empirical inquiry may be involved in one or a number of the three tasks. (I am not myself shifting now to the claim that empirical inquiry just *may* be involved in the tasks in question; I am just noting the *various* ways in which it may be involved. My position is still that it inevitably *is* involved in various ways. But, as mentioned, we are now imagining a dialogue with our even-more-stubborn interlocutor, who objects to our use of “involvement” and “influence” with respect to empirical inquiry. So, in an effort to avoid a continued confrontation with this specific type of interlocutor, we are shifting to an argument about how deliberation is best

⁶⁴ I put aside the possibility that we might be concerned to develop such a theory *merely* because it gives us, or ought to give us, some kind of pleasure to do so, or *merely* because we believe it intrinsically good to do so – perhaps because, with Plato and Aristotle, we regard the contemplative life as the highest form of living. Here, the operative assumption is instead that we will be developing a normative theory of the democratic process *in order to improve democratic practice.*

conducted. And, for that purpose, we begin with a list of previously indicated ways in which empirical inquiry *may* be involved.)

First, in our discussion of tasks (a) and (b) we saw that *(tacit) judgments about the circumstances in which a certain value is most likely to be (approximately) realized enter into the “deductions” we make from our premises to our conclusions in normative democratic theory.* For instance, we saw that when someone concludes that in order “to treat citizens as ‘equals,’” we ought to grant them (some form of) “equal voting rights,” their conclusion is a “historically or culturally mediated” one: it relies on a variety of (tacit) judgments about the circumstances in which “equal treatment” is likely to be realized, judgments that must have derived from someone’s (or some people’s) having observed/inquired into such circumstances. Hence, the reasoning in question will have been “influenced by” one or another (kind of) empirical inquiry.

But again, suppose our interlocutor objects to our use of “influence” here. Again, for the reasons already suggested, we might just prescind from the disagreement, instead pressing the following point. Such conclusions as those that are in question are (presumptively) best arrived at whenever the deliberations that lead to them *have* involved “direct appeals to empirical inquiry.” For such conclusions just *are* conclusions about the (kinds of) circumstances in which a certain value is to be realized. Hence to deny that such judgments are (presumptively) best arrived at whenever they involve direct appeals to empirical inquiries is tantamount to claiming that judgments about the (kinds of) circumstances in which a value is most likely to be realized are (presumptively) best arrived at without relying on any empirical observations *about* such circumstances. Or, more simply, it is (implicitly) to claim that judgments about the circumstances in which a value is most likely to be realized can be made without relying on anyone’s observations about such circumstances. And that, plainly, is absurd.

Second, in our discussion of tasks (a) and (b), we also saw that *our (more or less) conscious reflections on our own or others’ lived experiences are (at least partly) responsible for the content that we give to the pertinent concepts here, e.g., the concepts of “equal treatment” and “equal voting rights.”* Such concepts do not descend from the sky; they are the products of a series of historical judgments, *judgments about, inter alia, the consequences of certain (kinds of) human actions.* In short, such concepts have histories; and to be willing and able to apply them (or to modify them) in this way or that is to be a participant in the interpretation of those histories. Furthermore, to engage in such participation is to engage in practical reasoning: to reason about whether or not, in some particular context, one is willing to apply (or to invoke) some concept (or to reason about how one should modify its use) just *is* to reason about how one should (want to) act in that context (or in such contexts). Still further, *to be able intelligently to engage in such reasoning, we need to engage in empirical inquiry: for instance, to observe how others use the concept(s) (and hence word[s] and/or phrase[s]) in question.* And even where we don’t so inquire, our ability to engage in such reasoning is tied to, and therefore, in our extended sense, “involves,” someone else’s (or other people’s) doing so.

But again, suppose our interlocutor objects to our use of “involvement” here. Furthermore, suppose that, for whatever reason, she is skeptical of, perhaps even denies, the claim that the content we ascribe to pertinent concepts *is* the product of people’s (more or less conscious) reflections on their own or others’ lived experiences, of their own or others’ judgments about, *inter alia*, the consequences of certain (kinds of) human actions. Once again, we might just prescind from the disagreement, instead pressing the following point. (Recall that we are referring to tasks [a] and [b] here.)

Our effort to articulate what our democratic norms and values are and our effort to labor through a justification for our holding those norms and endorsing those values are (presumptively) best conducted whenever they are the result of, *inter alia*, direct appeals to empirical inquiry. For even if one believes that the concepts in question (for instance, “equal treatment”) are “built into our ‘moral intuitions’” and that these intuitions are somehow “biologically rooted” (and in that sense “universal”), one should still recognize that such concepts, and the norms and/or values that they express, would not provide unambiguous “guidance,” or perfect “clarity,” about how one should (wish to) act in all cases of actual deliberative decision-making. And the same could be said to anyone who holds any other belief that might tempt them to think otherwise: for instance, to those who believe that the concepts in question are given by our universal reason, or by God’s law, or are rooted in universal human feelings, or whatever. Again, any such concept (norm, value) will always demand contextual interpretation “in its ‘application.’”

True, to a certain degree of specificity, one can, by reasoning at a certain level of abstraction, “articulate” what one means by such concepts (norms, values). Additionally, it is true that whenever one does so, one can then claim that one *is* “articulating what one’s ‘democratic norms and values’ are.” Furthermore, it is true that one can then claim that one is doing so “without directly appealing to empirical inquiry.” Equally, it is true that, to some degree of specificity, one can, by reasoning at a certain level of abstraction, offer a “justification” for one’s holding those norms and values.

Still, to make these claims is not yet to claim that one is (presumptively) *best* able to engage in the deliberative tasks involved in (a) and (b) without directly appealing to empirical inquiry; again, it is only to claim that, at least at a certain level of abstraction, one *can* do so. To make the claim that those tasks are *best* so realized is to defend a much more ambitious claim, indeed, one that entails defending a variety of side-commitments that, to put it mildly, surely lack plausibility. To name just one of them: it entails that one defend the claim that, regardless of whom one’s interlocutors are, one is (presumptively) best able to “articulate” one’s democratic norms and values without inquiring into how one’s interlocutors are *themselves* likely to interpret those norms and values (and whatever concepts, words, and phrases are involved in one’s articulation of them). Surely it is the case, however, that to aim sincerely to give a theoretical explication of what one’s norms and values are (as we aim to do in task [a]) is also sincerely to commit oneself to modifying, however slightly or significantly, the *terms* in which one does explicate those norms and values, as necessary in order to communicate with whomever one’s interlocutors are. *And we can only do so when we are willing to inquire into how one’s interlocutors are themselves likely to interpret those norms and values (and whatever concepts, words, and phrases are involved in one’s articulation of them).*

Hence, to claim that we are (presumptively) *best* able to carry out task (a) without directly appealing to empirical inquiry is also (implicitly) to claim that one can (presumptively) best judge what one’s interlocutors are likely to think of the norms and values (and concepts, words, and phrases) involved there *without inquiring into how one’s interlocutors are themselves likely to interpret those norms and values (and concepts, words, and phrases)*. And again, to put it mildly, surely that lacks plausibility.

Finally, we return to our consideration of task (c). To repeat, the task, roughly stated, is to offer some account of how we might “weigh” our democratic norms and values in relation to whatever other norms and values we might have. Above, we highlighted three ways in which empirical inquiry is involved here. First, judgments about the consequences of certain (kinds of)

human actions are involved in the *formation* of relevant conceptual categories, for instance, ones that we invoke in making judgments about the proper scope of “public,” and hence “democratic,” decision-making, such as the category of an “individual choice.” Second, judgments about the consequences of certain (kinds of) human actions are involved in the *application* of such conceptual categories. And third, judgments about the consequences of certain (kinds of) human actions are involved in *judging whether or not, in light of its consequences, some particular (kind of) human action, in some particular (kind of) context, is an instance of the conceptual category in question*, e.g., judgments about what or not this particular (kind of) action is (or typically has such consequences as would warrant us in presuming it to be) an “individual choice.”

Now, we need not consider the first two ways in which empirical inquiry is involved here; we already did so in our discussion of tasks (a) and (b), the only difference being that we referred there to “concepts” instead of “conceptual categories.” (But what I said of the former term can also be said of the latter term, so I need not say anything more here.) However, we have not yet considered how our interlocutor might respond to our claims about the third way that empirical inquiry is involved here.

So, we return to our earlier case. For our purposes, we’ll assume that person A already has an understanding of what *she* means by an “individual choice” (the same understanding that we previously considered), and that, for the reasons already indicated, how, if at all, empirical inquiry is “involved” in the formation and application of that category is not in question here. Rather, the question is now: What role, if any, does empirical inquiry have in generating a judgment about whether or not the choice of whom to have sexual relations with, in the privacy of one’s own home, *is* an “individual choice,” indeed, a paradigmatic example of such a choice?

Now, we have already said that, on our view, it is true that A *may* arrive at that judgment without herself engaging in any kind of social (-scientific) inquiry, and without “directly appealing to” (or even [consciously or unconsciously] referring to) others’ social (scientific-) inquiries. However, our own position is that such inquiries are nevertheless “involved” here. And, very simply, the reason for this is that once we have some idea of what we *mean* when we invoke a conceptual category, any judgment about whether or not this or that (kind of) action does fall under that category will still presuppose a judgment about whether or not that (kind of) action, in some particular (kind of) context, *does* have such consequences as would warrant us in saying that it falls under that category (or that would warrant us in presuming that it does). Furthermore, this includes any judgment about whether or not this or that (kind of) action is a paradigmatic example of (the actions falling under) that category. And even when A does not herself “inquire” into those circumstances (in the sense of observing relevant circumstances), her ability to engage in a process of reasoning that leads her to that judgment is tied to, and therefore, in our extended sense, “involves,” someone else’s (or other people’s) doing so.

Once again, however, we’ll suppose that our interlocutor objects to our use of “involvement” here. Suppose, for instance, that she objects to our earlier claim that if indeed there are any “innate ideas,” the idea of an “individual choice” is surely not one of them. Suppose, therefore, that she objects to our earlier conclusion that whatever the precise content one ascribes to the concept of an “individual choice,” *that* content has arisen (in part at least) out of a particular history of judgments about the consequences of certain kinds of human actions, i.e., out of empirical observations.

Correspondingly, let us say that A believes that, first, “the content” of the conceptual category of an “individual choice” is given to her by her “universal reason,” and that, second, her

universal reason also allows her to determine that particular (kinds of) actions “fall under” that conceptual category. (“I need not ‘inquire’ into the consequences of my choice to have such and such sexual partner, in the privacy of my home,” she thinks. “I simply *know* that, there, no ‘public’ *can* be ‘affected’ in this way or that. Accordingly, I simply know that *that* choice is therefore an ‘individual choice.’”) Consequently, A objects to our contention that her ability to engage in a process of reasoning that leads her to the judgment in question is tied to, and therefore, in our extended sense, “involves,” someone else’s (or other people’s) inquiring into relevant social circumstances. How, then, might we respond?

Once again, we might just prescind from the disagreement, instead pressing the following point. The effort to offer some account of how we might “weigh” our democratic norms and values in relation to whatever other norms and values we might have is (presumptively) *best* realized whenever it is the result of, inter alia, direct appeals to empirical inquiry. As before, there are a number of angles from which we can defend this claim. Here, however, we shall only consider one of these.

Again, we should first notice that our interlocutor’s objection to our claim about the inevitable “involvement” of empirical inquiries in her reasoning does not, by itself, amount to a *denial* of the claim that we are now pressing. In other words, to deny that empirical inquiries are necessarily “involved” in one’s inquiries is not yet to deny that the effort to offer some account of how we might “weigh” our democratic norms and values in relation to whatever other norms and values we might have is (presumptively) best realized whenever it is the result of, inter alia, “direct appeals to such inquiry.” What else, then, would A have to maintain in order to see grounds for objecting to the point we are now pressing, in addition to defending the two claims already noted? (To recall, these claims are: first, that “the content” of the conceptual category of an “individual choice” is given to her by her “universal reason”; and second, that her universal reason also allows her to determine that particular [kinds of] actions “fall under” that conceptual category).

Well, perhaps most importantly, she would have to maintain a much more ambitious version of the second claim: she would not only have to maintain that her universal reason allows her to determine that “particular actions” fall under the category of an “individual choice” (such as the one we’ve considered all along); she would have to maintain that her universal reason allows her to determine whether or not *all present and future [kinds of] actions do so too*. If she could plausibly claim this, she would, then, have grounds for objecting to the claim that we are pressing (though not unassailable grounds, as I’ll indicate below). For she would, then, be able coherently to maintain that the particular case we’ve considered is neither anomalous nor representative of just a portion of the actions-to-be-judged, but rather is representative of *all* such judgments.

Now, again, we are, for present purposes, setting aside objections of the kind that (purport to) show the inevitable “involvement” of empirical inquiries in A’s reasoning when she makes such judgments about any *particular* case we have adduced. Doing so, how might we nevertheless critique her now-more-ambitious claim? I suggest that we do so by pointing out the utter implausibility of the *presumption* that her “universal reason” would allow her to determine whether or not all present and future (kinds of) actions fall under the category of an individual choice, especially given that, on her own interpretation (as we’ve stipulated it), this entails that she may do so without any “direct appeals” to empirical inquiry. For notice carefully what is involved in this.

First, it entails that she defend the claim that she knows that all present (kinds of actions) are so determinable, which in turn entails that she knows what all present (kinds of) actions are, that is, how, in terms of their (actual or possible) consequences on those other than the agent performing the act in question, they may be accurately characterized. Second, it entails that she defend the claim that she knows that all future (kinds of) actions are also so determinable, which in turn entails that she knows what all future (kinds of) action will be like, that is, how, in terms of their (actual or possible) consequences on others, they may be accurately characterized. Surely, however, neither of these claims has any plausibility whatsoever. Consequently, our interlocutor appears not to have plausible grounds for claiming that her universal reason would allow her to determine that *all present and future (kinds of) actions fall under the category of an "individual choice."* And, accordingly, she appears not to have plausible grounds for denying that the effort to offer some account of how we might "weigh" our democratic norms and values in relation to whatever other norms and values we might have is (presumptively) *best* realized whenever it is the result of, inter alia, direct appeals to empirical inquiry.

Concluding Remarks

What do the above arguments come to? Let us recall what we've established here, now adding some elaborative remarks that will help to bring the preceding arguments together.

On any plausible account of the proper character of normative democratic theory, we said, our charge is to carry out at least three central tasks. Roughly, these are: (a) to articulate a conception of what our "democratic norms and values" are; (b) to labor through one or another form of justification for our wanting to uphold those norms and to realize those values; and (c) to offer some account of how we might "weigh" those norms and values against whatever other norms and values we might have.⁶⁵

Now, at first blush, it might appear that these are quintessentially "normative" tasks, hence ones that can productively be carried out without the aid of social (-scientific) inquiry. This conclusion might be thought to find support in the extant boundaries that characterize certain of our academic disciplines: for instance, in the "sharp boundaries [that] currently separate normative political theory from empirical political science."⁶⁶ Indeed, with Rogers Smith, it is well to observe that, from the 1960s through the 1980s, the major works in political theory written by Strauss, Rawls, Nozick, Derrida, Dworkin, Foucault, Ackerman, Riker, and Habermas "display[ed] only limited direct engagement either with contemporary political issues or with empirical social science."⁶⁷ Observing this separation between political theory and empirical social science, it might be thought that this division of *disciplinary labor* reflects a justifiable division of *conceptual tasks* – conceptual tasks that can, indeed, be conducted separately, and perhaps even ought to be: for instance, between the task of articulating a conception of what one's "democratic norms and values" are (a "normative" task), and the task of determining the conditions in which those norms and values are most likely (approximately) to be realized (an "empirical" task). Indeed, one might think that this helps to explain why, as Ian Shapiro has remarked, "normative and explanatory theories of democracy grow out of literatures

⁶⁵ On my view, these tasks are not, however, the only tasks of a reasonable conception of normative democratic theory. We have just focused on these three tasks for expository purposes.

⁶⁶ Fung (2007: 443).

⁶⁷ Smith (2003: 76).

that proceed, for the most part, along separate tracks, largely uninformed by one another.”⁶⁸ And some might even want to go further, convinced of the veracity of the claim that political theory either is or could be an “evidence-free zone” altogether.

However, the above analysis suggests a completely different interpretation, one that is consistent with Fung’s observation that “this division of labor [between “normative political theory” and “empirical political science”] has become a segregation of thought that now poses a fundamental obstacle to progress in democratic theory.”⁶⁹ And it suggests this conclusion because, among other reasons, the three tasks of normative democratic theory that we have considered *are* best conducted through direct appeals to social (-scientific) inquiry, rather than in the absence of such appeals. Hence, to the extent that “normative political theory” is cut off from structured, in-depth empirical inquiry, one could reasonably presume that *the quality of that theory would suffer*. And if so, the “fundamental obstacle” alluded to in Fung’s diagnosis should not surprise us: we should not be surprised that the “division of labor [between “normative political theory” and “empirical political science”] has become a segregation of thought that now poses a fundamental obstacle to progress in democratic theory.”

Recall, however, that our suggestion has not only been that, in point of fact, tasks (a)-(c), *are* best conducted via direct appeals to empirical inquiry; we have also suggested that, indeed, when we *actually* carry out these tasks, our reasoning inevitably “involves” empirical inquiry (in our sense of that term: in the sense that a person’s ability so to reason is tied to, is in some way dependent upon, her own or others’ empirical inquiries).⁷⁰ This is because, in a sense, each of the three tasks under consideration is actually itself a “practical task,” hence, when actually carried out, *inevitably involves practical reasoning*: reasoning that is directed toward deciding what to do, toward decision or action. Accordingly, when we actually carry out the tasks under consideration, we are then engaged in a form of situated practical reasoning, one that inevitably “involves” empirical inquiry.

Correspondingly, my suggestion has been that when we reason about what we think democracy should look like, we should avoid any sharp distinction between “normative” and “empirical” forms of reasoning, just as we should avoid any such distinction between “theoretical” and “practical” forms of reasoning. In this way, the paper has argued for a re-engagement of “normative” and “empirical” democratic theory. Indeed, it has suggested that because normative democratic theory just *is* a form of practical reasoning and because practical reasoning inevitably *does* involve empirical inquiry, it follows that normative democratic theory just *is* a form of empirical inquiry. Accordingly, the call for a “re-engagement” of normative and empirical democratic theory consists, then, in two main injunctions – one, so to speak, about how we should look backward, the other about how we should look forward. Looking backward, the injunction is to be aware of how our existing democratic norms and values – hence normative democratic theories – *have* been “empirically generated.” By following this first injunction, I believe, we may enhance our ability to articulate, and so interrogate, our existing democratic norms, values, and theories. Looking forward, the injunction is to be aware of how our future democratic norms and values – hence normative democratic theories – *will* be “empirically

⁶⁸ Shapiro (2003: 2).

⁶⁹ *Ibid.*

⁷⁰ Hence, while “normative democratic theory” may be “sharply separated” from “empirical political science,” it cannot be sharply separated from *empirical inquiry as such*. But, to the extent that it is regarded as properly or reasonably being so, we would expect the *actual* role of empirical inquiry to be obscured in the development and presentation of such theory, as I believe it often is.

generated.” By following this second injunction, we are encouraged to engage in normative democratic theory – to formulate and re-formulate our present and future democratic norms, values, and practices – in a more self-consciously and deliberately “empirical” manner.

Chapter 3

Practical Reasoning is About a Unique Context

Introduction

The last chapter called for a re-engagement of “normative” and “empirical” democratic theory. To explain my primary reasons for making that call, the strategy was to indicate why it is the case that when we actually carry out certain tasks that are indispensable to any “reasonable” conception of normative democratic theory, we are then engaged in a form of “practical reasoning,” one that inevitably “involves”¹ empirical inquiry. (Call this “the central claim from last chapter.”) In other words, the strategy was to indicate why it is the case that when we actually carry out those tasks, we just are engaged in empirical inquiry. Hence, normative democratic theory just is an empirical enterprise, and the call for re-engagement amounts, then, to two main injunctions: first, to be aware of how our past and present democratic norms and values – hence normative democratic theories – just have been “empirically generated”; and second, to be aware of how our future normative democratic norms and values – hence normative democratic theories – just will be “empirically generated.”

The purpose of this chapter is to develop four specific claims that will clarify the meaning and import of the central claim from last chapter, four claims that will also serve to extend it.

Very briefly, the first claim is that it is a *situated* kind of reasoning that is demanded when we carry out the tasks that we have identified as indispensable to any “reasonable” conception of normative democratic theory. The second claim is that such reasoning always involves reasoning about “norms” and “values,” and norms and values inevitably come into conflict in unanticipated and unforeseeable ways. More specifically, the claim is that: reflection on lived experience reveals that such reasoning always involves reasoning about norms and values; our norms and values often come into conflict; and there is no way to foretell how (if at all) they will come into conflict, how (if at all) they will “trade off” against one another, in the *actual* situations in which one finds or puts oneself. Furthermore, norms and values may simply be “incommensurable.” The third claim is that practical reasoning not only inevitably involves reasoning about norms and values, but also that *our norms and values always need “contextual interpretation ‘in their application.’”* We never provide a definitive or exhaustive interpretation of a norm or value (and our norms and values themselves evolve and change), but deciding how appropriately to act in some specific context demands that we give a fuller sense of what, in that specific situation, we (believe we) (would) mean by (certain of) our norms and values. The fourth claim is that we should abandon a sharp distinction between “theoretical” and “practical” reasoning, a distinction of the kind that is common in Western philosophical thinking and that, as we saw, Elijah Millgram, for instance, apparently endorses.²

Taking these four claims together, the extended version of the central claim (hereafter simply referred to as the Central Claim [CC]) then looks like this: When we *actually* carry out

¹ Recall that, for our purposes, to say that a form of reasoning “involves” empirical inquiry is just to say that a

² In chapter 2, I already offered some reasons in support of this suggestion. But the suggestion needs further support, which I offer here.

certain tasks that are indispensable to any “reasonable” conception of normative democratic theory, we are then engaged in a situated form of practical reasoning, one that inevitably “involves” empirical inquiry; and this reasoning always involves a unique context, one in which our norms and values may come into conflict and in which those norms and values always need “contextual interpretation ‘in their application.’”

As before, the discussion will proceed simply by making reference to the three tasks that we have already said are indispensable to normative democratic theory: what we referred to in the last chapter as tasks (a)-(c). To recall, task (a), roughly stated, is to articulate a conception of what our democratic norms and values are; task (b) is to labor through one or another form of justification for our wanting to uphold those norms and to realize those values; and task (c) is to offer some account of how we might “weigh” those norms and values in relation to whatever other norms and values we might have.

I. Four Claims

We turn now to the four closely related claims that should help to clarify and substantiate the CC.

1.1 Normative Democratic Theory is a Situated Form of Practical Reasoning (Claim 1)

First, the kind of reasoning that is demanded by tasks (a)-(c) is a *situated* form of reasoning. We are not, then, engaged in a form of reasoning that applies “regardless of the context” – as when, for instance, we reason through a mathematical proof. Instead, tasks (a)-(c) each demand that we reason *from within and about a context*.

Consider, for instance, task (c). In order for me to offer some account of how I would “weigh” my democratic norms and values in relation to whatever other norms and values I might have, I obviously must do various other things as well. Take the case of my democratic “values.” For one thing, I obviously need to develop a sense of what my values *are*. I may enter a situation with some sense of what my democratic values are, and again, I can, of course, reason about those values “abstractly.” (Indeed, all reasoning is arguably “abstract.” Hence, if I can “reason” about those values,³ it follows that I can reason about them “abstractly.”) Likewise, I may enter that situation with some sense of what (certain of) my *other* values are, and I can, of course, reason abstractly about those values too. Furthermore, I may enter that situation with some sense of how I would weigh certain of my democratic values against certain of my other values, and abstract thinking can help me to determine this. For instance, I might (as person A from chapter 2 did) regard myself as a “libertarian,” hence place a very high premium on “individual liberty.” Furthermore, I might regard myself as a “democrat,” hence place a very high premium on broad public participation in collective decision-making. Still further, I might give much thought to my democratic *and* my libertarian values, and so also have a strong sense of how, in certain (kinds of) circumstances, (I believe) I would weigh certain of the former values against certain of the latter ones. For instance, I might think (again, as person A thought): that there are choices that are unequivocally “individual choices,” where these are understood as choices that don’t affect any “public” (they affect, and only affect, the individuals who themselves make those choices);

³ It is well to recall that a broad variety of authors have argued, or implied, that we cannot reason about our values. For some examples, see Sayer (2011), especially chapter 3. And for a recent defense of the idea that we can indeed reason about our values, see Sayer (2011), especially chapters 2 and 3.

and that there are other decisions that are unequivocally “public choices,” where these are understood as choices that do affect some “public” (individuals other than those who themselves make those choices). Accordingly, I might think that “individual choices” are *not* properly subject to any kind of “public,” hence “democratic,” decision-making, while “public choices” are. Furthermore, I might have a well-thought-out list of decisions that I regard as individual and as public choices, hence have a strong sense of how I would “weigh” certain of my “libertarian values” against certain of my “democratic values”: I might, for instance, give *no* weight to my democratic values (e.g. that of broad public participation in decision-making) whenever an “individual choice” is at stake, and *full* weight to my libertarian values (e.g. “individual autonomy”) when it is so. And I might therefore think that I could successfully carry out task (c) by just reasoning abstractly, without making any reference to a “context.” Hence, I might see grounds for questioning the above claim that task (c) demands a form or *situated* reasoning, fundamentally different from, say, the deductive reasoning involved in a mathematical proof, reasoning which, if properly executed, should always, regardless of the context, generate the same result.

I would, however, be mistaken in seeing such grounds. To begin with, notice that *the situation sets the context for the process of reasoning itself*. In a mathematical proof, “the problem” is set by the nature of the question itself; and the nature of the question does not vary from this situation to that. (Of course, we might have more or less reason to *ask* a mathematical question in this situation or that, or, for various reasons, more or less difficulty in solving it. But, for instance, “the problem” of proving the Pythagorean theorem does not itself vary from this situation to that, in the sense that I can prove the theorem without any reference to “the situation” in which I do so.) By contrast, whenever we carry out task (c), the nature of the question does vary from this situation to that; I simply can’t successfully carry out that task without making (at least implicit) reference to a “situation.” Indeed, I wouldn’t actually be carrying out that task were I not (at least implicitly) to make such a reference.

True, I can reason as I suggested I might in the penultimate paragraph, hence not make any explicit reference to a situation. But the situation in which I find or place myself nevertheless “sets the context” for the process of reasoning that is involved in actually executing task (c) (as opposed to just reasoning abstractly – in general – about how I might execute it [in some context]). For instance, even if I do enter a situation having a well-thought-out list of decisions that I regard, respectively, as “individual choices” and as “public choices” (again invoking the previously described understandings of these terms), and I do have a strong sense of how I would “weigh” certain of my “libertarian values” against certain of my “democratic values,” *no* list, no matter how “well-thought-out,” can guarantee that the individual and/or public choices that are “on my list” are the ones at play in that situation. Nor obviously can it guarantee that certain values (e.g., only my “libertarian values” and my “democratic values”) are the only ones at play there, nor can it foretell how my (and others’) values will “trade off” against one another in any specific situation.

Indeed, as William James has written, “every real dilemma is in literal strictness a unique situation; and the exact combination of ideals realized and ideals disappointed which each decision creates is always a universe without a precedent, and for which no adequate rule exists.”⁴ Here, James speaks of situations in which we feel ourselves to be in a “dilemma”; but his point can be generalized to situations as such: every “situation” is “in literal strictness a unique situation,” and so no “rule” can guarantee that we will create the “exact combination of

⁴ James (1979: 158).

ideals [or values] realized and ideals [or values] disappointed” that we might have hoped for. As Dewey reminds us, “Practical activity [and hence deliberation about how to act] deals with individualized and unique situations which are never exactly duplicable and about which, accordingly, no complete assurance is possible.”⁵ Fesmire elaborates:

In addition to interminable dealings with incompatible moral demands, we all daily and hourly encounter situations too unique – *unique*, not just complicated – for reflection to be exhausted merely by subordinating what is before us as an instance of an already sedimented classification. Plainly you cannot put your foot in the same river twice. It is equally true that you cannot *unproblematically* apply a rule to the same situation twice. Situations do not come in duplicates.⁶

Hence, in deciding how to decide (in some particular situation), any actual “weighing” of one’s values is always, as it were, a “weighing on the fly,” which always involves a consideration of what values are, or might be, at play in that situation. And, in that sense, we can therefore say that the kind of reasoning that is demanded by task (c) *is* a “situated form of reasoning.” Of course, it may happen that I find myself in a situation in which there is some kind of “value trade-off” that *is* precisely of a nature that I had previously contemplated, and hence I may not need to adapt anything about the (kind of) decision that I had previously thought I would make in such a situation. However, to recognize this is not to deny that the situation itself “*sets the context*” for the process of reasoning whereby I conclude this. It is only to point out that I *may* find myself in a context in which I can easily adopt my previous conclusions. But I still have to refer myself to “the context at hand” in order to decide that I have found myself in “such a context.”

What of the second through fourth claims that I mentioned above? Each of these is embedded in, or at least has been suggested by, what has already been said; I just need to clarify and elaborate on each of them.

1.2 Norms and Values Inevitably Come into Conflict in Unanticipated and Unforeseeable Ways (Claim 2)

This second claim was already made in the above exposition of the first claim. So, allow me to repeat it, just adding a few expository remarks. Briefly stated, the claim is that reflection on *lived* experience reveals that our norms and values often come into conflict, and there is no way exactly to foretell how and when they will come into conflict, how and when they will

⁵ Quoted in Caspary (2000:19). Dewey (EW 3: 98) also reminds us that conduct is “absolutely individualized...there is no such thing as conduct in general; conduct is what and where and when and how to the last inch.” Indeed, for Dewey, one of the major problems that has plagued traditional moral philosophies is that they have not adequately recognized the *uniqueness* of each (morally or ethically) problematic situation we face. As Pappas (2008: 30) writes, “Dewey observed that ‘one cause for the inadequacy of moral philosophies has been that in their zeal for a unitary view they have oversimplified the moral life’ (LW 5: 288). Moral theory will continue to be inept in throwing light upon the actual predicaments of moral conduct as long as it continues to ignore ‘the elements of uncertainty and of conflict which can properly be called moral’ (LW 5: 279).” Elaborating on Dewey’s view, Pappas (2008: 29-30) also writes: “Ethical theorists have neglected the non-cognitive, pluralistic, and incommensurable aspects of moral life because they are not of use in constructing a theoretically coherent system that can presumably provide solutions to moral problems. The results are reductionism and simplification. These might be considered virtues in academic circles but they are usually vices when it comes to making decisions in our moral life.”

⁶ Fesmire (2003: 58). Fesmire is summarizing and affirming a view expressed by John Dewey (MW 14: 167-168).

“trade off” against one another, in the actual situations in which one finds or puts oneself.⁷ And some norms and values, we may add, may be “incommensurable.” This is a familiar observation, both from the writings of Isaiah Berlin and from the ethical writings of the classical pragmatists.⁸ William James, for instance, was particularly sensitive to this feature of lived experience – and also offered insightful comments about how philosophers sometimes forget it. Witness James’s phenomenological sensitivity in arguing for a “casuistic” approach to morality/ethics, one that recognizes the need to try to ameliorate moral-ethical problems *on a case-by-case basis*.

If the ethical philosopher were only asking after the best *imaginable* system of goods; he would indeed have an easy task; for all demands as such are *prima facie* respectable, and the best simply imaginary world would be one in which every demand was gratified as soon as made. Such a world would, however, have to have a physical constitution entirely different from that of the one which we inhabit. It would need not only a space, but a time, “of n-dimensions,” to include all the acts and experiences incompatible with one another here below, which would then go on in conjunction – such as spending our money, yet growing rich; taking our holiday, yet getting ahead with our work; shooting and fishing, yet doing no hurt to the beasts; gaining no end of experience, yet keeping our youthful freshness of heart; and the like. There can be no question that such a system of things, however brought about, would be the absolutely ideal system; and that if a philosopher could create universes *a priori*, and provide all the mechanical conditions, that is the sort of universe which he should unhesitatingly create. But this world of ours is made on an entirely different pattern... The actually possible in this world is vastly narrower than all that is demanded; and there is always a *pinch* between the ideal and the actual which can only be got through by leaving part of the ideal behind. There is hardly a good which we can imagine except as competing for the possession of the same bit of space and time with some other imagined good. Every end of desire that presents itself appears exclusive of some other end of desire. Shall a man drink and smoke, or keep his nerves in condition? – he cannot do both. Shall he follow his fancy for Amelia, *or* for Henrietta? – both cannot be the choice of his heart.... So that the ethical philosopher's demand for the right scale of subordination in ideals is the fruit of an altogether practical need. Some part of the ideal must be butchered, and he needs to know which part. It is a tragic situation, and no mere speculative conundrum, with which he has to deal.⁹

Dewey, who was greatly influenced by James’s ethical thought, likewise noted that one of the major problems that has plagued traditional moral/ethical philosophies is precisely that they have not adequately recognized the uniqueness of each (morally or ethically) problematic situation we face.¹⁰ “Dewey observed that ‘one cause for the inadequacy of moral philosophies has been that in their zeal for a unitary view they have oversimplified the moral life’ (LW 5: 288). Moral theory will continue to be inept in throwing light upon the actual predicaments of

⁷ Dewey (EW 3: 98) also reminds us that conduct is “absolutely individualized...there is no such thing as conduct in general; conduct is what and where and when and how to the last inch.” The implication is that deliberation about how to act – about how to “conduct” oneself – should be similarly “individualized.”

⁷ Fesmire (2003: 58). Fesmire is summarizing and affirming a view expressed by John Dewey (MW 14: 167-168).

⁸ For some of Berlin’s views on such matters, see, for instance, “The Pursuit of the Ideal,” in Berlin (2013).

⁹ James (2012: 90).

¹⁰ This is a theme that we return to in chapter 4.

moral conduct,” Pappas says of Dewey’s view, “as long as it continues to ignore ‘the elements of uncertainty and of conflict in any situation which can properly be called moral’ (LW 5: 279).”¹¹ Furthermore, “ethical theorists,” Dewey thought, “have neglected the non-cognitive, pluralistic, and incommensurable aspects of moral life because they are not of use in constructing a theoretically coherent system that can presumably provide solutions to moral problems.”¹² However, “the results are reductionism and simplification,” which are “usually vices when it comes to making decisions in our moral life.”¹³

To close our brief discussion of claim 2, here is a summary statement of Dewey’s position, offered by David Bakhurst, which reinforces what was previously said and connects the point more directly to democratic theory and practice in a way that we’ll develop at greater length in chapter 4:

We can see Dewey as offering us a perceptive description of our practices of moral evaluation, designed to reveal something profound about the nature and objectives of moral inquiry, something that discloses to us where the good lies. Like all classical pragmatists, Dewey portrays thought as aspiring to interpret and control experience; on his view, the problems that experience poses and the strategies we adopt to solve them are always informed by values. Experience is perceived as recalcitrant relative to the ends of the experiencer, and what counts as accommodating such experience depends on our theoretical and practical objectives (though the latter may themselves be revised under pressure from experience). [So too may the former.] Human beings acquire a multiplicity of values through socialization into habits of thought and behavior, and they attain independence in so far as they become aware of those habits, reflect and modify them, and thereby act intelligently. *Dewey argues that reflection on moral experience reveals an irreducible plurality of values. We encounter situations of conflict between moral values, and between moral and other values.... These questions cannot be resolved from the standpoint of abstract reason, but require the exercise of a situational intelligence...* Thus Dewey’s description of our ethical inquiry quickly commends something akin to the non-codifiability thesis [that is, the thesis that “sound moral judgment issues from the exercise of a sensibility that transcends codification into rules or principles”¹⁴]. But it also reveals the importance of democratic conditions of inquiry. Dewey stresses that experience poses moral problems not to isolated individuals, but to social beings who can solve them only by working in consort. It is not just that successful moral agents are alive to a multiplicity of perspectives; solutions to moral problems often require transformation in social institutions. Dewey’s account also brings out the dynamism of moral inquiry. Our ends continuously evolve as we learn from reflection on the fruits of our moral practice. Thus meaningful moral ideals will fix, not upon the realization of some final end, but on a process, such as the personal growth of individuals in pursuit of an expanding common good.¹⁵

¹¹ Pappas (2008: 30). Notice how much Dewey sounds just like James when he writes that in moral problems the struggle is often “between values each of which is an undoubted good in its place but which now get in each other’s way” (LW 7: 165).

¹² Ibid. 29-30.

¹³ Ibid. (29-30).

¹⁴ Bakhurst (2007: 122).

¹⁵ Ibid. 130-131; my emphasis.

1.3 Norms and Values Always Demand Contextual Interpretation in Their Application (Claim 3)

Again, there are many reasons for which this is so, hence many angles from which we can appreciate this. But one of those reasons can be stated as follows.

At a certain level of abstraction, it is surely reasonable to say that those who deserve the label “democrats” invariably endorse certain “core values”; otherwise, we couldn’t identify them as democrats and they wouldn’t have any legitimate claim to being so. As an example, consider the fact that “genuine democrats” invariably endorse *some* notion of “equal treatment”: a democratic process is one that, among other things, treats certain persons as “equals.”¹⁶ Without some such commitment, it is hard to see how one could indeed deserve the label. Furthermore, they invariably endorse a corresponding norm, such as, “in collective decision-making (at least of a “binding” or “authoritative” sort), citizens (or members or those who are affected) ought to be treated as political equals.” However, there is much disagreement about what this “value,” what “equal treatment,” consists in, or ought to consist in, hence also about the corresponding norm. For the moment, I don’t want to defend a particular interpretation of that value. (I do defend such an interpretation in chapter 5, however.) Rather, I want briefly to describe the process by which someone – I’ll speak in the first person – might come to clarify what he means by his endorsement of that value. This should help to clarify why it is the case that our values always need “contextual interpretation ‘in their application,’” and, by extension, why our norms do too.

Now, at first blush, suppose I think that “equal treatment” could also be expressed as “treated in the same way.”¹⁷ For there are, indeed, circumstances in which we use “the same” interchangeably with “equal,” *without* any change in meaning. (As when we describe slices of pie; see below.) Hence, I might begin with the tentative conclusion that to say that a democratic process should “treat each participant in the same way” is also to say that it should “treat them equally.”

However, suppose I quickly come to believe that this could be misleading.

First off, suppose I notice that there are circumstances in which “the same” and “equal” are not synonymous. This puts me on guard; I now think: I have to be careful to pay attention to the circumstances in which I (would) use one versus the other of these terms. And, I notice, the explanation for why I (would) do so surely lies with the different *purposes* I (would) have in the respective circumstances.

Next, suppose I notice that, typically, in trying to divide a pie in “equal” shares, the purpose just *is* to give the relevant persons “the same” (kind of) slice.¹⁸ Here, that’s what I take

¹⁶ Who precisely these persons ought to be is, of course, a very large question. We briefly take it up in chapter 4.

¹⁷ And, indeed, democratic theorists, including commentators on “deliberative democracy,” sometimes do appear to think this, employing exactly this phrase. Chappell (2012: 86), for instance, writes that “the rules regulating deliberation have to treat each participant in the same way,” a view that (rightly or wrongly) she also ascribes to Cohen (1989). Here, I leave open what exactly Chappell means by this claim. I also leave open whether the depiction of Cohen is accurate. In citing this passage, my point is just to indicate that democratic theorists do, indeed, sometimes state that a democratic process should “treat each participant in the same way.” Doing so is useful because it helps to motive my choice of example here. For “equal treatment” *is* sometimes interpreted as having the meaning of “treating each participant ‘in the same way’”; and, as we’ll see, this “value” *does* always need “contextual interpretation ‘in its application,’” because the idea of “treating each participant ‘in the same way’” *can* be highly ambiguous, even, indeed, misleading and objectionable.

¹⁸ Son: “Mom! What’s taking you so long?” Mother: “I’m trying to give everyone the same slice; I want them all to be equal.”

“equal treatment” to *mean*. However, suppose I then reflect on what I believe to be the purpose of “equal treatment” in a democratic process. In brief, the purpose, let us suppose I conclude, is to give “equal consideration” to, and to show “equal concern and respect” for, the good or interests of the relevant persons.¹⁹ (Here, the purpose is not to apportion “equal shares” of some *object*, but to “apportion” mental, emotional, and other *resources* to some number of persons, or, to the good or interests of each of those persons. This is the first clue that, comparing the first and the second cases, my purposes are different when I invoke some concept of “equality.”)

Thinking this, I then ask: Can a process that “treats each participant in the same way” accomplish this? Can it give “equal consideration” to, and show “equal concern and respect” for, the good or interests of relevant persons?

Well, I notice that much depends on what is meant by “in the same way.” For instance, we sometimes describe two persons’ respective behaviors as constituting “doing something ‘in the same way’” when, for all relevant purposes, those behaviors are (effectively) identical. (As when two persons solve a math problem “in the same way”: they’ve carried out the exact same operations, even if, say, one of them carried out one of those operations in her head, while the other one did so on paper.) And two things that are “identical” are often construed as being “equal.” (Hence why, in mathematics, an “identity” is an “equality” between functions that are differently defined. More broadly, we might ask: If two things were considered to be “literally identical,” in what sense would they not be “equal”? Surely they would be.) These considerations seem to suggest a possible equivalence between something being *treated* “in the same way,” “identically,” and “equally.” Accordingly, I momentarily entertain the conclusion that to treat persons “equally” just *is* to treat them “in the same way.” This leads me to entertain the idea that in order for me to give “equal consideration” to, and to show “equal concern and respect” for, the good or interests of relevant persons, I also need to treat them “in the same way.” Correspondingly, I then entertain the idea that in order for a “democratic process” to give “equal consideration” to, and to show “equal concern and respect” for, the good or interests of relevant persons, “*it*” *needs to treat them “in the same way” too*. Hence why self-styled democrats maintain, for instance, that the citizens of a political order “ought to be granted ‘the same rights’ of political participation,” e.g., “equal voting rights.”

However, further thought complicates this suggestion. In every day life, we surely recognize that to treat two persons “in the same way” is not always to treat them “equally.” Indeed, it is a commonplace that a parent ought to treat her children “equally,” but that doing so sometimes demands that each of them be treated “differently.” For instance, if one child has significant trouble with her homework while the other one breezes through it, giving “equal consideration” to the well-being of the two children may well demand spending more time on weekday evenings with the former relative to the latter. And surely this is a *form* of treating them “differently.” Moreover, the same thing could be said of the aim of showing “equal concern” for, and “equal respect” to, the two children.

Seeing this, I think: Perhaps equal consideration, concern, and respect are shown here by giving the two “equal *opportunities*” to succeed academically, which here entails devoting more time to the one, so that she is not disadvantaged relative to the other. This leads me to think: Perhaps it is the case that in order for a “democratic process” to give “equal consideration” to, and to show “equal concern and respect” for, the good or interests of relevant persons, that process ought to ensure that those persons have certain “equal opportunities for participation” in

¹⁹ For the purposes of this illustration, we need not concern ourselves without how the phrase “the relevant persons” is understood here.

that process. *And this entails that “the process” sometimes treat participants “differently.”* So, reflecting on what opportunities those persons should have, let us say that I conclude that participants should have (inter alia) “equal opportunities to express their reasons for endorsing some outcome rather than another.”²⁰ (Otherwise, I think, how could the process give, say, “equal consideration” to their respective interests or to the good of each of them? It could do so only on the presumption that, in general, others know best what their respective interests are, or what the good of them is, a presumption that I regard as highly implausible.) And, on the above view, this would entail that the process sometimes treat them differently: for instance, that it give some participants more time to speak than others, where, say, some of those participants have severe speech impediments. (Giving some participants more time to speak for this reason is analogous to a parent giving more weekday-evening time to one of her children due to her academic struggles.)

Now, roughly in this way, I offer a contextual interpretation of (part of) what I mean by a value, how, in some particular situation, I might “apply it.” Not a definitive interpretation, not an exhaustive one, but a fuller sense of what, in some particular situation, I (believe I would) *mean* by it. Let us clarify and summarize the steps.

I start by recognizing that I (implicitly or explicitly) endorse a vague but important value: in this case, “equal treatment.” Then I try to clarify what I mean by that value, what, in a particular situation, (I believe) it would “mean” to endorse it “in practice.” To do so, I cast about for a “space of comparison and contrast,” analogous to what I do when I try to clarify a semantic meaning by consulting a dictionary. Dictionaries define words in terms of their near synonyms; so, consulting one helps me to identify certain *comparisons* that make up my space of comparison and contrast. Moreover, thinking through the meaning of the word in question, I recognize that near-synonyms are just that: *near-synonyms*, not words that are “literally synonymous,” interchangeable with *no* shift in meaning. Hence, the near-synonyms do provide useful comparisons, but also at the same time useful contrasts. (Sometimes, we also define words in terms of their antonyms. Where so, this also helps us to identify certain *contrasts* that make up our spaces of comparison and contrast.) Thus, the space of comparison and contrast is made up of a cluster of words (and perhaps phrases and examples sentences that employ the word in question), which provide the context in which I can reason abstractly about the “definition” of a word. But, of course, a dictionary is only an aid to interpretation; alone, it cannot tell me the meaning of a word (or phrase) *as it is actually used* (its “hermeneutic meaning”²¹). For that, what I need is knowledge of “the context” in which it is used. And, of course, a crucial “component” of that context is *the purpose that a speaker has in using it*. Furthermore, the speaker’s purposes cannot be understood apart from a consideration of the (socio-linguistic) circumstances in which she speaks; these are also “part of ‘the context.’”²²

Analogously, when I try to clarify what I mean by a value, what, in some situation, it would “mean” to endorse it “in practice,” I also cast about for a space of comparison and contrast. In the above hypothetical, this began with the observation that “equal” is sometimes synonymous with “the same.” This, however, is only in some circumstances, for some purposes,

²⁰ Note that I am still offering a case of hypothetical reasoning here; I am not myself making this argument. This is important to note because my own argument is that a democratic process should ideally give participants certain “equal and *adequate* opportunities.” (See chapter 5.) But I need not make that more detailed argument for the purposes of the illustration here.

²¹ Bevir (1999).

²² Huang (2014); Lycan (2008: Part III); Pitkin (1972: chapter 4); Stanley (2007).

as when I am speaking of slices of cake and my purpose is to treat persons “equally” or “in the same way” *by* giving them “the same slice,” that is, “equal slices.” In other circumstances and for other purposes, the synonymy between “the same” and “equal” is absent, or at least questionable, as when I am speaking of a democratic process “treating participants in ‘the same’ way” and “equally.” Here, the purpose I have in mind in invoking the concept of “equal treatment” is for a democratic process to give “equal consideration” to, and to show “equal concern and respect” for, the good or interest of relevant persons. Such “consideration, concern, and respect” entails that participants have certain “equal opportunities,” e.g., equal opportunities “to express their reasons for endorsing one outcome rather than another.” And this entails that the democratic process sometimes treat them differently (not “in the same way,” where this is construed as “identically.”) So, in a context in which, for example, some participants have severe speech impediments, “equal treatment” *means*, inter alia, “giving them different amounts of time to offer their reasons for endorsing one outcome rather than another, depending upon (certain aspects of) their speech abilities, so that participants have ‘equal opportunities’ to offer such reasons.”

Hence, in reflecting on what (I believe) it would mean to endorse some value (say, “equal treatment”) in some particular context, I am led from “abstract statements” about my “value” to progressively more “concrete statements” about the circumstances in which I believe that value is most likely (approximately) to be realized. And in doing so, I see that a change in the situation can always shift the way in which I articulate the “meaning” of that value (just as a change in “the context of utterance” can always change the “meaning” of an utterance).²³ Thus, *I see that our values always need “contextual interpretation ‘in their application,’ and that, by extension, the same could be said of our norms too.*

Consider, for instance, the norm referred to above: “In collective decision-making (at least of a “binding” or “authoritative” sort), citizens (or members or those who are affected) ought to be treated as political equals.” Recall that this norm corresponds to, or is derived from, the value of “equal treatment.” Now recall that, for me, “equal treatment” has the entailment that each participant ought to have certain “equal opportunities” for participation in the pertinent decision-making. And this includes the claim that they have “equal opportunities to express their reasons for endorsing one outcome rather than another.” Again, where, say, some participants have severe speech impediments, “equal treatment” therefore *means*, inter alia, “giving them different amounts of time to offer their reasons for endorsing one outcome rather than another, depending upon (certain aspects of) their speech abilities, so that participants have ‘equal opportunities’ to offer such reasons.” And, on the assumption that the meaning of “political equality” is partly given by the meaning of “equal treatment,” this entails that the meaning of “political equality” should shift accordingly. Hence, the norm in question, I think, might be stated as follows: “In collective decision-making (at least of a “binding” or “authoritative” sort), citizens (or members or those who are affected) ought to be treated as political equals, which entails, among other things, that participants be given equal opportunities to express their reasons for endorsing one outcome rather than another. Where some have severe speech impediments, this entails that the process give them different amounts of time to offer their reasons for endorsing one outcome rather than another, as is appropriate for the *granting* of ‘equal’ such opportunities.”

Roughly in this way, I offer a contextual interpretation of (part of) what I (believe I would) *mean* by a norm, how, in some particular situation, I might “apply it.” Again, not a

²³ Lycan (2008: 138).

definitive or an exhaustive interpretation, but a fuller sense of what, in some particular situation, I (believe I would) mean by it.

1.4 A Sharp Distinction Between Theoretical and Practical Reasoning is Untenable (Claim 4)

The fourth claim is that we should abandon a sharp distinction between “theoretical” and “practical” reasoning, a distinction of the kind that, as we earlier saw in chapter 2, Millgram apparently endorses. Again, as is conventional, Millgram contrasts “practical reasoning” with “theoretical reasoning”: “Practical reasoning is reasoning directed toward decision or action, *as contrasted with theoretical reasoning*, which is directed toward belief.”²⁴ (Elsewhere, Millgram also says that practical reasoning is “reasoning directed toward deciding what to do.”²⁵) As far as it goes, Millgram’s brief characterization of “practical reasoning” seems reasonable enough. As I earlier indicated, however, I am skeptical of the strong distinction he draws between such reasoning and “theoretical reasoning.” Indeed, with the classical pragmatists, I believe that there are good reasons for regarding *all* reasoning as, in some sense, “practical” or “prudential.”²⁶ However, instead of trying to argue directly for that claim, it is sufficient, for present purposes, to underscore why I regard Millgram’s strong distinction between “practical” and “theoretical” reasoning as problematic; this should be enough to render our fourth claim plausible. (Again, claim 4 is that that we should abandon a sharp distinction between “theoretical” and “practical” reasoning.) Still, a brief consideration of the grounds on which, for instance, Dewey would regard all theoretical reasoning as “practical” can help us do so. Here is Festenstein’s useful summary:

Reflective thought (‘intelligence’ or ‘inquiry’) gains its power from its capacity to abstract, and to be applied to a variety of situations, but it is called into being by, and ultimately addresses, the singular needs of particular situations. Inquiry ‘necessarily contains a *practical* factor, an activity of doing and making which reshapes antecedent intellectual material which sets the problem of inquiry’. Dewey uses ‘doing’, ‘making’, and ‘reshaping’ quite literally, emphasizing the role of experiment, and the production and manipulation of phenomena (the range of what Ian Hacking calls ‘intervening’ activities)[,] in the growth of knowledge. However, the institution of grounded assertion *necessarily* contains this practical factor because the conclusion of inquiry is understood not simply as a change in belief but as a recoordination of dispositions to act in certain ways, dispositions which have been found inadequate for the problematic situation in which the inquirer is embedded.²⁷

Indeed, “the practice of inquiry does not merely re-coordinate the inquirers’ future dispositions to act in certain ways, but effects an ontological change on its subject-matter, producing an object of knowledge which can then be used...”²⁸ This is because, on Dewey’s view, the “hypotheses posited in scientific inquiry are understood as ends-in-view, which, in Dewey’s idiosyncratic usage[,], are in turn identified with the ‘objects’ of inquiry: the ‘name *objects* will be reserved for

²⁴ Millgram (2005: 312); my emphasis.

²⁵ Ibid. 185.

²⁶ Fesmire (2003: 28).

²⁷ Festenstein (2007: 38-39).

²⁸ Ibid. 39.

subject-matter so far as it has been produced and ordered in settled forms by means of inquiry; proleptically, objects are the *objectives* of inquiry.”²⁹ Here we get a glimpse of Dewey’s “constructivist” approach to the objects of scientific (“controlled” or “intelligent”) inquiry: the sciences “construct” objects of knowledge, which are used to resolve (intellectually and practically) “problematic situations.”

Furthermore, on Dewey’s view, the hypotheses, theories, standards, criteria, and so forth that guide inquiry *emerge out of practice*:

the frameworks for the resolution of problems, which the [hard and natural] sciences now possess, have developed over time: the role of epistemology or what is called ‘logic’ is to delineate the criteria that have been developed by these established practices of inquiry; it is not to prescribe *a priori* criteria for the resolution of the problematic. Dewey emphasizes that there are only the ‘empirically regulative’ and fallible norms of particular practices: no ‘cast-iron rules can be laid down’... Like Thomas Kuhn and Nelson Goodman, Dewey sees standards as internal to practices. As Hilary Putnam puts the point in writing on Goodman, ‘what we have here...are practices, which are right or wrong [or more or less adequate] depending on how they square with our standards. And our standards are right or wrong [or more or less justifiable] depending on how they square with our practices. This is a circle, or better, a spiral, but one that Goodman, like John Dewey, regards as virtuous.’ With Kuhn, Dewey envisages science as an institutional practice with a history, where there is no sharp distinction between observation and theory [nor between theoretical reasoning and practical reasoning, or between fact and value]... For neither thinker does this mean that there are no standards; rather such values as are reasonably thought to be relevant in assessing scientific theories can never constitute a formal algorithm, leaving an irreducible residue of human discretion: ‘the valuation operation is inherent in the judgment itself.’ For both, inquiry is embedded in a matrix of cultural and historical norms.³⁰

Robert Brandom’s insightful discussion of classical pragmatism can also help us to appreciate why we should abandon a sharp distinction between “theoretical” and “practical” reasoning. Tracing a line of thinking that began with Kant, was picked up by Hegel, and was inherited by the classical pragmatists, Brandom describes what he terms “fundamental pragmatism.” The idea of fundamental pragmatism helps us to understand why “semantics” must answer to “pragmatics,” and, correspondingly, why “theoretical” reason emerges out of “practical” reason. On the idea of “fundamental pragmatism,” Brandom says:

This is the idea that one should understand knowing *that* as a kind of knowing *how* (to put it in Rylean terms). That is, believing *that* things are thus-and-so is to be understood in terms of practical abilities to *do* something. Dewey, in particular, saw the whole philosophical tradition down to his time as permeated by a kind of platonism or intellectualism that saw a rule or principle behind every bit of skillful practice. He contrasted that approach with the contrary pragmatist approach, which emphasizes the implicit context of background practices and practical abilities that forms the necessary background against which alone states and performances are intelligible as explicitly

²⁹ Ibid. 39.

³⁰ Ibid. 39-40.

contentful believings and doings. In this reversal of the traditional order of explanation, Dewey is joined by the Martin Heidegger of *Being and Time*, with his project of understanding *Vorhandenheit* as a precipitate of the more ‘primordial’ *Zuhandenheit*, and by the later Wittgenstein. All three thinkers are downstream from Kant’s fundamental insight about the normative character of cognition and agency, and share a commitment to the explanatory priority of norms implicit as properties of practice to norms explicit as rules or principles.³¹

To understand what Brandom means by “Kant’s fundamental insight about the normative character of cognition and agency,” we need to elaborate on “two of Kant’s master ideas,” both of which were picked up by the classical pragmatists. The first is what Brandom calls Kant’s “*normative turn*,” the second what he calls “(tendentiously but only proleptically) his *pragmatist methodology*.”³²

As I understand his work, Kant’s most basic idea, the axis around which all his thought turns, is that what distinguishes exercises of judgment and intentional agency from the performances of merely natural creatures is that judgments and actions are subject to distinctive kinds of *normative* assessment. Judgements and actions are things we are in a distinctive sense *responsible* for. They are a kind of *commitment* we undertake. Kant understands judging and acting as applying *rules* – concepts – that determine *what* the subject becomes committed to and responsible for by applying them. Applying concepts theoretically in judgment and practically in action binds the concept user, commits her, makes her responsible, by opening her up to normative assessment according to the rules she has made herself subject to.... The responsibility one undertakes by applying a concept is a task responsibility: a commitment to *do* something. On the theoretical side, what one is committed to doing, what one becomes liable to assessment as to one’s success at doing, is integrating one’s judgments into a whole that exhibits a distinctive kind of unity: the synthetic unity of apperception. It is a systematic, rational unity, dynamically created and sustained by drawing inferential consequences from one’s judgments, by finding reasons for them, and by rejecting commitments incompatible with those one has undertaken.... Each new episode of experience, paradigmatically the making of a perceptual judgment, requires integration into, and hence transformation of, the antecedent constellation of commitments.... Kant’s new normative conception of what the activity of judging consists in, of what one must be *doing* in order to be judging (a corresponding story applies to acting), puts important structural constraints on how he understands the judgeable *contents* for which one is taking responsibility in judgment. The dominant order of logical and semantic explanation of the tradition Kant inherited began with a doctrine of terms or concepts. On that base, a doctrine of judgments was erected, and then finally a doctrine of consequences or syllogisms. But the minimal unit of *responsibility* is the judgment. It is judgments, not concepts, that one can invest one’s authority in, commit oneself to, by integrating them into a constellation that exhibits the rational synthetic unity of apperception. Accordingly, in a radical break with his predecessors, Kant takes judgments to be the minimal units of experience. Concepts are to be understood analytically, as functions of judgment – that is, in terms of the

³¹ Brandom (2011: 9).

³² *Ibid.* 1.

contribution they make to judgeable contents.... Kant's thought here, I think, is that...one must understand what conceptual content *is* in terms of what judgeable contents are, and must understand that in terms of what one is *doing* in judging, in making oneself responsible for such contents. The *functionalism* about conceptual contents that consists in understanding them as functions of judgment...is motivated by an overarching methodological *pragmatism* according to which semantics must answer to pragmatics (in a broad sense). It is the strategy of understanding discursive *content* in terms of what one is *doing* in endorsing or applying it, of approaching the notions of *judgeable*, and therefore *conceptual content* generally, in terms of the constraints put on it by requirements derived from the account of the activity of judging.³³

Kant, Brandom is claiming, should thus be thought of as “a pragmatist *avant la lettre* because of the way his normative theory of conceptual *activity* (theoretical and practical) shapes his account of conceptual content (both theoretical and practical).³⁴ However, to grasp the “fundamental pragmatism” of the classical pragmatists themselves (that is, to grasp how *they* in particular understood the claim that “believing *that* things are thus-and-so is to be understood in terms of practical abilities to *do* something”³⁵), we need to recall how this claim was transformed in the hands of Hegel before being picked up by the pragmatists. Brandom reads Hegel as “taking over from Kant commitment both to a normative account of conceptual doings, and to a broadly pragmatist approach to understanding the contents of our cognitive and practical commitments in terms of what we are doing in undertaking those commitments.”³⁶ However, he also reads him as

taking an important step toward *naturalizing* the picture of conceptual norms by taking those norms to be instituted by public social recognitive practices. Further, Hegel tells a story about how the very same practice of rational integration of commitments undertaken by applying concepts, that is, the synthesis at once of recognized and recognizing individual subjects and of their recognitive communities, is at the same time the historical process by which the norms that articulate the content of the concepts applied are instituted, determined, and developed. He calls that ongoing social, historical process “experience” (*Erfahrung*), and no longer sees it as taking place principally between the ears of an individual.... In the broadest sense, the classical pragmatists, Charles Sanders Peirce, William James, and John Dewey, developed this German idealist tradition by completing the process of *naturalizing* it, which had begun already with Hegel.³⁷

How did they do so? Briefly, naturalism, in their hands,

was to take on the shape of an empirical scientific account of us and our transactions with our environment. The sort of understanding they sought was decisively shaped by two new models of scientific explanation, codifying new forms of intelligibility characteristic of late nineteenth-century science. Principal among these, of course, was Darwinian

³³ Ibid. 1-4.

³⁴ Ibid. 4.

³⁵ Ibid. 9.

³⁶ Ibid. 4.

³⁷ Ibid. 1-4

evolutionary explanation. Pragmatism begins with a philosophy of science, pioneered by Peirce, that saw these two explanatory innovations as aspects of one conceptual revolution in science.... One dimension along which evolutionary and statistical explanations differ from those of the older mathematical physics concerns the dominant *modality* in which they are expressed. The modality of Newtonian laws is *necessity*. One explains something by showing that it is necessitated by eternal, exceptionless, and universal laws. Evolutionary and statistical explanations explain *contingent* happenings, by displaying conditions under which they can be seen to have been *probable*. Both are ways of making intelligible the contingent emergence of collective order from individual randomness.

Arguably the most important way in which Pierce substantially generalized evolutionary-statistical explanations

was an idea that was picked up by James and above all by Dewey: the recognition that *evolution*, at the level of species, and *learning*, at the level of individuals, share a common *selectional* process. Both can be understood as processes of *adaptation*, in which interaction with environment selects (preserves and reproduces) some elements, while eliminating others. This insight is encapsulated in the concept of *habit*, and the picture of individual learning as the evolution-by-selection of a population of habits. This master idea made possible the naturalistic construal of a cognitive continuum that runs from the skillful coping of the competent predator, through the practical intelligence of primitive hominids, to the traditional practices and common sense of civilized humans, all the way to the most sophisticated theorizing of contemporary scientists. All are seen as of a piece with, intelligible in the same general terms as, biological evolution.³⁸

This new form of naturalism was joined by a new form of empiricism as well.

The experimental scientific method is seen as just the explicit, principled distillation of the selectional learning process that is the practical form common to intelligent creatures at all stages of development. Dewey's term for that process, in all its varieties, is 'experience'... Experience in this sense is not the ignition of some internal Cartesian light – the occurrence of a self-intimating event of pure awareness, transparent and incorrigible to the subject of experience. Experience is *work*: the application of force through distance. It is something *done* rather than something that merely *happens* – a process, engaging in a practice, the exercise of abilities, rather than an episode.... Earlier empiricists had thought of experience as the occurrence of conscious episodes that provide the raw materials for learning, via processes such as association, comparison, and abstraction. For the pragmatists, experience just *is* learning: the process of perception and performance, followed by perception and assessment of the results of the performance, and then further performance, exhibiting the iterative, adaptive, conditional-branching structure of a test-operate-test-exit loop. The result of experience is not best thought of as the possession of items of *knowledge*, but as kind of practical *understanding*, a kind of

³⁸ Ibid. 5-6

adaptive attunement to the environment, the development of habits apt for successful coping with contingencies. It is knowing how rather than knowing that.³⁹

But the pragmatists introduced not only a new concept of experience but also of *reason*.

They understand the rationality of the theoretical physicist as continuous with the intelligence of the culturally primitive hunter and the skill of the non-human predator. The grooming and development of discursive cognitive and practical commitments is a learning process of a piece and sharing a structure with the achievement of practical attunement to an environment and the acquisition of habits successful in that environment that in one form or another is a part of the natural history of all sentient beings.⁴⁰

It is in the context of this new form of naturalistic empiricism, with its accompanying conception of reason, that we can best understand the classical pragmatists' "fundamental pragmatism": again, "the idea that one should understand knowing *that* as a kind of knowing *how*... That is, believing *that* things are thus-and-so is to be understood in terms of practical abilities to *do* something."⁴¹

Now, as should already be clear, the above summary of Dewey's view that inquiry is embedded in a matrix of cultural and historical norms and of the idea of "fundamental pragmatism" as it first developed with Kant, was later picked up and modified by Hegel, and was then adapted by the pragmatists provides us with further resources for challenging a sharp distinction between "practical" and "theoretical" reasoning.⁴² Let me recapitulate the main claims of interest, emphasizing how this is so.⁴³

First, the idea of "fundamental pragmatism," as described above, suggests that we should replace the idea of beliefs-as-intellectual-abstractions with the idea of beliefs-as-tendencies-to-act.⁴⁴ Recall, however, that it is conventional to draw a sharp distinction between "theoretical reasoning" and "practical reasoning," as, for instance, Millgram does: "practical reasoning," he

³⁹ Ibid. 6-7.

⁴⁰ Ibid. 8. Compare Fesmire (2003: 38): "Classical pragmatism situates reason within the broad context of the whole person in action. It replaces beliefs-as-intellectual-abstractions with beliefs-as-tendencies-to-act, pure reason with practical inquiry, and objectivist rationality with imaginative situational intelligence. In contradistinction from orthodox moralists, *all* reasoning is in some sense prudential. There is no refuge to be found in a pure and universal "Reason itself" lurking mysteriously behind concrete acts of thinking."

⁴¹ Ibid. 9.

⁴² I say "further resources" because, to recall, I adduced a number of considerations that are also relevant for challenging such a sharp distinction in chapter 2.

⁴³ Note that the following claims are arguably different ways of making the same basic point, namely, that theoretical reasoning just *is* a form of practical reasoning.

⁴⁴ The formulation is borrowed from Fesmire (2003: 38); see note 40 above. The view that we should replace the idea of beliefs-as-intellectual-abstractions with the idea of beliefs-as-tendencies-to-act was suggested by the above history of "fundamental pragmatism," and is one that all of the classical pragmatists shared. In Christopher Hookway's (2013) words, "all of the classic pragmatists identified beliefs and other mental states as *habits*. According to Peirce, our beliefs 'Guide our desires and shape our actions' (EP1: 114). The content of a belief is not determined by its intrinsic phenomenal character; rather, it is determined by its role in determining our actions. This was reflected in Peirce's formulations of his pragmatist maxim. In order to be clear about the content of a concept or hypothesis, we must reflect upon its role in determining what we should do in the light of our desires and our background knowledge. In Robert Brandom's happy form of words, the philosopher 'makes explicit' aspects of our practice that are implicit in our habits and dispositions. The role of tacit habits of reasoning and acting in fixing our beliefs and guiding our actions is a theme that recurs in the work of all of the pragmatists."

says, “is reasoning directed toward decision or action” (or “toward deciding what to do”), “*as contrasted with theoretical reasoning*, which is directed toward belief.” Yet, if beliefs are tendencies to act, then reasoning about one’s beliefs just *is* reasoning about how one should (be disposed to) act. (At least where “reasoning about one’s beliefs” is understood to entail “reasoning about whether one’s beliefs are *justified* or *justifiable*,” hence about whether they are in need of modification or rejection.) And “reasoning about how one should (be disposed to) act” surely qualifies as “reasoning directed toward action.” Hence, if beliefs are regarded as tendencies to act, to engage in theoretical reasoning just *is* to engage in practical reasoning. And Millgram’s sharp distinction between theoretical and practical reasoning appears, then, to be untenable.

Second, the standards by which we come to judge the rightness or wrongness, the adequacy or inadequacy, of our practices emerge out of our practices themselves. They are, if you like, “internal” to our practices. Now, insofar as we regard our “theories” as *frameworks for the resolution of problems* (whether “theoretical” or “practical”), we can also say that they are “standards” for resolving problems. And, *qua* standards, we can say that they, too, emerge out of practice. So, to reason about our theories is to reason about the standards that emerge out of a practice, standards that provide us with frameworks for judging the rightness or wrongness, or adequacy or inadequacy, of that practice, hence for judging how to resolve problems that emerge in it. And what is such reasoning if not “reasoning [that is] ‘directed toward action,’” viz., “practical reasoning”?

Third, the naturalistic empiricism of the classical pragmatists counsels a “fundamental pragmatism,” according to which one should understand knowing *that* as a kind of knowing *how*. Hence, believing *that* things are thus-and-so is to be understood in terms of practical abilities to *do* something. States and performances are only intelligible as explicitly contentful believings and doings against the background of an implicit context of practices and practical abilities. Thus, “the fundamental pragmatist aspiration is to be able to exhibit discursive intentionality as a distinctive kind of practical rationality.”⁴⁵ Loosely, “practical rationality is [here construed as] the kind of attunement to their environment that intelligent nonlinguistic animals display – the way they can practically take or treat things as prey or predator, food, sexual partner or rival and cope with them accordingly.”⁴⁶ And “discursive rationality is [here construed as] using concepts in judgment and intentional action, being able explicitly to take things to be thus-and-so, to entertain and evaluate propositions, formulate rules and principles.”⁴⁷ Hence, “fundamental pragmatism counsels looking first to what discursive subjects are *doing*, to the abilities they exercise, to the practices they engage in.”⁴⁸ This recommendation applies not only to understanding what typically falls under the label of pragmatics but to understanding semantics as well. Indeed, “semantics must answer to pragmatics”;⁴⁹ fundamental pragmatism suggests that discursive content is to be understood precisely “*in terms of what one is doing in endorsing or applying it.*”⁵⁰ And this is true as much of the “representational” content of our discursive performances as it is of any other aspect of them. “Not everything we think or say need be

⁴⁵ Ibid. 10.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid. 10-11.

⁴⁹ Ibid. 3.

⁵⁰ Ibid.

understood as representing the world as being some way,” Brandom writes.⁵¹ But if something we think or say *is* so understood,

fundamental pragmatism invites us to understand [that] representation in terms of what discursive subjects must *do* in order to count thereby as representing, as taking or treating some state, episode, or performance *as* a representation *of* something. For representational content is explicit – believing that things are thus-and-so. And that is to be made sense of in terms of what is implicit in what the subjects do in virtue of which it is correct to say of them that they believe that.⁵²

Thus:

Fundamental pragmatism is opposed to a *representationalist* order of explanation: one that begins with a notion of representational content, and appeals to that notion to make sense of what it is that knowing and acting subjects *do*. That is not to say that pragmatists in this sense can have no truck at all with the concept of *representation*. It is to say at most that talk of representation should come at the end of the story, not the beginning.⁵³

So, if representational content is explicit, and explicit content is to be made sense of in terms of “what is implicit in what subjects do,” it follows, on this view, that insofar as the content of “theoretical reasoning” *is* representational content, *it* also is to be understood in terms of our practical abilities and reasoning. (Surely “theoretical reasoning” does partly consist in an attempt to offer explicit “representations” of phenomena.) And to the extent that this is so, once again, a sharp distinction between “practical” and “theoretical” reason appears to be untenable.

Concluding Remarks: The Four Claims Taken Together in Support of the Central Claim

Now, recall that I offered the above four claims in an attempt to clarify and substantiate the Central Claim (CC): When we *actually* carry out certain tasks that are indispensable to any “reasonable” conception of normative democratic theory, we are then engaged in a situated form of practical reasoning, one that inevitably “involves” empirical inquiry; and this reasoning always involves a unique context, one in which our norms and values may come into conflict and in which those norms and values always need “contextual interpretation ‘in their application.’” Let me now just make explicit how this is so.

Again, the first claim is that the kind of reasoning that is demanded by tasks (a)-(c) is a situated kind of reasoning. The situation, as it were, *sets the context for the process of reasoning itself*. Whenever one actually executes any of these tasks, the nature of the question varies somewhat from this situation to that; we simply can’t successfully carry out that task without making reference to a “situation.” Indeed, we wouldn’t actually be carrying out that task were we not (at least implicitly) to make such a reference. For instance, task (c) is to offer some account of how we might “weigh” our “democratic norms and values” in relation to whatever other norms and values we might have. And again, we may, of course, enter a situation with some sense of what our (say) democratic values are, and we can, of course, reason about those values

⁵¹ Ibid. 11

⁵² Ibid.

⁵³ Ibid.

abstractly. Likewise, we may enter that situation with some sense of how we would weigh certain of our democratic values against certain of our other values, and abstract thinking can help us to determine this. Still further, we might give much thought to what our democratic *and* our other values are, and so also have a strong sense of how, in certain (kinds of) circumstances, (we believe) we would weigh certain of the former values against certain of the latter ones. However, no amount of forethought can guarantee that the values we have given consideration to are the only ones that will be relevant, nor can we know how our values will “trade off” against one another in a specific situation. And, what is perhaps even more discomfiting, *we cannot know in advance how we would precisely “define” our values in that situation.* (Again, the analogy with semantic interpretation: the meaning of a word, phrase, or sentence can only be interpreted in the context of utterance.) Indeed, every situation is, in strict literalness, a unique situation. So, we concluded, tasks (a)-(c) therefore demand a situated kind of reasoning, where we reason from within and about a context. This clarifies and substantiates why the CC states that when we actually carry out the tasks under consideration, “we are then engaged in a *situated* form of practical reasoning, one that inevitably ‘involves’ empirical inquiry; and this reasoning, we may add, *always concerns a unique context.*”

Again, the second claim is contained in our exposition of the first claim: namely, that reflection on lived experience reveals that our norms and values often come into conflict, and there is no way to foretell how (if at all) they will come into conflict, how (if at all) they will “trade off” against one another, in the actual situations in which one finds or puts oneself. And, we may add, some values may simply be “incommensurable.” When we recognize that every situation is a unique situation, we should also recognize that this entails that we can never foretell how (if at all) our norms and values might come into conflict, nor how (if at all) they will “trade off” against one another in any particular context. For any change in circumstances can present a *new* “norm” or “value,” and *any* “new norm” or “new value” can conflict with an existing norm and/or value or with existing norms and/or values. Moreover, as I’ll reiterate below, the “meaning” of a “norm” or “value” can always shift with circumstances, just as the meaning of a word or phrase can too. This clarifies and substantiates why the CC states that when we actually carry out the tasks under consideration, “we are then engaged in a situated form of practical reasoning, one that inevitably ‘involves’ empirical inquiry; and this reasoning, we may add, always concerns a unique context, *one in which our norms and values may come into conflict.*”

The third claim is that our norms and values always need “contextual interpretation ‘in their application.’” We never provide a definitive or exhaustive interpretation of a norm or value, but deciding how appropriately to act in some specific context demands that we give a fuller sense of what, in *that* situation, we (believe we) (would) mean by (certain of) our norms and/or values. Briefly, we do this by first recognizing that we *do* (implicitly or explicitly) endorse a vague but important norm or value. For instance, if we are genuine democrats, we begin by recognizing that we invariably endorse some notion of “equal treatment.” We then try to clarify what we mean by that value, what, in a particular situation, (we believe) it (would) *mean* to endorse it “in practice.” In doing so, we cast about for a “space of comparison and contrast,” analogous, in a way, to what we do when we try to clarify a semantic meaning by consulting a dictionary. Doing so, we might, for instance, notice that in some circumstances, for some purposes, “the same” and “equal” are synonymous, as when we are speaking of slices of cake and our purpose is to treat persons “equally” or “in the same way” *by* giving them “the same slice,” that is, “equal slices.” But then we might notice that in other circumstances and for other

purposes, the synonymy between “the same” and “equal” is absent, or at least questionable, as when we are speaking of a democratic process “treating participants in ‘the same’ way” and “equally.” Here, for instance, the purpose we have in mind in invoking the concept of “equal treatment” might be for a democratic process to give “equal consideration” to, and to show “equal concern and respect” for, the good or interests of each relevant person. Such “consideration, concern, and respect” entails, *inter alia*, that participants have certain “equal opportunities,” we might conclude. And because persons always have different capacities and resources, this entails that the democratic process sometimes treat them differently. So, in a context in which, for example, some participants have severe speech impediments, “equal treatment” *means*, *inter alia*, “giving them different amounts of time to offer their reasons for endorsing one outcome rather than another, depending upon (certain aspects of) their speech abilities, so that participants have ‘equal opportunities’ to offer such reasons.” But in other circumstances, this stipulation might fall away, and the “value” of “equal treatment” might “mean” something else there.

Hence, in reflecting on what it would mean to endorse some value (say, “equal treatment”) in some particular context, we are led from “abstract statements” about our “value” to progressively more “concrete statements” about the circumstances in which we believe that value is most likely to be approximately realized. In doing so, we see that a change in the situation can always shift the way in which we articulate the “meaning” of that value (just as a change in “the context of utterance” can change the meaning of an utterance). Thus, we see that our values always need “contextual interpretation ‘in their application,’” and that, by extension, the same could be said of our norms too. This clarifies and substantiates why the CC states that when we actually carry out the tasks under consideration, “we are then engaged in a situated form of practical reasoning, one that inevitably “involves” empirical inquiry; and this reasoning always involves a unique context, one in which our norms and values may come into conflict and in which *those norms and values always need contextual interpretation ‘in their application.’”*

Finally, the fourth claim is that we should abandon a sharp distinction between “theoretical” and “practical” reasoning, a distinction of the kind that, for instance, Millgram apparently endorses: “Practical reasoning is reasoning directed toward decision or action, *as contrasted with theoretical reasoning*, which is directed toward belief.”⁵⁴ We substantiated this claim by briefly defending three further ones.

First, pragmatists counsel that we replace the idea of beliefs-as-intellectual-abstractions with the idea of beliefs-as-tendencies to act. Doing so, we then see that when we reason about whether or not our beliefs are justified – which surely counts as “theoretical reasoning” (including on Millgram’s own view) – we are reasoning about how we should (be disposed to) act. But such reasoning surely qualifies as “reasoning directed toward action,” which just *is* “practical reasoning.” Hence, on this view, theoretical reasoning just *is* a form of practical reasoning. Second, pragmatists hold that the standards by which we judge the rightness or wrongness, the adequacy or inadequacy, of our practices emerge out of practice itself. But they also counsel that we view our *theories* as “standards,” that is, standards for the resolution of problems (whether “theoretical” or “practical”). Doing so, we conclude that, *qua* standards, they (a) emerge out of practice and (b) provide us with frameworks for resolving problems that emerge in that practice. Hence, on this view too, “theoretical reasoning” is also reasoning that is “directed toward action,” and so, again, is a form of “practical reasoning.” Third, the pragmatists, as naturalistic empiricists, counsel what Brandom has called a “fundamental pragmatism,”

⁵⁴ Millgram (2005: 312); my emphasis.

according to which one should understand knowing *that* as a kind of knowing *how*: believing *that* things are thus-and-so is to be understood in terms of practical abilities to *do* something. For them, states and performances are only intelligible as explicitly contentful believings and doings against the background of an implicit context of practices and practical abilities. This entails that the discursive content of our theoretical reasoning, including its “representational” content, should be understood precisely in terms of what one is *doing* in applying it, in judging that things are thus-and-so. Accordingly, insofar as discursive content is the medium through which we reason “theoretically,” it follows that “theoretical reason” (reasoning “directed toward belief”) is to be understood in terms of what one is *doing* in applying the relevant discursive content, that is, in terms of reasoning that is (at least implicitly) “directed toward action.” Hence, one’s “theoretical reasoning” is to be understood *in terms of* one’s “practical reasoning” (and abilities). This clarifies and substantiates why the CC states that when we actually carry out the tasks under consideration, *we are then engaged in a situated form of practical reasoning.* For, as the classical pragmatists tried to teach us, all reasoning – including our “theoretical reasoning” – is, in some sense, “practical” reasoning (“directed toward action”).

So, taken together, the four claims clarify and substantiate the CC: When we *actually* carry out certain tasks that are indispensable to any “reasonable” conception of normative democratic theory, we are then engaged in a situated form of practical reasoning, one that inevitably “involves” empirical inquiry; and this reasoning always involves a unique context, one in which our norms and values may come into conflict and in which those norms and values always need “contextual interpretation ‘in their application.’”

Chapter 4

Normative Democratic Theory as a Tool for Practical Reasoning

The serious matter is that philosophies have denied that common experience is capable of developing from within itself methods which will secure direction for itself and will create inherent standards of judgment and value..." – John Dewey, *Experience and Nature*

As philosophy has no private store of knowledge or methods for attaining truth, so it has no private access to good. As it accepts knowledge and principles from those competent in science and inquiry, it accepts goods that are diffused in human experience. It has no Mosaic or Pauline authority of revelation entrusted to it. But it has the authority of intelligence, of criticism of these common and natural goods." – John Dewey, *Experience and Nature*

Introduction

In chapter 2, I began to offer a strategy for "re-engaging" so-called "normative" democratic theory and so-called "empirical" democratic theory. To recall, I argued that normative democratic theory just *is* a form of "practical reasoning," and so, like any form of practical reasoning, inevitably "involves" empirical inquiry (in the extended sense of "involvement" that I specified.¹) Indeed, because normative democratic theory just is a form of practical reasoning and because practical reasoning inevitably just does involve empirical inquiry, it follows that normative democratic theory just *is* an "empirical enterprise." In chapter 3, I then tried to give greater clarity to the character of that empirical enterprise. More specifically, I then tried to give further clarity to *the character of the practical reasoning that is involved in it*. (Recall that, in chapter 2, I also argued that empirical inquiry always involves "practical reasoning." Indeed, following the classical pragmatists, I pointed out that all reasoning is, in some sense, "practical.") In doing so, we arrived at what I called the "central claim" (CC): When we *actually* carry out certain tasks that are indispensable to any "reasonable" conception of normative democratic theory, we are then engaged in a situated form of practical reasoning, one that inevitably "involves" empirical inquiry; and this reasoning is always about a unique context, one in which our norms and values may come into conflict and in which those norms and values always need "contextual interpretation 'in their application.'"

Now, it might be thought that this conclusion leaves little, if any, room for anything that deserves the name of a "normative democratic *theory*." For again, according to the CC, such reasoning: is "directed toward action"; inevitably "involves" empirical inquiry; and always concerns a "unique context." And each of these clauses expresses an idea that might be seen to stand in tension with the idea of "theory," as this term has often been construed. For one thing, theory, as we have noted, has often been seen as "directed toward belief," not as "directed toward action." For another thing, theory ("analysis") has often been sharply distinguished from empirical research ("observation"). And for yet another thing, theory has typically been thought

¹ Recall that, in my sense, a person's reasoning about something "involves" empirical inquiry *if* it is the case that her *ability* to reason about that something is tied to, in some way depends upon, her own or others' empirical inquiries.

of as general and abstract, not as concrete or as concerning *unique* situations or contexts. Hence, at first blush, it might seem odd, if not downright mistaken, to say that the form of reasoning in question *is* “theoretical” at all.

In this chapter, my aim is therefore to clarify the “proper” status and function of normative democracy theory in democratic practice. On reflection, it should be clear that normative democratic theory is a *kind* of moral theory and that democracy is a *kind* of moral practice. Yet, as we will see, the proper status and function of moral theory *in* moral practice is much in dispute. Consequently, so is the proper status and function of *normative democratic theory in democratic practice*. Indeed, some authors (the so-called “anti-theorists”) argue that we needn’t – some even say shouldn’t – develop moral or ethical “theories” at all. Hence what motivates our topic in this chapter is not just the observation that, at first blush, it may appear to some that the form of reasoning in question isn’t “theoretical” at all; it is also the observation that, at first blush, it may appear to some that even if the form of reasoning in question is “theoretical,” its not clear what, if anything, its actual *use* might be.

In response to this problem, the paper develops the idea that normative democratic theory ought to be viewed as a “tool” for practical reasoning, one that can assist democracy’s participants in carrying out two principal tasks. First, it can help them to clarify what their own democratic norms and values are. Second, it can help them to conduct empirical inquiries that illuminate how, in some particular context, they might best uphold those norms and realize those values.

To develop these ideas, Section I discusses John Dewey’s “empirical-instrumentalist” approach to moral theory, juxtaposing it with two more familiar approaches: what I’ll refer to respectively as the “generalist” approach and the “particularist” approach. Very briefly, the “generalist” approach is to articulate moral principles that are purportedly universal in scope and that purportedly “tell us” how we are to act in cases of a particular kind. By contrast, the “particularist” approach rejects the idea of moral principles altogether or, at a minimum, holds that, in moral deliberation, there need be no attempt to bring such principles to bear on particular situations. Sound moral judgment is non-codifiable, and can only be found as one decides particular cases.

The chapter suggests that normative democratic theory is a kind of moral theory, and a Dewey-inspired approach to it is more appropriate than either a generalist or a particularist one. As we’ll see, Dewey’s approach is “empirical” in the sense that moral theory is said properly to emerge out of (anthropological-interpretive) empirical inquiry into our actual moral practices, or, into actual “moral experience.” And it is “instrumentalist” in the sense that theory is self-consciously treated as a “tool” for aiding intelligent, situated action, rather than as something that articulates the pre-existing “true” or “correct” rules, laws, and/or principles. Dewey’s approach recognizes the need for moral principles that are broad in scope. It also recognizes, however, that sound moral judgment responds to the exigencies of particular situations and is, therefore, non-codifiable. Hence, a Dewey-inspired approach to normative democratic theory is sensitive to the need for such theory to balance a *kind* of generalism with a *kind* of particularism.

Section II illustrates the logic of how normative democratic theory, construed in this way, can assist democracy’s participants in carrying out the two principal tasks mentioned above: again, clarifying what their own democratic norms and values are, and conducting empirical inquiries that illuminate how, in some particular context, they might best uphold those norms and realize those values.

I. John Dewey's Empirical-Instrumentalist Approach to Moral Theory

Now, as I've said, a useful way to develop an understanding of Dewey's approach to moral theory is by juxtaposing it with the two more familiar approaches already mentioned, which lie at the extremes of contemporary moral philosophy. Here I can only present stylized versions of these approaches. Fortunately, however, that is all that is needed here. For it may be that no single person who self-identifies, or, as is more often the case, is described by others, as a "generalist" subscribes to *all* of the views that I here associate with the label, and the same may also be true of "particularism" as I describe it. Yet, some who do subscribe to the labels do subscribe to many of the beliefs that I associate with them. Moreover, each of the more specific claims that I associate with these two viewpoints does have a fair amount of currency in contemporary moral philosophy (and, though I won't pursue this claim, in popular culture more generally), even if, again, no single person subscribes to all over them. Consequently, we can usefully treat each of these approaches as a composite of a number of more specific views that do have a good deal of currency, setting aside the issue of whether or not this or that particular person, or indeed anyone, actually endorses all of them.

1.1 The Generalist Approach: A Brief Statement

Again, very briefly, the generalist approach is to articulate moral principles that are purportedly universal in scope and that purportedly "tell us" how we are to act in cases of a particular kind. Thus, on this approach, the principal aim of moral theory is to articulate *the* "true," or *the* "correct," universal moral rules, laws, and/or principles. And to the extent that we reason properly, we are said to "discover" universal moral rules, laws, and/or principles.

Generalism, so understood, has been the typical approach to moral theory in the Western philosophical tradition. Typically, the rules, laws, and/or principles that moral theory has articulated have been characterized as "universal," in the sense that they are thought to apply to all humans at all times, *independent of any particular social circumstance*. These rules, laws, and/or principles have been variously conceived of as the product of revelation, pure intuition, or pure reason; they have even been said "to represent the true or higher will of a benighted mankind."² Even utilitarianism – often celebrated as an eminently "empirical" approach – "declares certain moral principles to be universally justified and unexceptionable."³

Of course, there is disagreement about the *origins* of these universal principles, as we've just seen. Nevertheless, generalism arguably remains dominant in Western culture. As Mark Johnson has observed,

A great many people believe that the way out of our present moral confusions is to get clear about the ultimate moral principles or laws that ought to govern our lives and to learn how to apply them rationally to concrete situations we encounter every day. Some people believe that these moral laws come from God, others regard them as derived by universal reason, and still others see them as based on universal human feelings. However much they might disagree about the source of moral principles, they all agree

² Gouinlock (1976: xxii).

³ Ibid.

that living morally is principally a matter of *moral insight* into the ultimate moral rules, combined with *strength of will* to ‘do the right thing’ that is required by those rules.⁴

“In Western culture,” Johnson continues, we have inherited the view that “morality is nothing more than a system of universal moral laws or rules that come from the essence of reason.”⁵ On this view, “correct moral reasoning is,” therefore, simply “a matter of *applying* these moral laws to the concrete situations we face in our daily lives.”⁶

Now, again, our aim here is to clarify the “proper” status and function of moral theory in moral practice in general, before turning to the “proper” status and function of normative democratic theory in democratic practice in particular. Accordingly, it is useful to say something about the way in which generalists – which is to say, the dominant moral-philosophical traditions in Western culture – have traditionally conceived of *the role that moral principles and theories have been thought properly to play in moral practice*.

To do so, let us take a closer look at the main aims of moral theory as this has traditionally been understood. Mark Timmons provides a useful starting point.

There are two fundamental aims of moral theory: one practical, the other theoretical. The practical aim of theory has to do with the desire to have some method to follow when, for example, we reason about what is right or wrong. Scientists employ scientific methodology in arriving at scientific conclusions about various phenomena under investigation, and such methodology provides a means of resolving scientific disputes. Similarly, we might hope to discover a proper moral methodology – a *decision procedure*, as it is often referred to by moral philosophers – that could be employed in moral thinking and debate and which would help to resolve moral conflicts.⁷

So, Timmons says that we might summarize the “practical aim of moral theory” in this way: “The main practical aim of a moral theory is to discover a decision procedure that can be used to guide correct moral reasoning about matters of moral concern.”⁸ What, though, of the “theoretical aim”? The theoretical aim of moral theory is, he says, “to explore the underlying nature of right and wrong action in order to be able to explain what it is about an action that makes it right and wrong... Similar remarks apply to matters of good and bad: part of the theoretical aim of a moral theory is to discover what it is about persons that makes them good or bad.”⁹ So, Timmons suggests that we might summarize the “theoretical aim of moral theory” in this way: “The main theoretical aim of moral theory is to discover those underlying features of actions, persons, and other items of moral evaluation that make them right or wrong, good or bad.”¹⁰

How, though, have the “practical” and “theoretical” aims of moral theory been thought to relate to one another? Typically, these aims have been thought to relate to one another “in that

⁴ Johnson (1993: ix); my emphasis. Johnson regards this view as fundamentally mistaken, as does Dewey.

⁵ Ibid.

⁶ Ibid; my emphasis.

⁷ Timmons (2002: 1).

⁸ Ibid. 3.

⁹ Ibid. 4.

¹⁰ Ibid. 4.

satisfying one is either required for, or at least the best way of, satisfying the other.”¹¹ To explain this point, we need to understand *the role of moral principles in moral theory* for the generalist.¹²

In attempting to satisfy the practical aim of providing a decision procedure for correct moral reasoning, moral philosophers have often been guided by the idea that such reasoning must be based on moral principles.... [T]he practical aim of providing a decision procedure for arriving at justified moral verdicts about actions (and other items of moral concern) has often been supposed to be a matter of reasoning from moral principles to conclusions about actions (and other items of moral concern). Understood as a decision-procedure, then, a moral principle guides proper moral reasoning by indicating those features of actions whose recognition can guide one to well-reasoned verdicts about the morality of actions.¹³

However, it is obviously not the case that just *any* moral principle or set of principles will satisfy this “practical aim.” It is rather the case that

In order to provide a decision procedure to guide *correct* moral reasoning, the moral principles used must themselves be correct. And this brings us to the theoretical aim of moral theory and the role of principles in achieving this aim.... In attempting to satisfy the theoretical aim of explaining what makes an action right or wrong or what makes something good or bad, moral philosophers have typically sought to formulate moral principles that express this information. In fulfilling this theoretical aim, then, moral principles concerned with right and wrong action can be understood as indicating those most basic features of actions that make them right or wrong.... Moreover, moral principles that serve to explain what makes actions right or wrong will thus *unify* morality by revealing those basic features that determine in general an action’s rightness or wrongness. (Similar remarks apply to principles of goodness and badness.) Finding the underlying unity behind the diversity of moral phenomena has thus been an aim of traditional moral theory – an aim that can supposedly be achieved by discovering moral principles that satisfy the main theoretical aim of moral theory.¹⁴

Now, as we’ll see, I read Dewey as offering a depiction of the proper status and function of moral theory in moral practice, and, in consequence, of the proper status and function of moral *principles* in moral theory and practice, that, in many respects, is highly distinct from the one depicted in the above passages. But we can better appreciate this by first looking at the particularist approach to moral theory, which stands at the opposite extreme of contemporary moral philosophy.

1.2 The Particularist Approach: A Brief Statement

In contemporary moral philosophy, there are a significant number of commentators who are skeptical of moral or ethical “theory” as such. As Nick Fotion has observed, “The

¹¹ Ibid.

¹² Ibid.

¹³ Ibid. 6.

¹⁴ Ibid. 6.

[indispensable] role of theory in science is taken for granted. But it is not in ethics.”¹⁵ Of course, “many do in fact insist that theories in ethics are very useful. Some of these theorists even go so far as to say that we cannot do without theories. But others, so called anti-theorists, argue that *theories in ethics are a waste of time*. Worse still, *theories are said to be counterproductive*.”¹⁶ Indeed, “the anti-theorists are not content to snipe at the theorists because the latter create a variety of fabulously intricate intellectual constructions. They also argue that the principles found in the theory are too abstract to be of *any* use in dealing with concrete moral problems.”¹⁷ Hence, Bernard Williams, for instance, has declared that “philosophy should not try to produce ethical theory,”¹⁸ while Jonathan Dancy has concluded that “morality can get along perfectly fine without principles.”¹⁹

In contemporary moral philosophy, such views are typically associated with moral or ethical “particularism.” Very briefly, the “particularist” approach, as I construe it, rejects the idea of moral principles altogether or, at a minimum, holds that, in moral deliberation, there need be no attempt to bring such principles to bear on particular situations. For the particularist, sound moral judgment is non-codifiable, and can only be found as one *decides* particular cases; it “issues from the exercise of a sensibility that transcends codification into rules or principles.”²⁰

For instance, John McDowell, taking inspiration from Aristotle, argues that the ability to discern moral reasons is a form of practical reason (*phronēsis*). This he depicts as a “sort of perceptual capacity” that cannot be codified.²¹ Correspondingly, McDowell concludes that “occasion by occasion, one knows what to do, if one does, not by applying universal principles but by being a certain kind of person: one who sees situations in a certain distinctive way.”²² McDowell further maintains that to comprehend a virtuous person’s conception of how one should live, and to comprehend how their various actions are manifestations of virtue, is “to comprehend, essentially from within, the virtuous person’s distinctive way of *viewing* particular situations.”²³ These ways of seeing are features of our “second nature.” That is, we acquire them not by comprehending timeless, invariant rules, laws and/or principles but through *an enculturation into certain ways of perceiving, thinking, and feeling*.²⁴

In short, “moral competence” is construed here as a perceptual capacity to respond to the particular configuration of morally salient features presented by particular cases. It does not consist in having knowledge of invariant, universally applicable, rules, laws, and/or principles.

Now, again, I read Dewey as offering a depiction of moral theory and of moral practice that, in many respects, is highly distinct from the one offered in the above description of particularism. To see why, we need to appreciate the way in which Dewey departs from a number of assumptions characteristic of the Western philosophical tradition. These assumptions stand behind a number of the claims made by some generalists *and* by some particularists.

1.3 Dewey’s Empirical-Instrumentalism: An Alternative to Generalism and to Particularism

¹⁵ Fotion (2014: 1).

¹⁶ Ibid.

¹⁷ Ibid. 3; my emphasis.

¹⁸ Williams (1985: 17).

¹⁹ Dancy (2004: 2).

²⁰ Bakhurst (2007: 122)

²¹ McDowell (1994: 51)

²² Ibid. 73.

²³ Ibid. 7.

²⁴ Ibid. 78-84.

We begin with Dewey's "radical empiricism," which sets the background for his "radical contextualism." Without appreciating how Dewey challenged and reconstructed aspects of the empiricist tradition, we cannot appreciate the *kind* of "contextualist" he was. And without appreciating the kind of contextualism he endorsed, we cannot appreciate *how* Dewey's approach offers an attractive alternative to generalism and to particularism.

1.3.1 Radical Empiricism Cum Radical Contextualism

The classical pragmatists – C.S. Pierce, William James, G.H. Mead, and John Dewey – were all naturalistic empiricists. And a genuine naturalistic empiricism is one that seeks an empirical grounding for ethics, just as it seeks an empirical grounding for all other topics of inquiry. Turning to Dewey in particular, Gregory Pappas has recently reminded us that Dewey had the lifelong aim of rooting philosophy in lived experience. "A genuine empiricism in philosophy entails that, no matter how abstract and remote our philosophical speculations might turn out, we need to start and end with direct experienced subject matter."²⁵ For Dewey, experience is regarded as the "starting point *and* [the] terminal point, as setting problems *and* as testing proposed solutions."²⁶

By contrast, the starting point in philosophy has typically been the "theoretical abstractions (or as Dewey says, 'reflective products') [of philosophers], rather than primary experience, that is, everyday experience as it is found, present and given."²⁷ Indeed, "even modern empiricism has not been radical (or empirical) enough to distinguish a theory about experience from experience *as* it is experienced."²⁸ Typically, "experience in modern philosophy has been understood as the content of consciousness, that is, [as the thought-content] of a knowing subject who is a spectator to an antecedent world or object."²⁹ Moral philosophers have often begun their inquiries with "the isolated subject who has a purely cognitive apprehension of moral truths"; this is the counterpoint in ethics to the Cartesian starting point in epistemology.³⁰ And for those philosophers who favor a theoretical standpoint they associate with *science*, the starting point in ethics has typically been "a natural world with natural properties *but without values*."³¹ In point of fact,

the abstraction of a thinking rational subject in a value-less world is a common theoretical starting point implicit in a *variety* of ethical theories. It is discernible in those positions that assume that our moral principles or our desires are the sources of our moral experiences and, therefore, that morality is a human projection upon nature. It is in views that assume that ethical theory must provide rational reasons that would convince an imaginary skeptic to be moral or to take morality seriously.³² In such views, it is as if to be rational (usually defined as pursuing one's self interest or following the rules of logic) is primary, while all else (especially moral value) is questionable and must be derived

²⁵ Pappas (2008: 20)

²⁶ Dewey (LW 1: 14); emphasis added.

²⁷ Pappas (2008: 20-21).

²⁸ Ibid. 20-21.

²⁹ Ibid. 21.

³⁰ Ibid. 35.

³¹ Ibid. 21.

³² Pappas cites three examples of contemporary philosophers who favor this theoretical starting point: James (2001); Brandt (1979); and Gauthier (1986).

from this imaginary standpoint. *For Dewey, this is not to start with moral experience as it is had[,]* because we start in a morally value-laden world. Morality is no more in need of justification or legitimacy than the existence of the external world. Morality is just as basic, natural, and given as rationality (in any of its possible meanings). There is no more need to show that morality is rational than a need to show that rationality is moral.³³

Of course, when we adopt a theoretical point of view, we may or may not *choose* to employ a picture of the world in which we do not experience a world laden with moral and other values. Such a picture is not, however, consistent with “how we experience our everyday life from an...engaged point of view.”³⁴ And, what is more, the engaged point of view is primary, because “any inquiry and its theoretical standpoint is *experienced as* embedded in the more everyday, practical point of view.”³⁵ From the point of view of engaged experience, values are, so to speak, ubiquitous; and if moral or ethical values are not also so, they are at least common.

Now, again, it is important to understand how Dewey’s “radical empiricism” sets the backdrop for his “radical contextualism.” In the Western philosophical tradition, nature has commonly been regarded as “a perfectly rational and harmonious system,” and the view has been that “human affairs contained implicitly a similar harmony. Men needed only to exercise their reason, perceive the inherent natural order appropriate to social existence, and conform themselves to it.”³⁶ “This position,” Dewey thought, “was at bottom theological and unsupported by any evidence of experience.”³⁷

As we saw in chapter 3, Dewey, like his fellow pragmatist William James, held that reflection on actual moral experience reveals an irreducible plurality of values.³⁸ Furthermore, it reveals that we inevitably encounter conflict between our moral-ethical values, and between our moral-ethical values and our other values.³⁹ Dewey’s view of human nature “makes it entirely clear that nothing in the nature of things” prohibits conflicts over values, even among reflective and thoughtful persons.⁴⁰ “Accounts of our moral life that ignore this, and begin with the assumption of absolutes across time and history, are adopting a God’s-eye view that neglects the situational context of both our investigation [such as it is] and our morality [such as it is].”⁴¹ It is well to recall Dewey’s reminder that “practical activity [and hence deliberation about how to act] deals with individualized and unique situations which are never exactly duplicable and about which, accordingly, no complete assurance is possible.”⁴² Hence, Dewey would surely have agreed with William James’s observation that “for every real dilemma is in literal strictness a unique situation; and the exact combination of ideals realized and ideals disappointed which each decision creates is always a universe without a precedent, and for which no adequate rule exists.”⁴³ Accordingly, Dewey hoped that attention to moral experience *as* it is experienced

³³ Pappas (2008: 37); my emphasis.

³⁴ Ibid. 21.

³⁵ Ibid. 34.

³⁶ Gouinlock (1976: xlii).

³⁷ Ibid.

³⁸ Bakhurst (2007: 130).

³⁹ Ibid. 130-131. For elaboration, see Dewey (1981-90: v. 279-88).

⁴⁰ Gouinlock (1976: xliii).

⁴¹ Ibid. 41.

⁴² Quoted in Caspary (2000: 19). Dewey (EW 3: 98) also reminds us that conduct is “absolutely individualized...there is no such thing as conduct in general; conduct is what and where and when and how to the last inch.”

⁴³ James (1979: 158).

would lead to a shift in ethical thought toward situations as the center of gravity of moral endeavor.”⁴⁴ Indeed, “he insisted that moral philosophy must quit seeking ends or standards that were over and above unique morally problematic situations. The resolution of each morally problematic situation was, he believed, the goal of morality.”⁴⁵

Now, these comments might seem to suggest that, for Dewey, there is no role for anything that deserves the name of moral or ethical “theory.” However, this is mistaken. For Dewey, we do not need to jettison the very idea of moral or ethical “theory,” as the strong version of particularism suggests we should. But we do need to adopt an alternative conception of the proper *status and function of moral theory in moral practice*, one that does not suffer from the problems associated with generalism.

1.3.2 Moral Theories as Tools that Emerge out of Moral Experience Itself

We have already noted Dewey’s criticism of modern empiricism’s tendency to start with philosophers’ theoretical abstractions about experience rather than with experience *as* it is experienced. And below we’ll come back to this point. But Dewey offered another incisive criticism of empiricism that we should note here. Earlier empiricists had generally regarded ideas as summaries of antecedent sense data. In that sense, ideas were thought to “mirror” the past. But empiricists were not alone in this: rationalists, too, generally thought that ideas should be conceived of as mirroring the past. The difference was that rationalists typically regarded them as copies of antecedently existing essences.⁴⁶ But in neither case is there “any reference to the future or an awareness of the creative function of ideas.”⁴⁷

Influenced by C.S. Pierce, Dewey, by contrast, repeatedly drew our attention to a crucial characteristic of science: the predictive and hypothetical character of its ideas. Guinlock offers an apt description of Dewey’s thinking in this regard.

Ideas, and not only scientific ideas, he pointed out, are not summaries of antecedent experience. They are not composites of sensations, and they are not copies of the antecedently existing structure of reality. Rather, an idea has reference to anticipated events, forthcoming events. Behaviorally, to possess an idea is to be prepared to interact with nature in specified ways. Logically, an idea is a tool of inference: it forecasts events which are contingent upon specific occurrences. Thus an idea (a meaning, a definition, a proposition) is sharply distinguished from an image. The image of something specifies its function in natural processes.... To determine the truth about a proposition regarding an alleged piece of wood, one does not compare a visual image to antecedent sensations or essences. He performs operations on the alleged wood to see if predicted events in fact ensue.⁴⁸

Here we can begin to appreciate Dewey’s “instrumentalism”: ideas are treated as tools or instruments that help to guide conduct, to make it more intelligent. *They are, in short, tools for*

⁴⁴ Pappas (2008: 41).

⁴⁵ Ibid.

⁴⁶ Guinlock (1976: xxxiv).

⁴⁷ Ibid.

⁴⁸ Ibid. xxxii.

practical reasoning. Indeed, for Dewey “to have an idea [just] *is* to be prepared to act in certain ways.”⁴⁹ For instance, “to believe that something is wood means it will be acted with as wood.”⁵⁰

Let us be clear on Dewey’s conception of how ideas guide conduct. “Ideas predict events which result from specific operations. The formulation has reference to future events which are contingent upon present action.”⁵¹ For example, the idea of wood means that “if an object is wooden, it will cut in two when sawed, float when immersed in water, burn when placed in fire, etc.”⁵² In the conduct of inquiry, ideas take the form of hypotheses. For Dewey, *all* “inquiry” or “problem-solving” takes place in a given context, in response to a “problematic situation.” And for him, “the problems that experience poses and the strategies we adopt to solve them are *always informed by values*. Experience is perceived as recalcitrant relative to the ends of the experiencer, and what counts as accommodating such experience depends on our theoretical and practical objectives,” which we can always revise.⁵³

Now, the hypotheses that we formulate propose means of reordering present activity to achieve a specific result, and the formulation of our hypotheses is a creative venture. But our hypotheses are not sheer guesswork. They are based on knowledge of more or less similar situations, that is, on analogical reasoning (on a sufficiently broad interpretation of such reasoning.) “Any person seeking a solution to any problem would be at a complete loss if every feature of the problem were new to him.”⁵⁴ The proposed solutions can be formulated as hypotheses: the introduction of certain conditions is necessary to solving these problems. In any such case, our hypotheses propose “means for solving a problem already at hand: an existing problematic situation.”⁵⁵ “Such ideas direct activities by specifying means to an end. *This* is how Dewey understands ideas to guide conduct.”⁵⁶

Now, this account of our ideas and inquiries applies to our moral-ethical ideas and inquiries as well. When we encounter *morally* or *ethically* “problematic situations,” where our moral-ethical values conflict or conflict with other values, Dewey implores us to inquire into the means of reconstructing these problematic situations. And he suggests that these inquiries are means of revising our existing moral or ethical valuations too. As with our other inquiries, we generally do not enter such situations with *no* understanding of how we might resolve our predicament; we generally have knowledge of more or less similar situations. Here as elsewhere, these proposed solutions can be formulated as hypotheses: the introduction of certain conditions is necessary to resolve or to mitigate *these* specific moral-ethical problems. Again, such ideas – often embodied in rules or principles – direct activities by specifying means to an end. And, as a first approximation, *this* is how Dewey understands moral or ethical principles as properly guiding conduct.

We need, though, to look at this conception in greater detail, to appreciate the specific way in which moral or ethical principles are themselves conceived, and the specific way in which these principles are thought to have a role in moral practice. Here is where we can begin to see why Dewey’s approach is clearly an “empirical-instrumentalist” approach, and where we

⁴⁹ Ibid. xxxiii.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Bakhurst (2007: 130).

⁵⁴ Gouinlock (1976: xxxiii).

⁵⁵ Ibid.

⁵⁶ Gouinlock (1976: xxxiii-xxxiv).

can begin to see why it is superior to both the generalist *and* the particularist approaches. Pappas provides a useful starting point.

In an early essay Dewey explains the functional relation between theory and practice by using the example of an engineer building a tunnel. No matter how many times the engineer has constructed similar tunnels, what she is building is not a tunnel in general. ‘It is a tunnel having its own special end and called for by its own set of circumstances’ (EW 3: 156). However, because similar tunnels have been built under similar circumstances[,] one may develop theories or techniques that, because of their generality, can function as tools of analysis for particular cases. Hence, the general character of theories is not a limitation [as the particularist approach suggests it is] but the key to their possible functional importance for practice. To be sure, not all of the theoretical resources available to the engineer have the same kind of instrumental value. The most immediate ready at hand tools are principles or rules of thumb that provide a suggestion as to what to do when one is building this kind of tunnel. An engineer might also have a very general theory about the nature of the materials used to make a tunnel. Even if this theory makes no reference to the practice of building tunnels, it is not entirely divorced from or irrelevant to that practice.... The refined conclusions (i.e., secondary products) of moral theory are, like the theoretical resources of the engineer, instrumentalities by which we might be able to *indirectly* assist or illuminate the decisions and problems encountered in primary moral experience. When theory is conceived as something within practice it becomes a part of the available means for the intelligent amelioration of practice. “Theory located within progressive practice instead of reigning statically supreme over it, means practice itself made responsible to intelligence” (MW 4: 48).⁵⁷

Perhaps the instrumental function of our moral theories can best be depicted through an analogy with mapmaking and map use. A map

can be general to the point of becoming a useless abstraction. [Hence, by analogy, we do not want our theories to be, or always to remain at least, *too* abstract.] On the other hand, a map that pretends to capture the uniqueness of the streets we travel or that tells us where to go becomes a bad tool. [Hence, by analogy, we do not want our theories to try to capture every imaginable detail of a (particular kind of) “situation,” an impossible task in any case, and we do not want our theories to purport to tell us what to do *in advance of our even being in some particular problematic situation*, without yet having surveyed *its* particular features.] Furthermore, the fact that a map cannot have this kind of precision is hardly a good excuse for not using or making maps.... Ethical theories can become so abstract and general that they are of no use to moral practice; but the general character of theory is a precondition for it to inform and be informed by practice. It makes possible a dynamic relation between theory and practice where ‘the former enlarges, releases and gives significance to the latter; while practice supplies theory with its material and with the test and check which keep it sincere and vital’ (LW 2: 58)... Like our best maps, it can orient us, but we must do our own traveling and learning.... [Hence,] a philosopher should be more concerned with a survey of the subject matter than with making judgments for others. “Then his survey may be of assistance in the direct experience of

⁵⁷ Ibid. 60-61.

others, as a survey of a country is of help to the one who travels through it, while dicta about worth operate to limit personal experience” (LW 10:313).⁵⁸

When we view theories and principles in this way, as tools that we generate from within our moral practices and that we may use to improve and refine those practices, to make them more responsive to the exigencies of particular circumstances and so more intelligent, we can more easily appreciate the similarities and differences that Dewey has with contemporary particularism *and* with traditional generalism. And we can thereby give clearer content to Dewey’s approach itself.

As Pappas rightly observes, “the conception of moral theory as somehow existing outside or above the context of moral practice is the source of recent skepticism about theory,” such skepticism as is evinced, for instance, by some particularists.

Bernard Williams, for example, criticizes the history of moral philosophy for its futile attempt to find an “Archimedean point.” This is the place from which (1) one can objectively evaluate competing answers to how to live; or (2) one can discover universal criteria of right or wrong action; or (3) where one can argue that anyone (even the moral skeptic or anarchist) has reasons to live an ethical life. Indeed, traditional ethical theory usually assumes that to have a normative ethics is to have answers to these issues [as suggested by Timmons’s outline of the “theoretical” and “practical” aims of traditional moral theory]. For Williams, as Susan Wolf explains, we must come to terms with the fact that our “point of view, even in philosophical reflection, is inevitably from here, and not from a ‘mid-air position.’” This should deflate significantly our expectations about what moral theory can do for moral practice. *Williams asserts the Deweyan thesis that ethical theories “still have to start from somewhere, and the only starting point is ethical experience itself”; but unlike Dewey, he doesn’t derive constructive implications from the conception of theory within moral experience.* [Indeed, as we’ve noted, Williams declares that “philosophers should not try to produce ethical theory” at all.]⁵⁹

Like Williams, Dewey believes that the only place to start is with moral or ethical experience itself. And like particularists in general, Dewey thinks that each situation is a unique one, which calls for a solution that is so too. As we earlier saw, for Dewey, the resolution of each morally problematic situation just *is* the goal of morality. This is already suggested by Dewey’s observation that each time the engineer decides how to build a tunnel, he should recognize that “it is a tunnel having its own special end and called for by its own set of circumstances.”⁶⁰ Analogously, whenever a situated agent places or finds herself in a morally problematic situation, she too should recognize that it is a situation that has its own special solution (if any solution is to be had), appropriate to the circumstances of “the problem.” Dewey’s adoption of an empirical-instrumentalist conception of moral theories and principles allows him to appreciate the need for sensitivity to context, and the need for us to recognize that the only place we can start is with “moral or ethical experience itself.” But, in contrast to Williams and certain other particularists, *his contextualism does not commit him to anything like Williams’s thesis that we should abandon “ethical theory” altogether.* Rather, Dewey would say that while tools can

⁵⁸ Ibid. 64.

⁵⁹ Ibid. 61; my emphasis.

⁶⁰ Dewey (EW 3: 156).

never, of course, “solve” problematic situations *by themselves*, they can surely be useful in the effort to do so.⁶¹ And, moreover, whatever theoretical tools one uses to address a problematic situation, they have to be adapted to the circumstances in which the problem itself arises.

The contrast with Williams’s brand of particularism is also recognizable in that author’s treatment of the “general” character of traditional ethical theory. As Pappas observes, Williams contrasts the thickness of ethical terms and the deliberation of actual moral agents with the thinness characteristic of ethical theories. “Williams believes that ethical theory can be discredited because ‘it looks characteristically for considerations that are very general and have as little distinctive content as possible.’”⁶² But for Dewey,

the problem with the abstract and general categories of traditional ethical theories is not that they are thin or general, but that these reflective products are used to discredit, ignore and replace the richness of concrete moral experience. The implication is that so long as ethical theories recognize that our actual ethical lives are richer, more variegated and thicker than our theoretical articulations, an ethical theory can be thin and speculative without undermining its legitimate instrumental function.⁶³

If these brief comments help us to appreciate how Dewey’s viewpoint bears similarities as well as differences with contemporary particularism, they also help us to compare his viewpoint to, and to differentiate it from, the generalism of traditional moral theories and principles, earlier sketched in the Johnson and Timmons passages.

Yes, pace Williams, Dewey concluded that it *is* useful to formulate moral or ethical “theories.” And, pace certain other particularists, he concluded that our moral theories ought to consist in, among other things, articulations of certain moral “principles” that should guide conduct. At this quite abstract level, Dewey, one might say, could also be considered a generalist. Again, however, there are crucial differences. And again, for our purposes the most important of these concern *the proper status and function of moral theories and principles in our moral practices*.

Above, we saw Timmons describe how “the main *practical* aim of a moral theory is to discover a decision procedure that can be used to guide correct moral reasoning about moral matters.”⁶⁴ And “the main *theoretical* aim of a moral theory,” he says, “is to discover those underlying features of actions, persons, and other items of moral evaluation that make them right or wrong, good or bad.”⁶⁵ Again, however, what ostensibly allows us to accomplish these aims? Well, again, moral philosophers have often thought that the key is to articulate the *correct moral principles* by which we should decide how to live and to act, typically understood as “universal” in character. As we saw, these “correct moral principles” ostensibly allow us to accomplish the main practical *and* theoretical aims of moral theory.

Now, our discussion of Dewey’s empirical-instrumentalist conception of moral theories and principles can aid us in appreciating how Dewey’s viewpoint is quite distinct from the conception offered in Timmons’s discussion. To begin with, Dewey would object to the idea that

⁶¹ Hence Dewey says: “In the supreme art of life the tools must be less mechanical; more depends on the skill of the artist in her manipulation, but they are nonetheless useful” (EW 3: 107).

⁶² Pappas (2008: 63).

⁶³ Ibid. 63.

⁶⁴ Timmons (2002: 3).

⁶⁵ Ibid. 4.

there is a decision-making “procedure” to “discover,” and still more, I presume, to the idea that there is just *one* procedure that we could simply describe as “correct.” Indeed, for Dewey, it is rather the case that

in order to evaluate an action or to adjudicate conflicts among possible actions or obligations in concrete circumstances we must rely on the qualitative context rather than on some meta-rule, criteria, or fixed procedure...Instead of trying to come up with comprehensive theories that provide answers or decision-making procedures[,] he believed that we should attend to the particular, the qualitative, and the unique[,] equipped with the best habits of reflection, imagination, and sensitivity available, that is, with what he sometimes called moral intelligence. *Any theory that pretends to provide theoretical answers to moral quandaries prior to actual situations cannot be empirical, for it simply overlooks the experienced uniqueness of each situation and how the moral relevance of any feature can vary depending on the situation.*⁶⁶

Talk of the “discovery,” as opposed to the “construction,” of moral principles, as in Timmons’s depiction of the traditional ambitions of moral theory, suggests that *the principles are already there to be discovered*. We need only reason correctly to discover them. And talk of the “correct” moral principles reinforces this suggestion. Often, things we “discover” *remain as they are*: neither the fact that we discover them nor the way in which we discover them *changes* “how they are.” Analogously, if “correct principles” exist, this might suggest that the task is just to reason correctly so as to discover them. And, indeed, this is the general picture that emerges from Timmons’s (and Johnson’s) depiction of the traditional aims of moral theory. By contrast, things we “construct” obviously take on the character they do – indeed, exist (in the way they do) – *because* (of the way) we construct them. Dewey’s empirical-instrumentalist conception clearly recognizes this: *principles are constructed out of empirical inquiry*; they are “empirical generalizations from the ways in which previous judgments of conduct have practically worked out.”⁶⁷ And while we sometimes do talk of things we construct as being “correct,” when we do so we recognize that they are always subject to improvement and refinement (hence to no longer remaining “as they are”). (Think again of how we talk about, and continually refine and improve, maps.) Here it is useful to recall the pragmatist idea that standards (and, by extension, theories and principles) are “internal” to practices. Again, as Hilary puts it in writing on Nelson Goodman, “what we have here...are practices, which are right or wrong [or more or less adequate] depending on how they square with our standards. And our standards are right or wrong [or more or less justifiable] depending on how they square with our practices. This is a circle, or better, a spiral, but one that Goodman, like John Dewey, regards as virtuous.”⁶⁸ For both, empirical inquiry is embedded in a matrix of cultural and historical norms. And as theories and principles are the *products* of empirical inquiry, they too are embedded in such norms. Hence, the language of “discovery” is misleading here. For the pragmatists, moral principles are, indeed, ends; however, they are not just ends but also means.⁶⁹ The creative task with respect to our moral theories and principles is, therefore, to modify our practices in light of those principles and theories, and to *reconstruct* those principles and theories in light of our practices. “In other

⁶⁶ Pappas (2008: 47); my emphasis.

⁶⁷ Dewey (MW 14: 165).

⁶⁸ Putnam (1992: 304).

⁶⁹ Indeed, at least for Dewey, there *are* no “ends” that are not also “means” and vice versa.

words, both the actual and the ideal are open to modification and improvement by an experimental and continuous process.”⁷⁰

For another thing, Dewey would object to the supposition that there *is* an “underlying unity behind the diversity of moral phenomena,” as well as to the injunction that moral theory should therefore aim to discover it. To begin with, the supposition that there is such a unity is just that: a supposition. And if there are not good “empirical reasons” for adopting the supposition, the injunction to try to *discover* “the unity behind the diversity of moral phenomena” seems to lose any force. As we’ve seen, Dewey’s naturalistic empiricism led him to the viewpoint that in moral or ethical theory, as in all other forms of inquiry, we should begin and end our inquiries with lived experience. Does lived experience reveal such unity? For Dewey, the answer would surely be no. Once again, Dewey, like William James, held that reflection on actual moral experience reveals an irreducible plurality of values, and that we encounter situations of conflict between our moral-ethical values, and between our moral-ethical values and our other values.⁷¹ And again, like James, Dewey would maintain that “every real dilemma is in literal strictness a unique situation; and the exact combination of ideals realized and ideals disappointed which each decision creates is always a universe without a precedent, and for which no adequate rule exists.”⁷² Lived experience reveals that situations are always, in some respect, unique; so, heading into each new situation, “no complete assurance is possible.”⁷³ For Dewey, questions concerning moral or ethical conduct cannot, therefore, “be resolved from the standpoint of abstract reason, but require the exercise of a situational intelligence.”⁷⁴ However, moral-ethical theories and the principles they articulate can surely *enhance* our situational intelligence. The key, in short, is treat the principles that our theories articulate in an “empirical-instrumentalist” fashion: as relatively-stable-but-always-revisable standards that *emerge out of empirical inquiry into relevant aspects of our actual moral-ethical practices* and that in turn *function as tools or instruments that we can use to guide those practices as we move forward and inquire into new morally or ethically problematic situations*.

II. Normative Democratic Theory as a Tool for Practical Reasoning

Now, if our moral theories are “tools” that *emerge out of*, and that in turn *help to guide*, our moral practices, then, in turning to normative democratic theory in particular, two important questions immediately arise. First, what kind of “moral experience” (or what aspects of “moral experience”) are pertinent here? Second, how might this particular kind of moral theory guide the particular kind of moral practice that is “democratic practice”?

To respond to these questions, we begin with a brief overview of my Dewey-inspired approach to normative democratic theory. We’ll then go into greater detail, paying closer attention to the logic by which we arrive at my normative theory in particular.

2.1 A Dewey-Inspired Approach to Normative Democratic Theory: An Overview

⁷⁰ Pappas (2008: 67).

⁷¹ Bakhurst (2007: 130-131). For Dewey’s own account, see (1981-90: v. 279-88).

⁷² James (1979: 158).

⁷³ Quoted in Caspary (2000: 19).

⁷⁴ Bakhurst (2007: 130-131).

On my account, normative democratic theory can function as a “tool” for practical reasoning, one that can help the participants to a (nominally) democratic process in reasoning about how best to create an actual democratic process in the specific context in which they might attempt to do so. Here, normative democratic theory is said to *emerge out of empirical inquiry* and to *consist in a set of “ideal standards” that can help democracy’s participants to carry out two principal tasks*. More specifically, I suggest that normative democratic theory should *emerge out of anthropological-interpretive inquiry into moral experience itself* and should *consist in a set of “ideal procedural criteria”* that can: first, help democracy’s participants to clarify what, in the specific context in which they do (have to) act, their own democratic norms and values are; and second, help them to conduct empirical inquiries that, in that context, clarify how they might best uphold those norms and realize those values.

Here, the procedural criteria are conceived of as descriptions of the ideal, defining features of a process for binding, collective decision-making process that treats persons as free and equal – or, that treats them in a way that is consistent with the twin values that arguably justify the adoption of a “democratic process” in the first place: the values of treating persons as “moral equals” and as “autonomous.”⁷⁵ Thus, when I refer to a particular kind of “moral experience,” or to particular aspects of “moral experience,” as laying the basis for my theory, *these* two values are what I have in mind: I have in mind those moments in which we are most likely to *think* and to *feel* that we *are* being treated as “moral equals” and as “autonomous.” Accordingly, the “ideal procedural criteria for a democratic process” are said to emerge out of anthropological-interpretive inquiry into those moments that are paradigmatic of when we are most likely to think and to feel that we are being treated as moral equals and as autonomous in joint or collective decision-making, or, in the standard terminology, as “free and equal” in such decision-making. In short, they are seen as emerging out of inquiry into *certain paradigmatic moments of “free and equal treatment” in joint or collective decision-making*. And, as I indicate below, we can appeal to certain joint or collective decisions between or among friends to find such paradigmatic moments.

Now, recall that we began this paper with two epigraphs, both drawn from John Dewey’s *Experience and Nature*. The first reads: “The serious matter is that philosophies have denied that common experience is capable of developing from within itself methods which will secure direction for itself and will create inherent standards of judgment and value...”⁷⁶ And the second reads: “As philosophy has no private store of knowledge or methods for attaining truth, so it has no private access to good. As it accepts knowledge and principles from those competent in science and inquiry, it accepts goods that are diffused in human experience. It has no Mosaic or Pauline authority of revelation entrusted to it. But it has the authority of intelligence, of criticism of these common and natural goods.”⁷⁷

In suggesting that normative democratic theory should emerge out of anthropological-interpretive inquiry into moral experience itself and that it should consist in a set of “ideal procedural criteria,” I am following Dewey in explicitly affirming that “common experience *is* capable of developing from within itself methods which will secure direction for itself and will create inherent standards of judgment and value.” In addition, I am explicitly affirming that “philosophy has no private access to good,” that, in developing (say) a normative democratic theory, we should “accept” the “goods that are diffused in human experience,” rather than look

⁷⁵ Dahl (1989: chapters 6 and 7).

⁷⁶ Dewey (1958 [1929]: 38).

⁷⁷ Dewey (LW1: 305).

for The Good (or, for that matter, The Right) *outside* of human experience. Finally, I am explicitly affirming that normative democratic theory “has no Mosaic or Pauline authority of revelation entrusted to it,” and I am also, for that matter, explicitly affirming that the “principles” (“ideal procedural criteria”) that it articulates are never the product of “intuition” or “pure reason” alone. Rather, with Dewey, I regard whatever “authority” such principles (ideal procedural criteria) have as being the product of whatever “intelligence” (or “wisdom”) they exhibit, where this is judged in light of the consequences of acting on them in a particular context.

2.2 Justifying a Dewey-Inspired Approach to Normative Democratic Theory

So, let’s look closer at the logic by which I arrive at my own normative democratic theory in particular, elaborating on the justification for the philosophic method by which I develop it. The theory itself I develop in the next chapter. Here, we just review the *way* in which I develop it.

As indicated, my Dewey-inspired approach to normative democratic theory places great stress on “inquiry”: it proposes not only that we develop such theory through (anthropological-interpretive) empirical inquiry but also that democracy’s participants use it as a tool for further such inquiry. What, though, is the basis for saying that participants should engage in such inquiry? It is one thing to say that democratic theorists, *qua* theorists, should develop normative democratic theories to clarify *their* democratic norms and values (or those they believe that all of us or some particular group should have), quite another to say that *democracy’s participants* should do so too. And it is still another to say that democracy’s participants should use that theory as a “tool” for guiding further inquiry. So, assuming that the claim about democratic theorists is fairly self-evident, we should think through the question: Why should democracy’s participants (think they should) carry out the aforementioned tasks?

2.2.1 The First Task: Developing a Normative Democratic Theory

As to the first task (developing a normative democratic theory), the claim, I think, is fairly straightforward. To commit oneself sincerely to advancing some value is to commit oneself sincerely to the presumptive *means* for its advancement. Hence, in the case of the values of treating persons as “free” and as “equal” in collective decision-making, this means the presumptive means for advancing *those* values. And, at the most general level, this means sincerely committing oneself to some decision-making *process* that advances them. (Without some “process,” how else could we advance them?) So, the question then becomes: In order to advance those values as best as possible, what would such a process ideally look like? Well, still at a very general level, inquiry into those moments that are paradigmatic of when we are most likely to *think* and to *feel* that we are being treated as “free and equal” in joint or collective decision-making reveals – quite unambiguously, I think – that we think and feel this way *because the participants involved in that process grant certain (equal and adequate) opportunities to one another and assume certain (corollary) responsibilities in relation to one another.*⁷⁸ If so, the question then becomes: What, more specifically, are these opportunities and responsibilities? Once we have specified them, I believe that we have articulated a set of “ideal procedural criteria for a democratic process,” viz., a normative theory of the democratic process.

⁷⁸ See below for an explanation of the terminology here. See also chapter 5.

Let's look closer, then, at the way in which I propose to arrive at an articulation of these opportunities and responsibilities. Sticking to the Deweyan injunction to start with moral experience itself, we ask: When do we believe that "binding" decisions are made between or among individuals in such a way that the process *does* treat them as moral equals and as being autonomous? For present purposes, assume that a "binding" decision has the loose meaning of a joint or collective decision that generates a "policy," with which the members of the "association" in question are expected to comply; they are expected to shape their conduct in conformity with it.⁷⁹ Hence, the presumption is that the decision in question is reasonably anticipated to affect, or potentially to affect, the good or interests of the members; we presume that the policy *could* affect the well-being of each of them.⁸⁰ Doing so, we notice that the above question can be restated thus: When do we believe that decisions with which the decision-makers themselves are expected to comply are made in such a way that the process treats them as moral equals and as autonomous? Well, when we state the question this way, one obvious example suggests itself: certain decisions among genuine friends.

So, we next ask: What is it that specifically leads us to judge these decisions in this way? To begin with, the process by which the decision is made gives "equal consideration" to the good or interests of each of the participants. Where this is not the case, the friendships in question are themselves imperiled. (Or at least they are imperiled where this is recurrently so.) And notice why this is the case: because friendship is a relationship that, *inter alia*, is *based on* "mutual respect" between "moral equals" who regard each other as "autonomous," and anytime one friend makes (what should be) a "joint or collective decision" *without* giving "equal consideration" to the good or interests of the other friend(s) (that should be) involved in that decision, one shows a *lack* of respect. Hence, to show one another mutual respect *qua* moral equals and *qua* autonomous persons, friends give equal consideration to each other's good or interests in joint or collective decision-making.

Notice, however, that there is something potentially misleading about just saying that, in joint or collective decision-making, friends give "equal consideration" to each other's good or interests. For moral experience indicates that, for instance, two persons who show each other mutual respect in the context of joint decision-making do not just give "equal consideration" to each other's good or interests; they also show "equal *concern*" for each other's good or interests. Or, to put the point differently, one simply *can't* give (genuine) "consideration" to the good or interests of another person *without* showing "concern" for that person.

Briefly, to give "genuine consideration to another person's good or interests" is to engage in an active process in which one seeks to understand that person *qua* "person." And what is a "person"? She is, *inter alia*, a being who has, or is surely likely to have, her own conception of her own interests, preferences, projects, cares, commitments, sense of fairness and justice, and so on. In other words, we typically presume that adult persons, at least, are what we sometimes call "autonomous persons."⁸¹ And when we give equal consideration to the good or interests of persons, *qua* persons (so understood), we cannot help but "show 'care' for them." (This is not to collapse any possible distinction that we might want to make *between* "showing care for

⁷⁹ Cf. Dahl (1989). For present purposes, an "association" is used loosely to refer to any collection of individuals that belong to a group in which there is a perceived need for joint or collective decisions. So, the term "association" includes groups of friends for present purposes.

⁸⁰ For present purposes, we'll simplify by assuming that "the members" are the same persons as those who make the policies (that the members are "the decision-makers" and "the participants"), and that these policies affect, and only affect, those persons.

⁸¹ For discussion, see Dahl (1989: chapter 7). See also chapter 5.

someone” and “showing consideration for someone.” It is just to say that, at least in the context of joint or collective decision-making, the two are tightly interwoven.) Hence, for clarity’s sake it is better to say that, in joint or collective decision-making, genuine friends “give equal consideration to, and show equal concern and respect for, each other’s good or interests.” Moreover, they do this in order precisely *to* show “equal respect” to one another *qua* moral equals and autonomous persons.

What, though, does this *mean* “in practice”? Well, again, for present purposes I just want to pick out certain elements of what is at play in these paradigmatic moments of “treatment as free and equal” in joint or collective decision-making. So, very generally, experience indicates, I believe, that friends give equal consideration to, and show equal concern and respect for, each other’s good or interests *by* “granting certain (equal and adequate) opportunities to each another” and *by* “assuming certain (corollary) responsibilities in relation to each another.” And it is by articulating *these* specific opportunities and responsibilities that we may arrive at “ideal procedural criteria for a democratic process,” i.e., at a normative theory of the democratic process. In other words, the specific “(equal and adequate) opportunities” and the specific “(corollary) responsibilities” that we are after are those that, when granted/assumed, allow the participants to joint/collective decision-making *to* “give equal consideration to, and *to* show equal concern and respect for, the good or interests of each of them.” So, we are looking, still more specifically, at these aspects of “paradigmatic moments” of “free and equal treatment” in joint or collective decision-making.

As to the opportunities, consider just one example, which can be used to make the initial point about “corollary responsibilities” too. As I’ve said, friends recognize each other *qua* persons, hence regard each other as, in some sense, “equal and autonomous” (in the sense indicated). Hence, in joint or collective decision-making, where the presumption is that the decision is reasonably anticipated to affect the good or interests of the persons in question (or is reasonably anticipated to potentially do so), the presumption is also that each of those persons ought to have “an equal opportunity to express her reasons for endorsing one outcome rather than another.” Without such an opportunity, the others cannot know what her conception of her own interests, preferences, projects, cares, commitments, sense of justice and fairness, and so forth *are*, hence cannot judge what her own conception of what her “good” is, nor her own conception of what her “interests” are. Nor can the others formulate their own conceptions of what her good is/interests are. And the same point can be made of each individual person in relation to each of the other ones. Hence, the participants cannot give “equal consideration to, and show equal concern and respect for, good or interests or each of them.” We might, therefore, simply conclude that the presumption should be described as being that “each of the participants ought to have an equal opportunity to express her reasons for endorsing one outcome rather than another.” Actually, however, the presumption is more accurately described as being that each person should have an “equal and *adequate*” such opportunity. For “equal opportunities” can, of course, be *inadequate for the purposes that they are meant to serve* – even, let me stress, when those opportunities are, indeed, “equal.” If, say, each person only has one second to “express her reasons” in some deliberation about what to do, surely we would not say that the *purpose* of each person having that “opportunity” was well served. Hence, though we often do speak simply of “equal opportunities,” we are tacitly endorsing the idea of “equal *and* adequate opportunities” when we do so. Hence the presumption in question should be stated thus: In joint or collective decision-making, where the presumption is that the decision in question is reasonably anticipated to affect the good or interests of the persons in question (or is reasonably anticipated to

potentially do so), the presumption is also that each of those persons “ought to have an equal and adequate opportunity to express her reasons for endorsing one outcome rather than another.”

Notice, however, that this implies that each person assume *responsibility* for granting each of the other persons this opportunity. There are various ways to see this. One is to notice that part of the *purpose* of having an opportunity “to express one’s reasons for endorsing one outcome rather than another” is to bring the others to understand one’s perspective. But to have that opportunity, friends – we easily recognize from lived experience – need to assume certain responsibilities, both “negative” and “positive” in character.⁸² On the negative side, for instance, they need to *refrain from certain kinds of possible interruption when others are trying to speak*. On the positive side, they need, for instance, to *make a sincere effort to try to understand the perspective that the speaker is trying to convey in offering her reasons*. Otherwise, the purpose of getting the others to understand her perspective is not well served. Indeed, perhaps, then, it is not served at all.

Now, this much is enough to suggest that, in a decision-making process that exhibits genuine mutual respect between or among persons, it is obviously the case that those persons have to grant certain (equal and adequate) opportunities to one another and assume certain (positive and negative) responsibilities in relation to one another. Might, then, our goal simply be to offer a “list” of these opportunities and responsibilities? Again, a better response, I think, is to notice how these reflections lay the basis for a “normative theory of the democratic process.” Recall that, for Dewey (as for Nelson Goodman and Hilary Putnam as well), theories are standards by which we judge the rightness or wrongness, or, as the case may be, adequacy or inadequacy, of the practices out of which the standards themselves emerge. More elaborately, they are standards that emerge out of *our inquiries into how our practices have fared under various circumstances*, which we in turn use to judge the rightness or wrongness, or adequacy or inadequacy, of the practices out of which the standards themselves emerge. And as we bring those standards to bear on modifying or rejecting (certain aspects of) our practices, so we (may come to) modify the standards that guide them too.

I can now offer an overview of what the ideal procedural criteria offer. Again, on my view, a normative democratic theory is something that we develop out of moral experience itself. As democrats, we start from the view that the members of the pertinent association ought to be treated as free and equal persons, hence with equal respect. We then look (for example) to joint or collective decisions among genuine friends as paradigmatic examples of decision-making processes in which the value of mutual or equal respect is exhibited. Again, what we find is that in such processes the participants grant certain (equal and adequate) opportunities to one another *and* assume certain (corollary positive and negative) responsibilities in relation to one another. More specifically, they do this in order to give equal consideration to, and to show equal concern and respect for, the good or interests of each of them. Indeed, at a certain level of abstraction, this, I submit, is what it *means* for a joint or collective (hence democratic) decision-making process to “exhibit the value of ‘equal respect.’” So, we begin with the democratic values of equal consideration, concern, and respect, translating these into ideal procedural criteria that specify the (equal and adequate) opportunities that participants ought ideally to grant one another *and* the (corollary) responsibilities that participants ought ideally to assume in relation to one

⁸² I do not mean to erect a sharp distinction between “positive” and “negative” responsibilities here. The terms are just meant as heuristics, useful for reasoning through a variety of different kinds of responsibilities that the participants to a joint or collective decision ought ideally to assume in order to treat one another with mutual or equal respect.

another. *In this way we build up our normative theory of the democratic process out of moral experience itself.*

Thus, the ideal procedural criteria articulated by a normative theory of the democratic process can be thought of as offering descriptions of the ideal, defining features of a process that gives equal consideration to, and that shows equal concern and respect for, the good or interests of each participant, hence that treats them as free and equal. And these “defining features” refer to the specific (equal and adequate) opportunities that the members of an association ought ideally to be granted (and to grant one another) *and* to the (corollary) responsibilities that they ought ideally to assume in relation to one another in order that they are so treated.⁸³

In sum, then, we begin with a commitment to the twin values of treating persons as free and as equal (which arguably justify the adoption of a democratic process in the first place); recognize that a sincere commitment to these values commits us to the presumptive means for realizing those values in collective decision-making; acknowledge that these “means” include crafting a process in which we grant certain (equal and adequate) opportunities to one another and assume certain (corollary positive and negative) responsibilities in relation to one another; acknowledge the need to articulate these opportunities and responsibilities; and so develop a normative theory of the democratic process that consists in the articulation of a set of “ideal procedural criteria” that does so. And in this way we indicate not only the *philosophic method by which we arrive at our normative theory* but also why democracy’s participants *should* (think they should) ideally carry out this first form of inquiry, that is, why they should develop a normative theory that clarifies their own democratic norms and values through informed reflection on paradigmatic moments of “treatment as free and equal” in joint or collective decision-making.⁸⁴

2.2.2 *The Second Task: Using Normative Democratic Theory as a “Tool” for Guiding Further Inquiry*

What, though, of the second task? Why should democracy’s participants not only develop a normative theory of the democratic process that clarifies their own democratic norms and values but also (think they should) *use* that theory as a “tool” for guiding further such inquiry? And what is meant by the suggestion that the ideal procedural criteria can help democracy’s participants to conduct empirical inquiries that illuminate how they might best uphold the norms and realize the values that *the theory itself helps them to articulate*? Let us start with the second of these questions. For, by addressing it, I can also clarify my response to the first of them.

Following the Deweyan considerations about the “proper” status and function of moral theory in moral practice adduced in section 1.3 above, my suggestion is that we should treat the ideal procedural criteria for a democratic process as criteria that “open situations up” to further inquiry. More specifically, we should treat them as opening situations up to inquiry into how, when acting in this or that particular situation, we might best uphold the norms and realize the values that the criteria themselves articulate, in that way clarifying what we (reflectively think

⁸³ Again, for simplicity, I am assuming here that “the members” is synonymous with “the participants” and “the decision-makers,” which is in turn synonymous with “those who are, or are reasonably expected to be, (somehow) importantly affected or bound by the policy in question.”

⁸⁴ As previously indicated, in chapter 5, I will offer my own normative theory in an effort to help *democracy’s participants* do so. But, at a minimum, these reflections should serve to indicate why, as I say, democracy’s participants should (think they) should develop such a theory in the first place.

we should there) mean by those norms and values. It is easiest to indicate what I mean here by way of an example.

Earlier I said that inquiry into those moments that are paradigmatic of when we are most likely to think and to feel that we are being treated as “free and equal” in joint or collective decision-making reveals that we think and feel this way *because the participants involved in that process grant certain (equal and adequate) opportunities to one another and assume certain (corollary positive and negative) responsibilities in relation to one another*. Correspondingly, I suggested that, in developing a normative theory of the democratic process, our task is to try to articulate these opportunities and responsibilities.

Now, without trying to articulate these opportunities and responsibilities here,⁸⁵ let me proceed by just making reference to the one procedural opportunity that I have already discussed.

As we’ve seen, inquiry into those moments that are paradigmatic of when we are most likely to think and to feel that we are being treated as “free and equal” in joint or collective decision-making reveals that, in those moments, participants grant one another, for instance, (equal and adequate) opportunities to express their respective reasons for endorsing one outcome rather than another and assume certain (corollary positive and negative) responsibilities in relation to one another. For instance, they *refrain from certain kinds of possible interruption when others are trying to speak* (a “negative responsibility”) and they *make a sincere effort to try to understand the perspective that the speaker is trying to convey in offering her reasons* (a “positive responsibility”).

Now, once we appreciate that informed reflection on these paradigmatic moments reveals the importance of these opportunities and responsibilities and suggests that democracy’s participants should develop a normative theory of the democratic process that articulates them, it is easy also to appreciate how such a theory can assist democracy’s participants in carrying out a second, closely related task: conducting empirical inquiries that illuminate how, in the particular context in which they do (have to) act, they might best grant the opportunities and assume the responsibilities articulated (or entailed) by the theory itself. The key, in short, is not only to see the criteria as *emerging out of empirical inquiry* and as *serving in turn to clarify what participants’ democratic norms and values are*; it is also to see those criteria, like other criteria, as *“opening situations up” to further such inquiry*, inquiry that allows participants to clarify what, in some particular context, (they reflectively think) their democratic norms and values (would) *mean* there, and how they might best uphold those norms and realize those values, grant the relevant opportunities and assume the relevant responsibilities.

Keeping this in mind, let us note a number of further insights gained through inquiry into paradigmatic moments of “free and equal treatment” in joint or collective decision-making, referring again to certain decisions made among genuine friends. Such reflection reveals not only that, in order to give equal consideration to, and to show equal concern and respect for, the good or interests of each of the participants, the participants grant certain (equal and adequate) opportunities to one another *and* assume certain (corollary positive and negative) responsibilities in relation to one another; it also reveals that:

⁸⁵ Again, however, in chapter 5 I do a set of ideal procedural criteria that articulates the principal opportunities that I think that lived experience with “free and equal treatment” indicates that a democratic process ought to grant participants (and that participants ought to grant one another), and that articulates the primary responsibilities that I believe it indicates that they should ideally assume.

- 1) Participants recognize that, in order effectively to grant one another such opportunities and to assume such responsibilities, they often need to adopt a specific *procedure* for doing so.
 - a. In, say, a group of five friends, much of the “work” involved in their collective decision-making process may well be done in a way that is highly informal, fluid, on-the-fly. However, even here we are not surprised if/when more “routinized” and “explicit” decision-making practices emerge, indeed, of the kind that start to look like “procedures.” (“Just make sure you run it by the rest of the guys before you go ahead with these kinds of things”; “It’s good always to talk about these things first”; “We’ve been trying to figure this out forever; let’s just put it to a vote likely we typically do”; “Whenever we’re divided like this, we just toss a coin”; etc.) And, even in groups of friends, if mutual respect *is* to be maintained, surely such procedures will develop, even if they remain largely tacit. Accordingly, we may presume that, in joint or collective decision-making that *does* “exhibit the value of mutual or equal respect,” procedures are needed and will be(come) manifest; and all the more so as the size of the “association” increases.
- 2) Participants recognize that there are certain moral, ethical, and intellectual *virtues* that would assist the participants to the process in granting such opportunities (or that would dispose them to do so) and that would assist them in assuming such responsibilities (or that would dispose them to do so), and that they would necessarily exhibit *were* they to grant such opportunities/assume such responsibilities.
 - a. For instance, they recognize that in order to grant one another equal and adequate opportunities to express their reasons for endorsing one outcome rather than another, each of them has to assume responsibility for (among other things) making a sincere effort to try to understand the perspective that the speaker-at-the-moment is trying to convey in offering her reasons. And they further recognize that, especially where participants are of strongly differing opinions on relevant matters (as is often the case even among genuine friends), certain moral or ethical virtues (like being “patient,” “kind,” and “tolerant”) assist them in assuming that responsibility (hence assist them in granting that opportunity), just as they recognize that, especially where participants are of strongly differing opinions on relevant matters, certain intellectual virtues (like being “self-aware,” “self-critical,” and “open-minded”) do so too.
 - b. Furthermore, they recognize that whenever they do grant such opportunities/assume such responsibilities (like the one just mentioned) they just *do* exhibit some such virtues.
 - i. For instance, if person 1 has a lot to say on issue X because he has “had a tough time of it here,” and a lot of what he has to say is “not easy to listen to,” persons 2-*N* just *will* “exhibit the moral/ethical virtue of patience” in listening to him – assuming that they *are* “listening to him,” in the genuine sense of “listening to someone.”
 - ii. Or, if person 1 has a lot of critical, even hostile, things to say about the behavior of persons 2-*N* in the group (say, that they are hypocritical in

certain respects or that they sometimes act self-interestedly in ways that prevent him from “feeling respected”), persons 2-*N* just *will* “exhibit the intellectual virtue⁸⁶ of open-mindedness” if they actually “hear him out” and genuinely “evaluate what he’s saying,” especially if they recognize that “there’s truth in it” and even more especially if they change their behavior in response to it.

- 3) And participants recognize that there are certain *cultural practices* that can promote a social environment that is conducive to the effective granting of such opportunities and to the effective assumption of such responsibilities, hence to the exhibition of the moral, ethical, and/or intellectual virtues that they would necessarily exhibit *were* they to grant such opportunities/assume such responsibilities.
- a. For instance, they recognize that no “procedure” alone (like voting, or bargaining, or deliberating, or flipping a coin) can ever ensure that, say, each participant assumes responsibility for trying to understand the perspective of the speaker-at-the-moment, hence can ever ensure that all participants have equal and adequate opportunities to express their reasons for endorsing one outcome rather than another. But they further recognize that there are practices in the broader culture that, in certain circumstances at least, can help to create a social environment that is more conducive to the effective assumption of the aforementioned responsibility, and so to the effective granting of the aforementioned opportunity.
- i. For instance, friends sometimes recognize that other friends tend not to verbally participate in an “equal” fashion with the other members of a friendship circle when that group makes decisions about (say) what events to attend together. (Perhaps the individuals in question are shy and deferential, or have had a history of conflict with other individuals from the group who are more assertive, and so are timid about expressing their opinions.) So, the former individuals sometimes consult the latter individuals *in advance of the discussion that will decide the matter* to see what their opinions are and to ensure that they get a “fair hearing” when the discussion does occur. (We might think of this as a kind of informal, selective consultation to “even out participation.”) Similarly, friends sometimes recognize that other friends cannot make the gatherings in which group decisions are often made as easily as other friends can (perhaps because of childcare obligations or long work hours). So, again, the former individuals sometimes consult the latter individuals *in advance of the discussion that will decide the matter* to see what their opinions are and to ensure that they get a “fair hearing” when the discussion does occur.

Furthermore, inquiry into paradigmatic moments of “free and equal treatment” in joint or collective decision-making reveals that:

⁸⁶ As this example indicates, the categories of “ethical virtues,” “moral virtues,” and “intellectual virtues” are not mutually exclusive. If, for instance, participants acted in the “open-minded” fashion depicted in this example, “open-mindedness” would surely be an ethical virtue, a moral virtue, *and* an intellectual virtue here.

- 4) Participants recognize that there is sometimes a *need* to inquire, and that they sometimes *do* inquire, into *the specific procedures* that, in the specific context in which they do (have to) act, are most likely to allow them effectively to grant such opportunities and to assume such responsibilities;
- a. For instance, I mentioned above that, even in small groups (say, of five friends), participants recognize that in order effectively to grant one another such opportunities (e.g. equal and adequate opportunities to express their reasons for endorsing one outcome rather than another) and to assume such responsibilities (e.g. trying to understand relevant social situations from each other's perspective), they often need to adopt a specific procedure for doing so. What is more, however, participants recognize that no *one* "procedure" is "best suited" to the granting of (say) the aforementioned opportunity and to the effective assumption of (say) the aforementioned responsibility. Accordingly, they recognize that there is a need to inquire, and so sometimes do inquire, into the specific procedure that, in the specific context in which they do (have to) act, is "best suited" to the effective granting of (say) that opportunity and to the effective assumption of (say) that responsibility.
 - i. So, in one context they might conclude that, on reflection, the "best way" for each of them to have equal and adequate opportunities to express their reasons for endorsing one outcome rather than another is just to put it to a quick vote via email, since circumstances are such that the "costs" of meeting up (or talking about the issue at length on the phone or online) outweigh the "benefits" of doing so, perhaps because there are severe time constraints; participants know the issue is divisive; and while they regard the decision as important enough for each of them to want each of the other participants to have an equal and adequate "say" in it, they also regard it as not so important that it is worth "the trouble" of trying to "go beyond" a quick vote. Perhaps the friends are in a foreign country together, where they don't have stable Internet or phone access. And perhaps they are temporarily in different states and the decision in question is where to meet up in order to travel to a further destination. Equally, however, the circumstances may shift (they may now find themselves with stable internet access), and they might then decide that "talking the issue through" via Skype is preferable to just "putting it to a vote" via a quick chain of emails.
 - ii. Furthermore, and sticking with the same hypothetical, similar comments can be made about how they might approach figuring out the "best way" for each of them to assume responsibility for trying to understand each other's perspectives on relevant social situations and activities. So, in the context where Internet/phone communication is highly strained, they might just say: "We'll do this in two emails. In the first one, everyone should just list a couple of reasons for preferring the one destination to the other destination (supposing there are just two choices at play). In a second email, each of us will then express our final choice, and we'll go with the majority vote." By contrast, supposing they now have stable

Internet access, they might instead decide to have “a good long chat about the two options via Skype.”

- 5) Participants recognize that there is sometimes a *need* to inquire, and that they sometimes *do* inquire, into *the specific virtues* that would assist the participants to the process in granting (or that would dispose them to grant) such opportunities and that would assist them in assuming (or that would dispose them to assume) such responsibilities;
- a. For instance, they recognize (as I said under 2a above) that in order to grant one another equal and adequate opportunities to express their reasons for endorsing one outcome rather than another, each of them has to assume responsibility for making a sincere effort to try to understand the perspective that the speaker-at-the-moment is trying to convey in offering her reasons. And they further recognize that, especially where participants are of strongly differing opinions on relevant matters (as is often the case even among genuine friends), certain moral or ethical virtues (like being “patient,” “kind,” and “tolerant”) assist them in assuming that responsibility (hence assist them in granting that opportunity), just as they recognize that, especially where participants are of strongly differing opinions on relevant matters, certain intellectual virtues (like being “self-aware,” “self-critical,” and “open-minded”) do so too. What is more, however, they also recognize that different virtues are more and less important to their ability to grant that opportunity/assume that responsibility in different contexts. And they recognize that they can’t adequately judge these matters in advance.
 - i. So, where some participants are frequently impatient with several other participants, one participant’s observations of the other participants’ interactions might lead her to see the need to “cultivate the virtue of patience” in selected participants, perhaps by repeatedly saying things like: “You guys have had plenty of space to express your opinions thus far. Donovan and Samantha should have their own opportunities now too; they likely have as much to say as you do, and deserve to have the space to say it.”
 - ii. Or, where some participants frequently seem incapable of understanding some other participants’ perspectives on relevant social situations and activities, one participant’s observations of the other participants’ interactions might lead her to see the need to think hard about what virtues might help the participants in question to assume that responsibility. On reflection, she might come to recognize that one of the principal reasons that some are frequently incapable of understanding other participants’ perspectives is that the participants in question are “close-minded” in certain respects; they aren’t capable of even listening to certain others’ perspectives on some issue X or Y. So, the participant who has made this observation comes to see the need to “cultivate the virtue of open-mindedness” in selected participants, perhaps recurrently saying things like: “I know it seems that way from your perspective, but you have to consider it from Samantha’s perspective; she’s had a tough time of it and has learned some valuable

lessons that are worth considering.” Or: “I used to think just like you do on this issue, but listening to Donovan these last few months has made me realize that I was mistaken. You might witness a similar change of thought were you actually to listen to him carefully.”

- 6) And participants recognize that there is sometimes a *need* to inquire, and that they sometimes *do* inquire, into the *cultural practices* that can promote a social environment that is conducive to the effective granting of such opportunities and to the effective assumption of such responsibilities.
- a. For instance, they recognize, as I said under 3a above, that no “procedure” alone can ever ensure that, say, each participant assumes responsibility for trying to under the perspective of the speaker-at-the-moment, hence can ever ensure that all participants have equal and adequate opportunities to express their reasons for endorsing one outcome rather than another. But they further recognize that there are practices in the broader culture that, in certain circumstances at least, can create a social environment that is more conducive to the effective assumption of the aforementioned responsibility, and so to the effective granting of the aforementioned opportunity. And, what is more, they also recognize, I now emphasize, that different cultural practices are more and less likely in different contexts to promote (for instance) the effective assumption of the aforementioned responsibility, hence are more and less likely, in those respective contexts, to promote the effective granting of the aforementioned opportunity.
- i. So, friends sometimes recognize that other friends tend not to verbally participate in an “equal” fashion with the other members of a friendship circle when that group makes decisions about (say) what event to attend together. (Perhaps the individuals in question are shy and deferential, or have had severe conflicts with other individuals from the group, hence are timid about expressing their opinions.) So, the former individuals sometimes consult the latter individuals *in advance of the discussion that will decide the matter* to see what their opinions are and to ensure that they get a “fair hearing” when the discussion does occur. (Again, we might think of this as a kind of informal, selective consultation to “even out participation.”) At other times, however, friends sometimes recognize that other friends cannot make the gatherings in which group decisions are often made as easily as other friends can (perhaps because of childcare obligations or long work hours). So, for that reason, the former individuals might again consult the latter individuals *in advance of the discussion that will decide the matter* to see what their opinions are and to ensure that their opinions get a “fair hearing” when the discussion does occur. Yet, what I would now add is that some given participant, for instance, might come to see that this strategy is not enough in some particular case. For instance, he might come to realize that “Donovan really needs to be there to speak for himself; nobody can quite do it the way that he does! Plus, I don’t really have much of a stake in this issue, so why don’t I just pick his kids up from the soccer game and let him

attend the meeting instead? I'm happy to go with whatever the group thinks on this issue."

Finally, informed reflection on paradigmatic moments of "free and equal treatment" in joint or collective decision-making" also reveals that:

- 7) Participants' conceptions of the opportunities in question and of the responsibilities in question "guide them" as they move into novel circumstances, from one unique, problematic situation to another. However,
- 8) Participants don't view those conceptions as offering *fixed* rules or prescriptions for upholding a norm (or a number of norms) and/or for realizing a value (or a number of values). Rather,
- 9) Participants view each such conception as offering an abridgement of a variable practice (or of a variable cluster of practices) for upholding a norm (or a number of norms) and for realizing a value (or a number of values), one that always needs to be *interpreted* in, and often *adjusted* to the exigencies of, a particular situation, rather than just "applied" to it, as if it were the case that it had a *fixed* "content."
 - a. Points seven through nine were already suggested by the discussion of points four through six (as well as by the discussion in chapter 3, "Practical Reasoning is About a Unique Context.") But, as I indicate below, they are worth making explicit here.

Taken together, points six through nine suggest that informed reflection on moments that are paradigmatic of when we are most likely to think and to feel that we are being treated as "free and equal" in joint or collective decision-making reveals that we treat a claim such as "participants should grant one another equal and adequate opportunities to express their reasons for endorsing one outcome rather than another" as a "tool" for practical reasoning, which "guides" empirical inquiry into what (we reflectively think) our democratic norms and values might *mean* in whatever context we do (have to) act, that is, into how we might best uphold those norms and realize those values in that context. It reveals, in other words, that we treat such a claim as a hypothesis about the conditions in which "free and equal treatment" is apt to occur, one which we refine on an as-needed basis by inquiring into *the specific procedures, virtues, and cultural practices that are "best suited" to the context in question.*

So, in sum, inquiry reveals not only that, in paradigmatic moments of free and equal treatment in joint or collective decision-making, we recognize that we think and feel that we are being treated as such *because* we are being granted certain (equal and adequate) opportunities and assuming certain (corollary positive and negative) responsibilities in relation to one another; it also reveals that we recognize the *need* to inquire, and, as appropriate, that we actually *do* inquire, into the procedures, virtues, and cultural practices that, in the particular context in which we do (have to) act, are most apt to promote the effective granting of those opportunities and the effective assumption of those responsibilities. That is why I say that, ideally speaking, democracy's participants *should* (think they should) develop a normative democratic theory that clarifies their own democratic norms and values through informed reflection on paradigmatic moments of "treatment as free and equal" in joint or collective decision-making, *and* why I say that they should (think that they should) *use* that theory as a "tool" for guiding further inquiry (inquiry into what [they reflectively think] their democratic norms and values *mean* in some

particular context). In other words, it is why I say that democracy's participants should ideally carry out the two main tasks that I've repeatedly referred to: first, developing a normative democratic theory that clarifies what their own democratic norms and values are; and, second, conducting empirical inquiries that illuminate how, in some particular context, they might best uphold the norms and realize the values that the theory itself helps them to articulate.

2.3 Normative Democratic Theory in Action: A Brief Illustration of the Logic

Now, seeing normative democratic theory as a tool for practical reasoning in this way, we can easily appreciate that, in "using" that theory, we move back and forth between "the level of theory" and "the level of practice," recognizing that, in the way I've already suggested, the theory itself has emerged out of practice and is treated experimentally within it. Hence, in any given case democracy's participants would ideally ask: What might it mean, in this particular context, for "*the process*" to grant us the (equal and adequate) opportunities specified by our theory and what would it mean for *us* to do so? Likewise, what might it mean for us to assume the responsibilities specified (or entailed) by our theory? And what are the consequences of our actually doing or not doing so – of our granting or not granting those opportunities to varying degrees and of our assuming or not assuming those responsibilities to varying degrees?

These questions cannot be answered, we now recognize, through abstract reasoning alone; rather, they *themselves* require empirical inquiry. Recalling the discussion from section 1.3 above, we notice, however, that we can use our theory as a kind of "map," indicating, at least in broad strokes, a good deal of what, given our basic democratic norms and values, we *should* look out for in any particular case. (If we were *only* to bring to the situation at hand the democratic norm of equal consideration, concern, and respect, surely we would be less well equipped than with our "map" in hand.)

As we've seen, our ideal procedural criteria indicate that equal consideration, concern and respect are shown when participants are granted, for instance, "equal and adequate opportunities to express their reasons for endorsing one outcome rather than another." Thus, participants do not go into a situation of collective decision-making with *no* "concrete" conception of what "equal consideration, concern, and respect" might mean here. As there are stabilities in (moral) experience, so they can formulate general (moral) ideas about how best to act in (relevantly) similar situations, e.g., in contexts that are diverse but that all call for "binding" decision-making (in, say, the loose sense specified in section 2.2.1 above). And again, the idea that participants should have (equal and adequate) opportunities "to express their reasons for endorsing one outcome rather than another" is precisely one such idea. However, the map only "guides them" to that expectation; it does not "tell them," for instance, what, in practice, *equal and adequate such opportunities would precisely mean here*. To make such a judgment, they would need to inquire into, for instance: how many people will be participating; what, if any, major differences there are among those persons with respect to speech impediments; what, if any, major differences there are among them in terms of educational levels and socio-economic statuses; and so forth.

Suppose, for instance, that there are typically 20-some participants in a regularly held parent-teacher meeting. At first, the participants involved in crafting the decision-making process for that meeting might formulate a *procedural requirement* according to which, in the forum in question, each person will have five minutes in which to offer her reasons in support of some

proposal.⁸⁷ However, they might then realize that two individuals have severe speech impediments. This might push them to recognize that, in practice, five minutes would neither amount to an “adequate” opportunity nor to an “equal” one. So, they revise the *procedural requirement* to accommodate these two individuals, affording them more time to speak.

Suppose now that there is a facilitator for the meeting, and suppose that, based on past experience, the facilitator perceives that participants sometimes lose patience with individuals who have severe speech impediments. This leads them, she has noticed, to begin chattering in the space in which the meeting is held. With the aid of our approach to normative democratic theory, let us suppose that she comes now to reason as follows.

For a process to treat all participants with equal consideration, concern, and respect, all participants should be granted (inter alia) equal and adequate opportunities to express their reasons for endorsing one outcome rather than another. But there are two individuals with severe speech impediments. Therefore, she concludes that the *procedural requirement* should indeed be amended as indicated above. However, she also recognizes that *procedural opportunities* have (corollary) *procedural responsibilities*.⁸⁸ For instance, part of the purpose of each participant having the opportunity in question is, she recognizes, to try to get the other participants to understand the perspective that the speaker is trying to convey in offering her reasons for a certain outcome. Hence, other participants should assume *responsibility* for trying to understand that perspective. Furthermore, the facilitator recognizes that to the extent that participants assume this responsibility, they exhibit, among other things, *the virtue* of “patience.” Equally, she recognizes that, on average, “patient individuals” will be more likely than “impatient individuals” to be able to *assume* responsibility for trying to understand that perspective. But she recognizes that the behavioral tendency previously referred to – the tendency of some participants to start chattering when those with speech impediments are speaking – prevents them from exhibiting this virtue; undermines their ability to assume the responsibility in question; and undermines the effective granting of the opportunity in question. So, she begins the discussion with a reminder to everyone to exercise due patience in listening to *everyone’s* presentations. Furthermore, let us suppose that the tactic “works,” that there is (say, experimental) evidence (from this organization’s own meetings or other organizations’ meetings) that suggests that the issue in question is significantly less likely to occur in those meetings that are preceded by the reminder as compared to those that those are not. So, the reminder becomes a regular feature of the meetings, becomes “institutionalized in its ‘procedure.’”

Now, suppose that survey data indicates that regular participants to our imaginary parent-teacher meetings come from a very broad range of socio-economic backgrounds, but also that participation is biased toward higher status groups. Furthermore, suppose that ethnographic evidence from the meetings indicates, not surprisingly, that members of lower status groups (say, the very poor) are significantly less likely to participate verbally in the meetings. The facilitator might then ask: Are there any *cultural practices* that we might employ to “even out participation,” that is to say (among other things), to make the opportunity to offer one’s reasons in support of a proposal more “equal” and “adequate” in relation to others’ opportunities to do

⁸⁷ I use the term “procedural requirements” to refer to specific, codifiable rules that, until they are modified at least, are seen as “binding” on all participants. I use the term to differentiate such rules from the broader democratic “procedure” or “process” of which they may be a part, since, as these latter two terms are sometimes used, such “procedures” and “processes” may, indeed almost certainly will, have other, non-codifiable “features,” like informal greetings and ad-hoc breaks.

⁸⁸ These are shorthand terms for, respectively, the opportunities specified by our ideal procedural criteria and the responsibilities specified (or entailed) by them.

so? Here she concludes that, based on previous research, there is some reason to believe that “deliberative” decision-making processes that begin with storytelling sometimes make it easier for lower-status persons to participate.⁸⁹ So, as the facilitator, she proposes to employ this as a *cultural practice* in each forum to encourage “more even participation.” And again, let us suppose that (say, experimental) evidence suggests that such persons are significantly more likely to participate verbally in the meetings that begin with a period in which participants are encouraged to tell pertinent stories. So, the practice becomes a regular feature of the meetings, again being “institutionalized in its ‘procedure.’”

These comments serve to indicate, I hope, how normative democratic theory can function as a “tool” for practical reasoning about how best to act in whatever specific, unique contexts democracy’s participants do (have to) act. More specifically, they serve to indicate, I hope, that normative democratic theory can not only help democracy’s participants to clarify what their own democratic norms and values are, but also that it can provide “guidance” about how to conduct empirical inquiries that help them, in whatever specific contexts they do (have to) act, to uphold those norms and to realize those values better than they otherwise might have.⁹⁰

Concluding Remarks

In this chapter, our main aim has been to clarify the “proper” status and function of normative democratic theory in democratic practice. As discussed in Section I, the “proper” status and function of moral theory in moral practice is much in dispute, and, in consequence, so is the “proper” status and function of *normative democratic theory in democratic practice*. In response to this problem, the paper has developed the idea that normative democratic theory ought to be viewed as a “tool” for practical reasoning, one that can assist democracy’s participants in carrying out the two principal tasks just mentioned at the end of Section II.

To develop these ideas, the paper discussed John Dewey’s “empirical-instrumentalist” approach to moral theory, juxtaposing it with two more familiar approaches: what I respectively referred to as the “generalist” approach and the “particularist” approach. The “generalist” approach is to articulate moral rules, laws, and/or principles that are purportedly universal in scope and that purportedly “tell us” how we are to act in cases of a particular kind. Again, the principal aim of moral theory is, here, to articulate *the* “true,” *the* “correct,” universal moral rules, laws, and/or principles. Hence, to the extent that we reason properly, we are said to “discover” universal moral rules, laws, and/or principles. By contrast, the “particularist” approach rejects the idea of moral principles altogether or, at a minimum, holds that, in moral deliberation, there need be no attempt to bring such principles to bear on particular situations. Sound moral judgment is non-codifiable, and can only be found as one decides particular cases.

In this chapter, I have suggested that normative democratic theory is a *kind* of moral theory, and that a Dewey-inspired approach to it is more appropriate than either a generalist *or* a particularist one. Dewey’s approach, we saw, is well described as an “empirical-instrumentalist” one. It is “empirical” in the sense that moral theory is said properly to emerge out of (anthropological-interpretive) empirical inquiry into our *actual* moral practices, or, into relevant aspect of *actual* “moral experience.” And it is “instrumentalist” in the sense that theory is self-consciously treated as a “tool” for aiding intelligent, situated action. Like the generalist, Dewey’s approach recognizes the need for moral principles that are broad in scope. With the particularist,

⁸⁹ Steiner (2012: chapter 2).

⁹⁰ Two additional hypothetical examples (much more extensive than the above example) will be given in chapter 7.

however, Dewey also recognizes that sound moral judgment responds to the exigencies of particular situations and is, therefore, non-codifiable. Hence, a Dewey-inspired approach to normative democratic theory is sensitive to the need for such theory to balance a *kind* of generalism with a *kind* of particularism.

At the same time, however, his approach avoids several of the major problems associated with the other two approaches. On the generalist side, Dewey's approach avoids having to "ground" its principles on anything that isn't "empirically based": for instance, on revelation, intuition, or pure reason. Accordingly, it sidesteps the well-known problems with "foundationalism" in moral-ethical theory. On the particularist side, Dewey's emphasis on the unique, the concrete, the qualitative aspects of our moral problems and dilemmas might lead us to see him as a precursor to moral or ethical particularism. But while Dewey's moral-ethical thought does bear certain affinities with particularism, there are, we saw, important differences as well. As with generalism, the most important of these concern his conception of the role of moral theory in moral practice. Unlike the particularist, Dewey avoids the problematic conclusion that we should abandon ethical or moral "theory" altogether. While Dewey thinks of our theories as "tools" that can aid intelligent, situated action, he also recognizes that tools can never "solve" problematic situations *by themselves*. Yet, so long as they are adapted and refined on an as-needed basis, they can surely be *useful* in the effort to mitigate them.

Chapter 5

Toward a Normative Theory of the Democratic Process: Deliberative Reinterpretations of Dahl's "Criteria for a Democratic Process"

Introduction

In the last chapter, the aim was to clarify the “proper” status and function of normative democratic theory (of a “normative theory of the democratic process”) in democratic practice. In this chapter, the aim is now to *develop* a specific normative theory of the democratic process. The chapter does so by juxtaposing Dahl’s normative democratic theory with insights gleaned from informed reflection on paradigmatic moments of “treatment as free and equal” in joint or collective decision-making. In doing so, the chapter indicates the benefits of an anthropological-interpretive approach to developing our normative theory of the democratic process.

In *Democracy and Its Critics*, Robert Dahl offers his own “theory of the democratic process.”¹ Dahl’s theory is an attempt to articulate the ideal, defining features of a process for “binding,” collective decision-making that treats citizens as “political equals.” The theory is based on two major assumptions and two major premises that derive from those assumptions.

Briefly stated, the first assumption is that persons are, in some sense, “intrinsically equal.”² Accordingly, the first premise is that if we regard persons as being, in some sense, “intrinsically equal” (that is, if we endorse the “Idea of Intrinsic Equality”), it follows that, when rendering “binding”³ collective decisions, the processes by which our associations govern themselves ought to give “equal consideration” to the good or interests of those who are “bound

¹ Dahl (1989). Dahl's theory is meant to apply to a broad variety of associations, not just the state (1989: 106-7, 130). Here, I'll follow Dahl in developing a normative theory of the democratic process that is meant to apply to a broad range of associations, wherever: first, there is a need for "binding" collective decisions; and second, the assumptions justifying the adoption of a specifically *democratic* political order may be said to apply. As Dahl (1989: 130) writes, "the assumptions [justifying the adoption of a democratic political order] and the criteria for a democratic process do not specify any particular kind of association. The implication is that in *any* association for which the assumptions are valid, the democratic process, and only the democratic process, would be justified." The “assumptions” here referred to are discussed in section II below. And the “criteria for a democratic process” here referred to – which, as Dahl (1989: 106) says, “follow from the assumptions” – are discussed in section III.

² For discussion of this assumption, see Dahl (1989: chapter 6).

³ For the purposes of this chapter, I follow Dahl in understanding “binding” collective decisions in this way. Associations, Dahl (1989: 106-7) writes, need “to adopt policies, with which members will be obligated to act consistently. Ordinarily, their obligation to act consistently with the policies of the association is expressed in a rule or a law that includes penalties for noncompliance. Because members are obligated to obey the rules or laws, the decisions may be said to be *binding*.” However, “that decisions are binding does not imply that the association is necessarily coercive, employs the threat of violent sanctions to bring about compliance, or possesses other similar characteristics that are often used to distinguish a state from other sorts of associations. Although the government of the association might create an expectation that violators will be punished by officials, in some circumstances decisions might be binding without punishments by officials or even by other members. To evoke an expectation of divine or magical sanctions might be sufficient. Or the mere process of enacting or announcing a rule might cause enough members to adopt it as a principle of conduct to produce a quite satisfactory level of compliance. In short, although the association could be a state in the sense of a coercive order, it might not be; likewise the government of the association need not be the government of a state. Thus we can describe a general theory of the democratic process applicable to associations whether or not they constitute a state.”

by,” or “subject to,” those decisions. Briefly stated, the second assumption is that the adult members of our respective associations are presumed to be “autonomous” – that is, are presumed to be the best judges of, and the most reliable defenders and promoters of, their own good or interests.⁴ Accordingly, the second premise is that if we maintain that the adult members of our respective associations are presumed to be autonomous (that is, if we endorse the “Presumption of Personal Autonomy”), we should also assume that they are adequately qualified to participate in the processes by which those associations govern themselves. Hence, as I proposed we should do in chapter 4, Dahl’s theory explicitly starts from the twin values that arguably justify the adoption of a democratic process in the first place: the “values” of treating persons as “free” and as “equal,” or as “autonomous moral equals.”

Taking the aforementioned assumptions and premises together, Dahl offers four “criteria for a democratic process.”⁵ Again, the criteria are meant as descriptions of the ideal, defining features of “binding,” collective decision-making processes that treat citizens as “political equals,” or, what is to say the same thing for Dahl, as persons who are intrinsically equal and autonomous, and so as persons who ought to have certain equal and adequate opportunities for participation in those processes, which are to give equal consideration to the good or interests of each of them.

In this chapter, I suggest that we should endorse Dahl’s major assumptions, but reconsider certain of the implications of our doing so. More specifically, I suggest that if we endorse the Idea of Intrinsic Equality and the Presumption of Personal Autonomy, we should also endorse a “deliberative” conception of democratic decision-making. That is, if we adopt the two major assumptions (as a very broad range of democrats apparently do), we not only have reason to adopt the Principle of Equal Consideration of Interests (in qualified form⁶) and to offer the citizens or members of our respective associations certain equal and adequate opportunities for participation in the processes by which those associations render “binding,” collective decisions; *we also have reason to maintain that those processes should be self-consciously “deliberative” ones.*

Accordingly, I propose to revise Dahl’s criteria. Informed reflection on paradigmatic moments of “free and equal treatment” in joint or collective decision-making suggests that persons who regard each other as intrinsically equal and autonomous owe each other *justifications* for their expressed policy preferences. Therefore, they should ideally assume a number of *responsibilities* related to such justification. So, I suggest that, in making “binding”

⁴ For discussion of this assumption, see Dahl (1989: chapter 7).

⁵ These four criteria are presented and defended in chapter 8 of Dahl (1989), entitled “A Theory of The Democratic Process.” In chapter 9 (“The Problem of Inclusion”) of that volume, Dahl offers a fifth criterion, which concerns the constitution of the demos itself. Here, we do not take up this fifth criterion, mainly because I intend my normative democratic theory as a tool for practical reasoning about how to create a “democratic process” in a *variety of associations*, not just in “the state.” (As noted above, so does Dahl. However, the fifth criterion, as he articulates it, specifically concerns *inclusion in the state.*) And different such institutions will and should be constituted according to different criteria. So, for this reason (and for reasons of scope), I just consider Dahl’s first four criteria, and set aside the issue of what specific criterion we should invoke regarding “inclusion” in any particular association or demos. Hence, what I offer here is actually best described as a “normative theory of the democratic process *in relation to a demos,*” where a “demos” can refer to the citizens of a state *or* to the members of a non-state association. Only when a fifth criterion, concerning the constitution of the demos, is included do we have what I would call a “normative theory of the democratic process” as a whole.

⁶ In Section III, I suggest that we should revise this principle, renaming it the Principle of Equal Consideration of, and Concern and Respect for, the Good or Interests of Relevant Persons. Until Section III, however, I will simplify, just stating (or implying) that “we endorse” the Principle of Equal Consideration of Interests.

decisions, the participants to any ostensibly “democratic process” should ideally assume responsibility for offering one another (and those they [ought to] represent) justifications for their expressed preferences as to the final outcome of that process. That is, in order to treat one another (and those they [ought to] represent) as intrinsically equal and autonomous, those persons should engage in a “moral dialogue and deliberation” with one another, seeking out what Amy Gutmann and Dennis Thompson have referred to as “mutually acceptable” and “generally accessible” reasons for their expressed policy preferences.⁷ Ideally, each participant should accept responsibility for seeking out such reasons (and, indeed, for assuming certain further, more specific responsibilities that follow from one’s doing so). On my account, that is part of what it *means* for participants “to treat one another as ‘political equals,’” or, as persons who are intrinsically equal and autonomous, and so as persons who ought to have certain equal and adequate opportunities to participate in “binding,” collective decision-making processes that give equal consideration to (and, indeed, that show equal concern and respect for⁸) the good or interests of each of them. And, by implication, it is part of what it *means* for “the democratic process” to “treat citizens (or members) as political equals” too.

So, I propose a number of “deliberative reinterpretations” to Dahl’s criteria for a democratic process. As he articulates them, the criteria only specify certain *opportunities* that, ideally speaking, the citizens or members of an association ought to be granted. By contrast, I maintain that informed reflection on paradigmatic moments of “treatment as free and equal” in joint or collective decision-making suggests that the criteria should also articulate the principal *responsibilities* that, ideally speaking, participants ought to assume in relation to one another, and, indeed, to those they (ought to) represent. In this way we are led from Dahl’s own major assumptions to a *deliberative* conception of the democratic process.

I. On the Relevance of a Certain Tendency in Democratic Thought

Now, before turning to the discussion of Dahl’s criteria and how he arrives at them, I want to take note of a certain tendency in democratic thought that will help to motivate the discussion that follows. I refer to the tendency discussed in the Introduction and in chapter 1, namely, the tendency to focus either on (ideal) procedures/procedural criteria, *or* on civic virtues, *or* on cultural practices that would arguably facilitate a more inclusive democratic process. And, in point of fact, this tendency, as we saw in chapter 1, is evident in Dahl’s “theory of the democratic process.” Briefly, let’s recall at how this is so, trying to make clear why it is important that we notice it.

As indicated, Dahl offers four “criteria for a democratic process.” The criteria are “standards – ideal standards, if you like – against which procedures proposed ought to be evaluated in any association to which the assumptions [“justifying a *democratic* political order” may be said to] apply.”⁹ “The criteria specify that citizens...ought to have equal and adequate *opportunities* to act in certain ways.”¹⁰ Nevertheless, Dahl also notes that he “can readily imagine” a certain objection to “this formulation.” The objection might go like this:

⁷ See Gutmann and Thompson (2004), especially chapter 1. For my own brief interpretation and defense of this terminology, see section III below.

⁸ Dahl does not speak of “equal concern and respect for the good or interests” of citizens. As intimated by note 6 above, I add this clause below (in Section III).

⁹ Dahl (1989: 108-109). Again, these assumptions are discussed in section II below. They refer to the Idea of Intrinsic Equality and the Presumption of Personal Autonomy.

¹⁰ Ibid. 114.

An opportunity to act to do something [in a certain way] necessarily implies that one might choose *not* to act [in that way]. If the democratic process is desirable, then should the criteria not specify *duties* as well as opportunities – duties of the citizen to participate, to vote, to become informed, and the duty of the demos to determine how the agenda is to be decided? While I believe that the democratic process does imply duties like these, they are moral duties. They take their place among an array of obligations, rights, and opportunities that would confront citizens in a democratic order. I cannot say that it would always be wrong for a citizen to choose not to fulfill the political obligations implied by the criteria of the democratic process. It seems to me more consistent with the Presumption of Personal Autonomy and with freedom of self-determination and moral autonomy to ensure that citizens have the freedom to choose how they will fulfill their political obligations.¹¹

Now, it is not my intention to criticize this line of reasoning. Indeed, as far as it goes, I believe it is basically plausible. However, I want to raise a certain problem with our leaving it as it stands.

As the above suggests, Dahl's theory contents itself with: an articulation of the equal and adequate opportunities that citizens ought to be granted; a recognition that his theory does, however, seem to imply certain "duties"; and a further stipulation that it is best to leave it to citizens themselves to weigh those duties against the other obligations, rights, and opportunities that they (would) confront in a "democratic political order." Now, what I want to emphasize is that *in* so contenting itself, his theory focuses exclusively on the *ideal procedural criteria* that he believes are best fitted to the realization of the basic aim of treating citizens or members as political equals.¹² And, notice, these "criteria" are understood as properly articulating – and as only articulating – the equal and adequate opportunities for participation that citizens ought to have.¹³ Thus, Dahl's theory does not incorporate any explicit discussion of the responsibilities that, *based on the very same two assumptions and the very same two premises that he offers in defense of our granting those opportunities*, participants ought ideally to assume.

Correspondingly, the theory offers no reflections on the virtues that would assist participants in assuming (or that would dispose them to assume) those responsibilities and that would assist them in granting (or that would dispose them to grant) the equal and adequate opportunities that the theory specifies, or that participants would necessarily exhibit *were* they to assume those responsibilities/grant those opportunities. Nor does it offer any reflections on the cultural practices that, if they were somehow incorporated into the democratic process, would arguably assist the participants in assuming (or that would arguably dispose them to assume) the responsibilities that they ideally should assume and that would arguably promote the effective granting of the opportunities that the theory specifies. In short, this is why I have suggested that Dahl's theory exhibits the tendency in democratic thought that I've identified. Accordingly, my aim here is to remedy this shortcoming, revising Dahl's criteria for a democratic process so as to take account of the primary responsibilities that citizens ought ideally to assume, and that participants would necessarily exhibit *were* they to do so. (This, in turn, will provide resources for thinking about the virtues that would assist them in assuming those responsibilities and in

¹¹Ibid. 115.

¹² As indicated, Dahl actually refers to his "criteria for a democratic process" as "standards" or as "ideal standards," not as "ideal procedural criteria." However, the latter term is consistent with his intent and is the term that I use in various other chapters. So, for simplicity, I'll use the latter term here too.

¹³ This will become evident in section III, where we will consider these criteria at some length.

granting those opportunities and in thinking about the cultural practices that would promote the effective assumption of those responsibilities and the effective granting of the opportunities in question.¹⁴) Among these ideal responsibilities, we'll see, is the responsibility that participants have for seeking out "mutually acceptable" and "generally accessible" reasons for their expressed policy preferences. For again, that is part of what I take it to *mean* for them "to treat one another as 'political equals.'" And, by implication, it is part of what it *means* for a "democratic process" to do so too.

II. Justifying the Adoption of a Democratic Process

So, following Dahl, let us begin by setting out the grounds on which we might hope to justify the adoption of a democratic process.

The first assumption refers to an idea that we might call the Idea of Intrinsic Equality. As Dahl suggests, the idea is arguably "so fundamental that it is [simply] presupposed in most moral argument."¹⁵ While the basic idea is familiar, it nevertheless comes in a variety of forms.

To Locke, [for instance,] intrinsic equality evidently means that no one is naturally entitled to subject another to his (or, certainly, to her) will or authority. It follows that "no one can be...subjected to the Political Power of another without his own *Consent*"... To some, however, intrinsic equality means that all human beings are of equal intrinsic worth, or, put the other way around, that no person is intrinsically superior to another. To John Rawls, who finds the idea that human beings are of equal intrinsic worth excessively vague and elastic, their intrinsic equality consists rather of the capacity for having a conception of their good and acquiring a sense of justice. To others, intrinsic equality means that the good or interests of each person must be given equal consideration; this is the well-known Principle of Equal Consideration of Interests...¹⁶

Here, the differences among the interpretations of the Idea of Intrinsic Equality that Dahl cites in this passage need not detain us.¹⁷ Rather, let us focus on the Principle of Equal Consideration of Interests, which evidently derives from that idea. For arguably, it is this "implication" of the Idea of Intrinsic Equality that is most relevant to democratic theory.

What might that principle imply? The answer to this question is hardly self-evident. But:

¹⁴ In this chapter, I focus on the responsibilities that participants should ideally assume. In chapter 7, I develop the claim about how this discussion of responsibilities provides us with resources for reasoning about the virtues that would arguably assist participants in assuming (or dispose them to assume) those responsibilities and that would arguably assist them in granting (or dispose them to grant) the opportunities that they should ideally grant one another, or that they would necessarily exhibit *were* they to do so. There, I also develop the claim that this discussion provides us with resources for reasoning about the cultural practices that would arguably assist participants in assuming (or dispose them to assume) those responsibilities and that would arguably assist them in granting (or dispose them to grant) the opportunities that they should ideally grant one another.

¹⁵ Dahl (1989: 84-85).

¹⁶ *Ibid.* 85.

¹⁷ I say this because, on any plausible interpretation of the views that Dahl summarizes here, it follows, as an ideal principle, that "the good or interests of each person [who is subject to a "binding," collective decision-making process] must be given equal consideration." (Of course, what counts as a "binding," collective decision-making process will be controversial. But dealing with that important issue would move us beyond the scope of this dissertation.)

To begin with, it [evidently] implies that during a process of collective decision-making [in some particular association], the interests of every person who is subject to [or “bound by”] the decision must (within the limits of feasibility) be accurately interpreted and made known. Obviously, without this first step, the interests of each “subject” could not be considered, much less given *equal* consideration. Yet the principle [taken by itself] does not imply that the “subject” whose interests must be considered should also be the “interpreter.” Nor need the interpreter necessarily be the decisionmaker.¹⁸

“Standing alone,” therefore, “the Idea of Intrinsic Equality is not robust enough to justify much in the way of conclusions – and certainly not democracy.”¹⁹ For “nothing in the assumption of intrinsic equality [or in the Principle of Equal Consideration of Interests that is premised on it] implies that [those whose interests are to be given “equal consideration”] are the best judges of their own good or interests.”²⁰ Indeed,

Suppose it were true that a few people...not only understood much better than the others what constitutes their individual and collective good, and how best to bring it about, but could be fully trusted to do so. Then it would be perfectly consistent with the Idea of Intrinsic Equality to conclude that these persons of superior knowledge and virtue...should rule over all the others. Even more: if the good of each person is entitled to equal consideration, and if a superior group of guardians could best ensure equal consideration, then it follows [on the assumption that we endorse the Idea of Intrinsic Equality and the Principle of Equal Consideration of Interests] that guardianship would definitely be [relatively] desirable, and democracy just as definitely be [relatively] undesirable.²¹

Therefore, our first major assumption (the Idea of Intrinsic Equality) and our first major premise (the Principle of Equal Consideration of Interests) need to be accompanied by a second major assumption and a second major premise. And to arrive at a clear view of the importance of our endorsing these, we could extend what has already been said by reasoning thus:

Democracy – rule by the people – can be justified only on the assumption that ordinary people are, in general, *qualified* to govern themselves. For it seems self-evident that people ought not to govern themselves if they are not qualified to do so. After all, because we believe that children are not qualified to govern themselves we insist that they be governed by others who, we presume, are more qualified to do so.²²

It seems, then, that in order to arrive at a justification for a democratic process, we need to adopt an assumption to the effect that, in general, the members of the pertinent association *are* (reasonably presumed to be) so qualified. Perhaps we could state the assumption like this:

¹⁸Ibid. 86-77.

¹⁹ Ibid. 87.

²⁰ Ibid. 87.

²¹Ibid. 88.

²²Ibid. 97.

no person is, in general, more likely than yourself to be a better judge of your own good or interest[s] or to act to bring it about. [This, in brief, is Dahl's second major assumption.] Consequently, you should have the right to judge whether a policy is, or is not, in your best interest. [This is the closest Dahl comes to stating the second major premise in the chapter from *Democracy and Its Critics* that we are reviewing.²³] The assumption is, further, that what holds for you holds, generally speaking, for other adults. By a "policy" I mean a decision to adopt certain *means* to bring about certain *results*. On this assumption, then, no one else is more qualified than you to judge whether the results are in your [best] interest – both the results expected from a decision before it is taken and the actual results following the decision. You may choose to delegate the choice of *means* to those you judge to be more qualified than yourself to select the most appropriate means. But you could not, without acting contrary to the assumption [and the second major premise], yield your right to judge whether the results (intended and actual) were in your interests.²⁴

To state the second major assumption more succinctly, we might just say: "In the absence of a compelling showing to the contrary everyone should be assumed to be the best judge [and most reliable promoter and defender] of his or her own interests."²⁵ With Dahl, we might call this simply the Presumption of Personal Autonomy. By assuming this, we agree that, if we also endorse the Idea of Intrinsic Equality and the Principle of Equal Consideration of Interests,

each adult person whose interests are involved in the outcome ought to have the right to specify what those interests are...if A holds that her interests are best served by policy x rather than policy y, then insofar as the rules and procedures are intended to take A's

²³ But, as stated, it is not the second premise. Again, the second major premise, on my reading, is that if we maintain that the adult members of our respective associations are presumed to be "autonomous" (that is, are presumed to be the best judges of, and the most reliable defenders and promoters of, their own good or interests), we should also assume that they are adequately qualified to participate in the processes by which those associations govern themselves. Compare this with Dahl's statement, just quoted: "no person is, in general, more likely than yourself to be a better judge of your own good or interest or to act to bring it about. [The second major assumption.] *Consequently, you should have the right to judge whether a policy is, or is not, in your best interest.*" The reason that Dahl believes it justified to move from the first statement to the second one is that, at the point at which this passage appears in the text, he is already *assuming* an endorsement of what he calls the Idea of Intrinsic Equality and the Principle of Equal Consideration of Interests. In other words, he is, at this point, taking what I've described as the first major assumption (the Idea of Intrinsic Equality), the first major premise (the Principle of Equal Consideration of Interests), the second major assumption (the Presumption of Personal Autonomy), and the second major premise (which we could now name – but which Dahl does not name – the Presumption of Qualification for Political Participation) together, concluding that they amount to the claim that, briefly stated, citizens "should have the right to judge [in the democratic process itself] whether a policy is, or is not, in [their] best interest." But that claim is not the second major premise. Again, it is a brief summary of the conclusion Dahl derives from taking the first major assumption, the first major premise, the second major assumption, and the second major premise together. Accordingly, *the second major assumption* remains implicit in the chapter in question, chapter 8. But it is explicitly defended at length in chapter 7, entitled "Personal Autonomy."

²⁴ *Ibid.* 99.

²⁵ *Ibid.* 100. To this I would just add that persons who are (to be presumed) "the best judges, and most reliable defenders and promoters, of their own good or interests" are also (to be presumed) "the best judges of how certain actions *bear* on their own good or interests." As Dewey once put the basic point, "there is one thing [individuals] are wiser about than anybody else can be, and that is where the shoe pinches, the troubles they suffer from" (LW 11: 219).

interest equally into account, along with B's, C's, and others', then what is *counted* as A's interest is what A – not B, C, or any other – says A's interests are.²⁶

Now, taking these assumptions and premises together, we might then say that “strong equality” ought to exist between the members of whatever association we have in mind.²⁷ And arguably, we would then want to adopt the Strong Principle of Equality, which we could characterize like this:

If the good or interests of everyone should be weighed equally [read: if we endorse the Idea of Intrinsic Equality and adopt the Principle of Equal Consideration of Interests], and if each adult person is in general the best judge of his or her interests [read: if we adopt the Presumption of Personal Autonomy], then *every adult member* of an association is [presumed to be] sufficiently well qualified, taken all around, to participate in making [the] binding decisions that [somehow significantly] affect his or her good or interests [or that we have good reason to expect might do so], that is, to be a full *citizen* of the demos [read: we should adopt the second major premise]. [And Dahl should here add: “Furthermore, *every adult member* should therefore be regarded as equally *deserving* of such citizenship.”] More specifically, when binding decisions are made, the claims of each citizen as to the laws, rules, policies, etc. to be adopted must [therefore] be counted as valid and equally valid. Moreover, no adult members are so definitely better qualified than others that they should be entrusted with making binding collective decisions. More specifically, when binding decisions are made, no citizen's claims as to the laws, rules, and policies to be adopted are to be counted as superior to the claims of any other citizen.²⁸

Now, proceeding on the assumption that this line of reasoning is essentially defensible, what benefit may be derived from our making it explicit? For one thing, we are better able to specify certain “ideal” criteria or standards by which ostensibly “democratic” processes can be evaluated (what I called in chapter 4 a set of “ideal procedural criteria”).

Suppose that the assumptions [and premises] justifying a *democratic* political order [the ones we've just specified] are valid with respect to [some] group [that wishes to constitute a political order or that already constitutes such an order]. Because these assumptions [and premises] are valid, [just as the derivative Strong Principle of Equality is,] we [therefore] conclude that we ought to adopt a democratic order and therefore that the process ought to meet certain criteria. [And] when [we] say that the process ought to meet certain criteria, [what we mean is] that if one [endorses] the assumptions [and derivative premises], then one must reasonably affirm the desirability of the criteria; conversely, to reject the criteria is in effect to reject one or more of the assumptions [or the derivative premises].²⁹

What, though, are these criteria?

²⁶Ibid.100.

²⁷ The phrase “strong equality” is used to differentiate the present interpretation of equality from the “simpler” Idea of Intrinsic Equality “taken alone.”

²⁸Ibid. 105.

²⁹Ibid. 108.

III. Deliberative Reinterpretations of Dahl's Criteria for a Democratic Process

Thus far we have essentially followed Dahl's argument. But I want now to depart from it, revising Dahl's criteria to include the primary responsibilities that, based on the very same assumptions and premises that he offers in defense of granting citizens certain equal and adequate opportunities, citizens ought ideally to assume. Doing so will lead us, I submit, toward a defensible normative theory of the democratic process that is well describe as a "deliberative" one.

So, let us turn now to Dahl's four "criteria for a democratic process."

3.1 *The First Criterion*

Dahl's first criterion is the Criterion of Effective Participation. This is how he states it: Throughout the process of making binding decisions, citizens ought to have an adequate opportunity, and an equal opportunity, for expressing their preferences as to the final outcome. They must have adequate and equal opportunities for placing questions on the agenda and for expressing reasons for endorsing one outcome rather than another.³⁰

3.1.1 *Revisiting the Idea of Equal and Adequate Opportunities*

Now, before I explain my proposed revision of this criterion, let me briefly explain why it is clear that citizens or members should at least have the equal and adequate opportunities that Dahl refers to here. The justifications for these opportunities are (more or less clearly) implicit in Dahl's exposition. But it is useful to make them explicit here, drawing on insights from everyday "moral experience" with "free and equal treatment."

So, imagine an "association," constituted by just two persons: A and B. To treat A and B as equally "deserving" of participation, it should not be hard to understand why, in making some decision, A and B should both have a say in deciding what matters are to be discussed before them, and in order for them, to do so. If the discussion were to treat only what A had placed on the agenda, B could plausibly claim that, in practice, his "ability to participate" was not then "equally 'valued.'" (In democratic theory, it is a familiar observation that those who control the agenda may, therefore, control the outcome of a decision-making process.³¹ Where so, it is fair to say that their control of the agenda undermines the aim of equal treatment. For part of the purpose of "equal treatment" is to give relevant parties an equal opportunity precisely to "influence the outcome of the process.") Consequently, B could plausibly claim that he himself was not being "treated as a 'political equal,'" and hence was not being treated as equally "deserving" of participation. Indeed, suppose even that B did have *some* control of the agenda. If B nevertheless had (notably) less control than A did, B could still plausibly make that claim: that he was not being treated as a "political equal." And, *mutatis mutandis*, the same could be said of A if B were exclusively or predominantly in control of it. Hence, to treat A and B as equally "deserving" of participation, they should not just be able "to place questions on the agenda"; they should actually have "equal" and "adequate" opportunities to do so.

³⁰ Ibid. 109.

³¹ See Dahl's (1989: 112-114, 146) own explication of this familiar observation. See also Birkland (2011) especially chapter 6.

As to the requirement of “adequacy,” I have so far left this implicit; but it is easy briefly to explicate. Suppose that A and B had *equal* opportunities to set the agenda, but neither had *adequate* opportunities to do so. Suppose, for instance, that A and B’s meeting were facilitated by a third party who gave each of them just one second to yell out what they wanted to discuss. In such a case, surely we would not say that their having “equal” opportunities to “set the agenda” gave them an appropriate kind of “control” over it. Nor would we say that it gave them an appropriate “extent” of control over it.

Likewise, to treat A and B as equally *capable* of participation, they should also have equal and adequate opportunities for agenda-setting. To see this, first suppose that one of them (A, let us say) didn’t have *any* opportunity to set the agenda, while the other one (B) had an *adequate* opportunity; this is perhaps the clearest case. Notice that, in that event, A could plausibly read his complete lack of agenda control as a sign that he was regarded as “incompetent” for (or “incapable” of) participation, while B was regarded as “competent”/“capable.” For one of the reasons that one *may* be excluded from having any such control is precisely that one *may* be so regarded (as in the case of children). And on the assumption that A and B are regarded as “equally deserving” of participation, that interpretation is plausible. Indeed, practical-logistical considerations aside, it is arguably the most plausible one.³² (However, even if A and B were *not* regarded as equally “deserving” of participation, A could still read his complete lack of agenda control as a sign that he was regarded as “incompetent” for, or “incapable” of, participation. It is just that, in that case, another plausible explanation suggests itself: that he is excluded from having that control precisely *because* he is not regarded as equally “deserving” of it. Of course, he could also be excluded for both of these reasons.) Notice, moreover, that even if A did have *some* control of the agenda, but less than B (who had “adequate” control of it), A could still see this as a sign that he was regarded as “incompetent” for (or “incapable” of) participation. In that case, A might have been given some control in order to make him think that he was regarded as competent, while, all along, B was regarded as the competent (or capable) one (hence afforded more control). And the same thought might occur to him wherever B had *more* control than A, even if, in reality, the amount of control that A had was, for him, “adequate.” Accordingly, in order for A and B both to believe that they were treated as adequately “competent” for, or “capable” of, participation, each should have equal and adequate opportunities for agenda-control. And, *mutatis mutandis*, we could arrive at the same conclusion for any association with *N* participants.

Furthermore, note that the preceding line of reasoning could be repeated, *mutatis mutandis*, for the phrases: “expressing reasons for endorsing one outcome rather than another” and “expressing their preferences as to the final outcome.” Though I won’t spell out the logic, unless A and B both have equal and adequate opportunities to take these actions too, each could plausibly claim that “the process” did not “treat them as ‘political equals,’” as equally “deserving” and as equally “competent for/capable or” participation. And again, *mutatis mutandis*, we could arrive at the same conclusion for any association with *N* participants.

3.1.2 Revising the First Criterion

So, returning to Dahl’s first criterion, let us again consider his exact wording:

³² In other words, I assume that there are no “practical-logistical” reasons for A’s lacking any agenda control, e.g., that he is incapacitated (perhaps because of a car accident) and so literally *can’t* “put something on the agenda” (perhaps because he is in surgery [but has not lost the requisite mental *capacities* for participation).

Throughout the process of making binding decisions, citizens ought to have an adequate opportunity, and an equal opportunity, for expressing their preferences as to the final outcome. They must have adequate and equal opportunities for placing questions on the agenda and for expressing reasons for endorsing one outcome rather than another.

Notice the phrases: “expressing their preferences as to the final outcome”; “placing questions on the agenda”; and “expressing reasons for endorsing one outcome rather than another.” Are these actions, indeed, the only (or even just the primary) elements of “effective participation”? And in speaking of “effective participation,” should we only be concerned with the opportunities that participants ought to have? Or should we be concerned with their responsibilities too?

Well, as indicated in chapter 4, I believe that a defensible normative theory of the democratic process should articulate both the (equal and adequate) opportunities that citizens or members should ideally be granted and the (corollary) responsibilities that participants should ideally assume in relation to one another.³³ In brief, this is because inquiry into those moments that are paradigmatic of when we are most likely to *think* and to *feel* that we are being treated as “free and equal” (or as “intrinsically equal” and “autonomous” in Dahl’s terminology) reveals that we think and feel this way *because* the participants involved in that process grant certain (equal and adequate) opportunities to one another and assume certain (corollary) responsibilities in relation to one another. Hence, as ideal standards for judging the adequacy or inadequacy of some “democratic process,” our “ideal procedural criteria” should capture these opportunities and responsibilities. So, how, then, should we reinterpret Dahl’s first criterion, now registering the responsibilities that participants ought ideally to assume?

To begin with, it is useful to ask: At a very general level, what does “the process” that we are considering consist in? And what might follow from our explicitly recognizing this? Well, “the process” in question is an *activity* in which participants *express their preferences for imposing binding laws, rules, and/or policies on one another*. Hence, in order for “the process” to treat those persons as political equals, it should be evident that the participants *themselves* must do so. Any time a “process” is, in actuality, a human activity, it obviously follows that certain persons have to assume certain responsibilities in order for the guiding aims of that activity effectively to be promoted or realized. For a “process,” mind you, cannot literally “do” anything; but, of course, *people* can. Accordingly, when we speak of the “democratic process” as “doing” something, like “treating persons as ‘political equals,’” we have to remember that this is an elliptical, shorthand way of talking about a specific kind of activity, which, like any activity, can be performed more and less adroitly depending on the responsibilities that relevant persons assume (or fail to assume) and depending on the virtues (and vices) of those persons. Accordingly, we have to remember that in reasoning about how best to realize, or to promote, the aim of equal treatment “*through* the democratic process,” we have to concern ourselves with the responsibilities that the relevant persons would have to fulfill in order for them to do so and with the virtues that would assist them in assuming (or that would dispose them to assume) those responsibilities.³⁴

So, to treat one another as political equals, participants themselves should manifest support for a procedure in which citizens or members have equal and adequate opportunities for:

³³ Later in this section, however, I suggest that a defensible normative theory of the democratic process will specify certain responsibilities that participants should ideally assume *in relation to “those they (ought to) represent”* as well, not just “in relation to one another.”

³⁴ But again, I put an explicit discussion of virtues aside until chapter 7.

placing questions on the agenda; expressing reasons for endorsing one outcome rather than another; and expressing their preferences as to the final outcome. Now, up till this point, we are in agreement with Dahl.³⁵ Surely, however, they should do more than this. Surely, for instance, “treating one another as political equals” demands that in expressing their preferences as to the final outcome of the pertinent decision-making process, participants show one another *mutual respect*. And, on a deliberative conception, this implies that they seek out *reasons* for the binding policies that they would impose on each other (and on those they [ought to] represent). But, on that conception, not just any reasons. Rather, in order to treat one another as “political equals,” they have to treat one another as persons who are “equally deserving,” and who are “adequately competent for/capable of,” of such participation. And in order for them to do so, they need to search out *reasons* that “treat them so.”³⁶ These “reasons,” I believe, are those we may properly describe as “mutually acceptable” and as “generally accessible.” Indeed, in the context of a “democratic” decision-making process, searching out such reasons is, I take it, part of what it *means* for participants to “treat one another with mutual respect.” And, by implication, it is part of what it *means* for “the process” to “treat them as ‘political equals.’”

Now, to explicate in more detail the main line of thinking that leads me to these conclusions, let us begin with an “association” of two persons: A and B. We’ll then refer to a larger, political association.

First, what are A and B likely to want to have equal and adequate opportunities to do, and what is each of them likely to want the other to do? Well, suppose that A and B consider themselves “friends”³⁷ (and wish to act as such), and, furthermore, view each other as being “intrinsically equal” and “autonomous” (in our sense).³⁸ They are, in virtue of these facts, likely to agree that in deciding what decision(s) to adopt, they should each have the equal and adequate opportunities that we’ve already discussed: to place questions on the agenda; to express reasons for endorsing one outcome rather than another; and to express their preferences as to the final outcome. Though friends do not, *as* friends, take “binding” decisions in the sense in which this term is typically used in democratic theory,³⁹ they often take decisions that “(somehow) significantly affect the good or interests” of each of them.⁴⁰ And when they do, a “friend” who does not allow another “friend” to participate equally and adequately in deciding what matters are to be discussed before they do so, and in order for them to do so, fails, to that extent, “to *be* a

³⁵ Dahl does not himself say that participants should “manifest such support.” He speaks, rather, of “procedures,” or of “the democratic process,” granting citizens the opportunities just mentioned. But I can find no reason for supposing that he would not endorse the claim that, ideally speaking, they should “manifest such support.”

³⁶ A clear example of a “reason” that would not “treat them so” would be a “justification” for a policy to the effect that blacks, *qua* blacks, are undeserving of some basic opportunity, e.g., the opportunity to vote.

³⁷ To recall, the reason I begin by reasoning from an “association” based on “friendship” is briefly as follows. As described in chapter 4, I begin by asking: “When do we *believe* that decisions with which the participants are themselves expected to comply are made in such a way that the process treats them as ‘free and equal’ or (in Dahl’s terminology reviewed in section II of this chapter) as ‘intrinsically equal’ and ‘autonomous’?” I then note that when we state the question in this way, one obvious example suggests itself: certain decisions among genuine friends. So, we look to these decisions for paradigmatic moments of “free and equal treatment” in joint or collective decision-making, inquiring into what they tell us about the (equal and adequate) opportunities that participants should ideally grant one another and about the (collorary) responsibilities that they ought ideally to assume.

³⁸ I assume that “friends” normally do view each other this way.

³⁹ I refer to state policies that legally “bind” people, that are backed by the coercive power/authority of the state.

⁴⁰ And notice that the reason that we care about how “binding” decisions are made is precisely because they “(somehow) significantly affect the good or interests of persons” – or because they “may reasonably be expected to do so.”

friend.” In other words, a “friend” who does not let another “friend” have an equal and adequate opportunity to “set the agenda” for their joint decision-making process fails, to that extent, “to be a friend.” Similarly, a “friend” who does not allow another “friend” to participate equally and adequately in expressing his or her reasons for endorsing one outcome rather than another fails, to that extent, “to be a friend.” Likewise, so does a “friend” who does not allow another “friend” to participate equally and adequately in expressing their preferences as to the final outcome.

Indeed, part of what it *means* “to be a friend” is that one is willing to grant, and in the appropriate circumstances *does* grant, each of these opportunities to one’s “friend(s).” When one doesn’t, we are apt to say that she either doesn’t (adequately) understand the *concept* of “friendship,” or, for whatever reason, fails to live up to *the obligations of* “being a friend.” Furthermore, our willingness to accept either of these conclusions grows as the “the importance” of the decision does; or, putting the same point differently, grows with the extent of the actual or anticipated effect of the decision on the relevant person’s good or interests. (To be still more precise, it grows to the extent that we *perceive* that its actual or anticipated effect grows.) For instance, if the decision is, or is anticipated to be, a fairly inconsequential one, A may not see it as a “failure of friendship” that B did not give him the opportunity to decide what matters were to be discussed before some decision was made. Perhaps, A might think, B was just being considerate, “saving him the time.” (“When I made the reservations, I just figured he’d like that restaurant,” B might say. “Plus, I know that A likes it when I take some initiative.”) However, if the decision is, or is anticipated to be, a highly consequential one, A is apt to respond differently: the same behavior will likely be regarded as a “failure of friendship.” What is more, the cases that concern us here are (presumed to be) precisely of that character: we are concerned with “binding” decisions, *which are presumed to (somehow) significantly affect the good or interests of certain persons, or which we presume we have good reason to expect might so affect them.* Accordingly, in those cases, we’ll presume, A and B *would* want to grant each other the aforementioned opportunities.

However, we may reasonably assume that they would want more than this. Think of an ordinary conversation between two friends, which is to result in a decision that is reasonably anticipated to “(somehow) importantly affect the good or interests of both of them.” Suppose it were only characterized by the aforementioned equal and adequate opportunities. We would, then, surely regard it as dysfunctional *qua* such a “conversation.”

True, conversational etiquette has it that friends should allow one another to decide what matters are to be discussed before they take some decision, and in order for them to do so, especially where the decision is thought “(somehow) importantly to bear on the good or interests of both of them.” Similarly, conversational etiquette clearly has it that, in those circumstances, it is especially important that friends give one another the chance to express their reasons for preferring one outcome to another. Likewise, it clearly has it that, in such moments, friends should give one another the chance to express their choices as to the final outcome.

But conversational etiquette clearly demands more than this. To begin with, it demands that friends *listen* to one another, not just that they allow one another to *speak*. Furthermore, it demands that, as appropriate, friends *respond* to one another, not just that they allow one another to speak and that they listen to each other. Moreover, the responsibility to listen and respond to one another implies a further responsibility: to try to understand relevant social situations and activities from the perspective of the other person. (And note that “relevant” here means “what is *regarded* as ‘relevant’ by one’s friend.”) Indeed, when we say (things like), “your friend should ‘listen to you,’” what we mean is not just that she should literally just “hear your words”; we

mean that she should try to “hear what you’re saying”: to try to understand why you’re saying what you’re saying, as well as how you’re saying it, by, among other things, (sympathetically) projecting herself into your heart and mind, thereby trying to understand relevant social situations and activities from your perspective, to see and feel them as you do. Equally, when we say (things like), “your friend should ‘respond to you,’” we don’t just mean that she should give you a verbal or other response, whatever its content; we mean that she should try to give you a response that not only takes account of “what you’re saying,” in the manner suggested, but that also shows you that it is important to her, that she’s “taking it in,” that it will shape the course of her thinking and of the developing conversation. Furthermore, conversational etiquette clearly has it that where an important decision is to be made, one that will affect (or that is reasonably expected to affect) the good or interests of each of the parties to the conversation, friends should not only have the *opportunity* to “express their reasons for preferring one outcome to another”; it has it that they should also *use* that opportunity to seek out *reasons* for preferring that outcome, *reasons that their friends could accept (as justifiable⁴¹)*. Or, putting the same point differently, it has it that each of them has the *responsibility* to do so. What is more, these responsibilities augment as “the importance” of the decision does. That is, each of these responsibilities grows with the extent of the actual or anticipated effect of the decision on the good or interests of each of the friends. (Or again, to be still more precise, it grows to the extent that they *perceive* that the actual or anticipated effect grows.) Moreover, part of what it means “to be a friend” is that one is willing to assume these responsibilities with each of one’s “friends.” Again, when one isn’t, we are apt to say that she either doesn’t (adequately) understand the *concept* of “friendship” or that she fails to live up to the obligations of “*being a friend.*”

Furthermore, notice that a failure to grant any of the aforementioned opportunities, or to assume any of the aforementioned responsibilities, may cause a strain in one’s “friendship” with someone, indeed, may even be the effective cause of its dissolution. What is more, notice that the reason for this is that (there are common circumstances in which) *any* of these failures may plausibly be interpreted as rooted in, and/or as demonstrating, a *lack of respect*. For instance, a “friend” who does not grant a “friend” the *opportunity* to discuss the matters that she wishes to discuss, before taking some “important decision,”⁴² typically will be interpreted as being inconsiderate, or, depending on the circumstances, even selfish or egotistical.⁴³ And the same may be said of a “friend” who fails to grant a “friend” the other two opportunities we’ve considered. Likewise, a “friend” who does not take *responsibility* for listening and responding to a “friend,” or for trying to understand relevant social situations and activities from her perspective, typically will too. And the same may be said of a “friend” who fails to seek out *reasons* for preferring some outcome that her “friend” could accept (as justifiable): typically, she will also be interpreted as “inconsiderate,” or, depending on the circumstances, as “selfish” or “egotistical.” More importantly, a friend who regularly fails to grant any one of these opportunities, or to assume any one of these responsibilities, is not only liable to be judged this way; she is liable to be regarded as “‘lacking respect’ for her ‘friend.’” And it is for that very reason that the friendship may be strained, even dissolved, indeed, that we may come to question whether it even *is* a “friendship.”

⁴¹ Not under pain of punishment or coercion, say.

⁴² That is, one that is reasonably anticipated to “(somehow) importantly affect the good or interests of both of them.”

⁴³ These are but a few of the possibilities. In certain cases, other plausible predicates will suggest themselves: e.g., “vindictive,” “cruel,” “rude,” and so on.

Moreover, it is important to stress why this is so: because friendship is a relationship between equals, *based on* mutual respect.⁴⁴ Hence any time that either “friend” engages, or fails to engage, in a behavior that shows a lack of it, the relationship itself is imperiled. For, in such a relationship, the good (or interests) of both parties has (have) to be taken into account, and indeed equally so; and showing mutual respect is one indispensable way that “friends” do so. (Equally, we could say that, in such a relationship, both parties have to show one another mutual respect, and giving equal consideration to each other’s good or interests is one indispensable way that “friends” do so.) Otherwise, we begin to question whether it *is* “a friendship.”

So, to summarize: We are, I believe, warranted in saying that when a decision is to be made by two friends, one that they have good reason to expect might “(somehow) importantly affect the good or interests of each of them,” each of them is likely to want “the process” by which they make that decision to give equal consideration to the good or interests of both parties. Moreover, each of them is likely to want that “process” to show them “equal respect” (to each of them *qua* persons who have their own conception of their own good or interests.) (Again, I assume that they are “friends,” and wish to act as such.⁴⁵) This generates the (ideal) expectation that, when making that decision, any *procedure* that they adopt should meet these conditions. (Further, it generates the [ideal] expectation that, by assuming certain responsibilities in the right kinds of ways, each of them should exhibit the appropriate *virtues* while making that decision.⁴⁶) Specifically, we assume that they would want to have, and to grant each other, equal and adequate opportunities: to place questions on the agenda; to express reasons for endorsing one outcome rather than another; and to express their preferences as to the final outcome. And we assume that they would expect each other to assume responsibility: for listening and responding to each another (hence for trying to understand relevant social situations and activities from each other’s perspectives), and for seeking out reasons for their preferred outcomes that the other could accept (as justifiable). Based on our “shared understandings”⁴⁷ of what friendship means, *these* conditions constitute, I think, the basic elements of “effective participation” *in* such a decision.

What, though, of an association where the participants don’t (necessarily) “regard themselves as ‘friends’”? Here, too, the same conclusions are warranted, I think. For while we obviously shouldn’t assume that just any “association” is based on mutual respect, we should maintain that its “binding,” collective decision-making processes should *convey* or *express* it.⁴⁸

Now, in moving from a case of an “association” of two friends (who wish to act as such) to a broader, political association, recall that we are assuming an endorsement of the Idea of Intrinsic Equality and of the Presumption of Personal Autonomy. Bearing this in mind, think now from a first person perspective.

⁴⁴ I do not claim that friendship is based only on mutual respect; I claim only that mutual respect is an indispensable part of “the basis” of any genuine “friendship.”

⁴⁵ In offering this description, I am assuming not only that both consider themselves “friends” and wish to act as such, but that they are reflectively clear on the responsibilities that come with “friendship,” that is, according to common custom.

⁴⁶ But again, I don’t develop a discussion of “virtues” here, leaving that discussion for chapter 7.

⁴⁷ For discussion, see Walzer (1983).

⁴⁸ I proceed here on the assumption that we endorse the two main assumptions discussed earlier: that the citizens or members of the association in question are regarded as intrinsically equal and as autonomous. Note also that the idea that legislation/decision-making should show “equal respect” to those who (in one sense or another) are “bound by” or “subject to” it is, of course, a familiar Kantian ideal. For recent discussion, see the essays collected in Steinhoff (2015).

As an “autonomous person” who views herself as “intrinsically equal” to others, how do I believe that I deserve to be treated when binding decisions are made in my association? Well, surely I believe that I have good reason to want the relevant *procedures* to grant me the same equal and adequate *opportunities* that we’ve already considered, and, as appropriate, to want the other *participants* to do so too. And surely I have good reason to want the other *participants* to assume the same *responsibilities* that we’ve considered.

How do I arrive at these conclusions? In the context of a “binding,” collective decision-making process, I do so in the following main steps.⁴⁹ First, as an “autonomous person” (who is aware of being such a person), I perceive that, in many (perhaps [almost] all) (such) circumstances, I am likely to have my own conception of what course of action is best suited to my interests, preferences, projects, values, cares, commitments, sense of fairness and justice, and so on. Second, I believe that, in virtue of the fact that I am a being that has (or, in any such situation, is capable of having and indeed likely to have) such a conception, I therefore should be treated “with dignity and respect.” Third, recognizing that the decision-to-be-made may well bear on my ability to realize or to promote that conception (individually or jointly with others), I therefore believe that the decision-making process should take that conception into account. Indeed, that, I take it, is part of what it *means* “to be treated ‘with dignity and respect.’” Fourth, I believe that in order for the “the decision-making *process*” to treat me with dignity and respect, the decision-making *procedures* that we adopt ought to grant me the *opportunities* that we’ve considered. And fifth, I believe that in order for “the decision-making *process*” to treat me “with dignity and respect,” the participants *themselves* do too. This implies both that they assume the *responsibilities* that we’ve considered, and, as appropriate, that they grant me the aforementioned equal and adequate *opportunities* too. In any particular instance, having these opportunities and seeing others assume these responsibilities may be, I assume, necessary for my feeling/thinking that I am being treated “with dignity and respect” as someone who is intrinsically equal to the other participants to the process and as someone who is autonomous.

As someone who endorses the Idea of Intrinsic Equality and the Presumption of Personal Autonomy, I then ask: What opportunities should I grant to the other participants, and what responsibilities should I assume in relation to them, in light of those endorsements?

Well, broadly speaking, I assume that I should extend the above process of reasoning to include the other participants. More specifically, I assume that those other persons are also autonomous, and that, in (many) relevant respects, autonomous persons (should) reason similarly.

Doing so, I first notice that, in any given case, they too are each liable to have their own conceptions of what course of action is best suited to their respective interests, preferences, values, cares, commitments, projects, and so on. So, I suppose that they, too, believe that they should be treated with dignity and respect, and suppose that they, too, conclude that the decision-making process should therefore take *their* conceptions into account as well. Further, I therefore suppose that they, too, believe that the “the *procedure*” ought to grant them the *opportunities* we’ve considered (and, where appropriate, the *participants* too), and suppose that they, too, believe that the other participants should assume the *responsibilities* we’ve considered.

Next, I observe that, given that I endorse the Idea of Intrinsic Equality, I (should) also endorse the Principle of Equal Consideration of Interests.⁵⁰ I then observe that this implies that I grant others the same opportunities that I want them to grant me, and that I assume the same

⁴⁹ I do not maintain that this is the only way to arrive at these conclusions, only that it is one way to do so.

⁵⁰ Again, however, I revise this principle below.

responsibilities that I want them to assume in relation to me. More specifically, I notice that, in order for them “to give consideration” to my good or interests and for them to “treat me with ‘dignity and respect,’” I would want them to grant me the above opportunities and to assume the above responsibilities. But then I notice that, as autonomous persons, they would want this too. Moreover, in light of the fact that I do endorse the Idea of Intrinsic Equality, I conclude that they deserve that too. Furthermore, I conclude that I am no more deserving of such treatment than they are, just as they are no more deserving of it than I am. Hence, I conclude that “the process” should not only give *consideration* to the good or interests of each of us but should give *equal* such consideration; and that “it” should not only show *concern and respect* for the good or interests of each of us but *equal* such concern and respect.⁵¹ And I conclude that in order for “it” to do so, I have to grant to the others the above opportunities and to assume the above responsibilities, and they have to too.

Finally, I presume that, as persons who also endorse the Presumption of Personal Autonomy and the Idea of Intrinsic Equality, they (should) reason this way too. So, taking us all together, *we (should) all reach the same conclusion*, I conclude.

At this point, we are two steps shy of understanding how I’d like to revise Dahl’s Criterion of Effective Participation.

Earlier I mentioned that participants should seek out reasons for their expressed policy preferences that are “mutually acceptable” and “generally accessible.” I have already suggested why they should seek out reasons that are “mutually acceptable.” Why, though, should the reasons be “generally accessible” too? Well, if I cannot even understand the “reasons” you offer me, I cannot “*accept* them.”⁵² Or, more properly, I cannot “accept them as mutually justified,” which, in the present context, I take to be the appropriate *meaning* of “mutually acceptable reasons,” and hence of the notion that “I ‘accept’ your reasons.” Consequently, I cannot say that those reasons *justify* anything, much less that they justify a rule, law, or policy that you wish to impose on me (and on my fellow citizens or members). The idea of a person, call her A, “justifying” something to another person, call her B, presupposes the idea that B can understand what it *is* that person A “seeks to justify.” True, B might say, “I admit that I do not understand your reasons; but I am nonetheless willing to accept them. For I believe you to be a reasonable person, and presume that your reasons are reasonable too. But I simply cannot understand them.”

⁵¹ To give further support to this conclusion, we might recall the line of reasoning offered in section 2.2.1 of chapter 4. Allow me to cite the relevant passage verbatim. There I said that “moral experience indicates that, for instance, two persons who show each other mutual respect in the context of joint decision-making do not just give ‘equal consideration’ to each other’s good or interests; they also show ‘equal *concern*’ for each other’s good or interests. Or, to put the point differently, one simply *can’t* give (genuine) “consideration” to the good or interests of another person *without* showing “concern” for that person.” For, “to give ‘genuine consideration’ to another person’s good or interests’ is,” I said, “to engage in an *active process* in which one seeks to understand that person *qua* ‘person.’ And what is a ‘person’? She is, *inter alia*, a being who has, or is surely likely to have, her own conception of her own interests, preferences, projects, cares, commitments, sense of fairness and justice, and so on. In other words, we typically presume that adult persons, at least, are what we sometimes call ‘autonomous persons.’ And when we give ‘equal consideration to the good or interests of persons,’ *qua* persons (so understood), we cannot help but ‘show “care” for them.’ (This is not to collapse any possible distinction that we might want to make *between* ‘showing care for someone’ and ‘showing consideration for someone.’ It is just to say that, at least in the context of joint or collective decision-making, the two are tightly interwoven.) Hence, for clarity’s sake it is better to say that, in joint or collective decision-making, genuine friends ‘give equal consideration to, and show equal concern and respect for, each other’s good or interests.’ Moreover, they do this in order precisely *to* show ‘equal respect’ to one another *qua* moral equals and autonomous persons.”

⁵² Gutmann and Thompson (2004: 3-5) offer an argument that is, I think, complementary to the one articulated here.

However, in that event, A would not have “justified” her reasons to B. Rather, we should want to say that B had “accepted” A’s reasons *without* “accepting their *justifiability*.” Accordingly, if we understand by “mutually acceptable reasons,” “reasons that could be mutually *justified*” (as I believe that deliberative democrats generally do, and as I believe that inquiry into paradigmatic moments of “treatment as free and equal” suggests that *we* should too), “mutual acceptability” (in the context of a moral dialogue and deliberation aimed at “binding,” collective decision-making) presupposes the idea that person B understands what it *is* that person A “wishes to justify.” Consequently, we may conclude that, here, “mutual *acceptability*” is dependent on “mutual *accessibility*.” Hence the claim that in justifying the decisions that they would impose on one another, participants should seek out “mutually acceptable” *and* “generally accessible” reasons. When there are only two agents, we might reasonably speak of “mutual” accessibility; when there are more, of “general” accessibility.

Now, before offering my own articulation of the Criterion of Effective Participation, notice finally that the preceding remarks suggest that we have good reason to rename The Principle of Equal Consideration of Interests. For, on the above conception of what it means “to treat participants as intrinsically equal and as autonomous,” hence as “political equals,” the democratic process should not only “give equal *consideration* to the good or interests of each of them”; it should also “show *equal concern and respect* for the good or interests of each of them.” Hence, I propose that we rename the principle thus: The Principle of Equal Consideration of, and Concern and Respect for, the Good or Interests of Relevant Persons.

Notice, furthermore, that I speak of “relevant persons” here, not of “citizens” or “members.” In brief, the reason for this is that, as I have been intimating all along, persons deserve to have equal consideration given to, and equal concern and respect shown for, their good or interests *in virtue of their personhood*, not *their citizenship status*. Morally speaking, if a “binding,” collective decision may reasonably be expected to “(somehow) significantly affect the good or interests of some person,” the principle should apply to their good or interests as much as to anyone else’s – regardless of their citizenship or membership status.

The reason that Dahl doesn’t himself say this can briefly be summarized as follows. First, Dahl maintains that those persons whose good is, or whose interests are, (somehow) significantly affected by a “binding,” collective decision-making process (or who may reasonably be expected to be so affected) should *be* “full citizens of the demos.”⁵³ Second, he assumes that those persons generally *are* (in some sense) “members” of the association in question. Third, he thus holds that those who are (in some sense) “members” of the association in question should be *granted* full citizenship status. Fourth, he therefore seems to believe that as long as these persons are granted full citizenship in the demos, “members” should be co-extensive with “citizens,” which should in turn be co-extensive with “those whose good is, or whose interests are, (somehow) significantly affected by the binding, collective decision-making process in question, or who may reasonably be expected to be so affected.”

Notice, however, that whenever these phrases are not co-extensive – as they clearly will often not be⁵⁴ – the suggestion that the Principle of Equal Consideration of Interests applies only

⁵³ See, for instance, Dahl’s formulation of the Strong Principle of Equality (1989: 105). More broadly, consider the arguments presented in chapters 6 and 7 and how they lead to that Principle.

⁵⁴ Think, say, of those who, in some sense, are clearly “members” of a given state but who are not citizens; or of those who are neither members nor citizens but who clearly are affected by a decision, for instance, some foreign policy.

to citizens would be tantamount to denying the validity of the main idea on which the Principle is predicated: again, the Idea of Intrinsic Equality.

Hence, it is better to speak of “Relevant Persons” in renaming the Principle of Equal Consideration of Interests, and to understand these persons as being “all those persons whose good or interests may reasonably be expected to be (somehow) importantly affected by the ‘binding,’ collective decision-making process in question.” Included here are: (a) the participants themselves; (b) those, if any, they “represent” (in the electoral sense); and (c) those they “ought to represent” (i.e., “anyone whose good or interests may reasonably be expected to be [somehow] importantly affected by the ‘binding,’ collective decision-making process in question,” but who does not herself participate in the process and does not herself have “representation” in it [in the electoral sense].) (For simplicity, we might call these persons “the moral constituents.”⁵⁵) Accordingly, when we speak of the participants to a democratic process upholding the Principle of Equal Consideration of, and Equal Concern and Respect for, the Good or Interests of Relevant Persons, we (should) refer to the good or interests of all those persons who fall under categories (a)-(c).⁵⁶ And when we speak of participants assuming responsibility for *justifying* their expressed policy preferences, we (should) again refer to a process of mutual justification that, ideally speaking, involves all those persons falling under (a)-(c). Hence why I have now and again referred to the ideal of participants assuming certain responsibilities in relation to one another, and, indeed, to those they (ought to) represent.

So, taken together, the proceeding remarks suggest that, with good reason, we might recast the Criterion of Effective Participation in this way:

Throughout the process of making binding decisions, citizens or members ought to have an adequate opportunity, and an equal opportunity: to place questions on the agenda; to express reasons for endorsing one outcome rather than another; and to express their preferences as to the final outcome. In expressing the reasons for which they endorse one outcome rather than another, participants should assume responsibility for seeking out mutually acceptable and generally accessible reasons for their expressed preferences. Hence, before expressing their final choices, each participant should also have an equal and adequate opportunity to listen and respond to the reasons offered by each of the other participants. In doing so, they should try to understand relevant social situations and activities from relevant persons’ perspectives.

3.2 *The Second Criterion*

⁵⁵ Gutmann and Thompson (1996: chapter 4).

⁵⁶ Here I stress that, for reasons of scope, I will make no attempt to specify how to draw “the boundaries” around categories (a)-(c). This would be an unmanageable task here, in part because I am proposing that my normative theory of the democratic process could “apply” to a variety of associations, not just to the state. And, obviously, different associations are, and should be, *constituted for different reasons and on the basis of different (moral, ethical or other) criteria*. Still, very quickly, let me just state a tentative proposal for how we might think of an association’s “moral constituents” (i.e., for how we might think of category [c]), one that I think is worth considering. However membership/citizenship in any given association is determined, the “moral constituents” for any *given* decision should be construed as those persons whose interests are (or whose good is) “just as likely” to be “(somehow) significantly affected by the decision in question” as any given member or citizen of the association in question.

Now, here is Dahl's articulation of the second criterion, which he refers to as Voting Equality at the Decisive Stage:

At the decisive stage of collective decisions, each citizen [or member⁵⁷] must be ensured an equal opportunity to express a choice that will be counted as equal in weight to the choice expressed by any other citizen [or member]. In determining outcomes at the decisive stage, these choices, and only these choices, must be taken into account.⁵⁸

What, though, is the justification for this criterion? Dahl writes:

Its justification rests, I think, on the practical judgment that voting equality at the decisive stage is necessary in order to provide adequate protection for the intrinsic equality of citizens and the Presumption of Personal Autonomy. Without it, citizens would face the prospect of an infinite regress of potential inequalities in their influence over decisions, with no final court of appeal in which, as political equals, they could decide whether their interests, as they interpreted them, were given equal consideration. Just as inequalities in other resources could give advantages to some persons in securing consideration for their interests, so too, without a requirement of equal voting at the decisive stage, inequalities in votes could work cumulatively to violate the Principle of Equal Consideration of Interests.⁵⁹

“Obviously,” Dahl observes, “something like this requirement has been a mainstay of democratic theory and practice from classical Greece onward.”⁶⁰ And I see no reason to abandon an endorsement of this requirement now – nor, indeed, to revise Dahl's specific articulation of it. (No insights derived from inquiry into paradigmatic moments of “free and equal treatment” lead me to think that there are reasons for abandoning or revising this requirement.)

Before proceeding, however, I do want to enter a few points of clarification. Democracy has sometimes been associated with the idea of arriving at a “consensus” on laws, rules, and/or policy decisions. Indeed, as Will Kymlicka has noted, some have thought that shared deliberation would at least sometimes lead to

greater agreement on various important issues, as seemingly implacable disagreements turn out to be based on misunderstandings or incomplete information, and that we would converge on a ‘common ordering of individual needs and wants into a single vision of the future in which all can share’ (Barber 1984: 224). For most deliberative democrats,

⁵⁷ Below I say that I see no reason to abandon or to revise this criterion. The one, small qualification to this statement is that, as indicated, I add the phrase “or member” to take account of the fact that my theory is meant to apply to a broad range of associations, not just the state. (See note 1 above.)

⁵⁸ Dahl (1989: 109). In interpreting this criterion, it is important to note the following. “The process for making binding decisions includes at least two analytically distinguishable stages: setting the agenda and deciding the outcome. *Setting the agenda* is the part of the process during which matters are selected on which decisions are to be made (including a decision not to decide the matter). *Deciding the outcome*, or the *decisive stage*, is the period during which the process culminates in an outcome, signifying that a [law, rule, or] policy has been adopted or rejected.” (107) To be clear, then, the criterion of Voting Equality at the Decisive Stage applies to this (analytically distinguishable) second stage and to this stage alone.

⁵⁹ Ibid.

⁶⁰ Ibid.

however, this sort of consensus is at best a happy but occasional by-product of deliberation, not its presupposition or goal – deliberating about our differences is not the same as eliminating our differences... *At the end of the day after the arguments are duly considered, some voting or electoral procedure is needed for resolving the remaining disagreements.*⁶¹

Here, I put aside the large question of whether or not “consensus” should be the “presupposition” and/or “goal” of “shared deliberation.” I also do not challenge or defend the claim that “for most deliberative democrats...this sort of consensus is at best a happy but occasional by-product of deliberation, not its presupposition or goal.” Here, however, I should say that I agree with the assessment that “at the end of the day[,] after [the] arguments [and other “relevant considerations” (which, I should also say, need not all take the form of “arguments”)] have been] duly considered, some voting or electoral procedure is needed for resolving the remaining disagreements.” And, what is more, a broad range of self-styled deliberative democrats (would seem to) agree here. Indeed, this is true of some (important representatives) of those who do take “consensus” to be the “presupposition” and/or “goal” of “shared deliberation” as well as of some (important representatives) of those who don’t. For instance, on the side of those who *don’t* take it to be the presupposition and/or goal of deliberation, we find Jane Mansbridge and eight other scholars of deliberative democracy. Hence, in their “reformulation of the deliberative ideal,”⁶² Mansbridge and her collaborators write, “we assume that the goal at the outset of deliberation ought not necessarily to be a substantive consensus.”⁶³ Furthermore, “when interests or values conflict irreconcilably, deliberation ideally ends not in consensus but in a clarification of conflict and structuring of disagreement, which sets the stage for a decision by non-deliberative methods, such as aggregation or negotiation among cooperative antagonists.”⁶⁴ And on the side of those who do take consensus to be the presupposition and/or goal of deliberation, we find, for instance, Joshua Cohen. Deliberation, Cohen writes, “aims to arrive at a rationally motivated *consensus* – to find reasons that are persuasive to all who are committed to acting on the results of a free and reasoned assessment of alternatives by equals.”⁶⁵ But, Cohen adds: “Even under ideal conditions there is no promise that consensual reasons will be forthcoming. If they are not, then deliberation concludes with voting, subject to some form of majority rule.”⁶⁶

There is, then, broad agreement among prominent deliberative democrats that voting may properly be construed as *part of the deliberative-democratic ideal itself*.⁶⁷ And, again, no insights derived from inquiry into paradigmatic moments of “free and equal treatment” lead me to think

⁶¹ Kymlicka (2002: 291-292).

⁶² Mansbridge et al. (2010: 64).

⁶³ Ibid. 68.

⁶⁴ Ibid.

⁶⁵ Cohen (2009: 24-25).

⁶⁶ Ibid. 25.

⁶⁷ Gerry Mackie (2011: 78) also concludes that deliberation and voting are essential to the (deliberative-) democratic ideal. Interestingly, however, he concludes that “deliberative democrats uncritically accept the political science discipline’s cynical account of democratic voting.” This is mistaken, Mackie argues, for there is good reason to conclude that “voting beneficially transforms citizens’ preferences from self-interested to public-spirited [preferences],” a goal many associate with deliberation not voting. Mackie (2011: 78) also holds that there is “overwhelming evidence that voters are in fact public-spirited.” Indeed, Mackie (2011: 78) believes that “the beneficially transformative effects of deliberation are due as much to voting as discussion.” If plausible, these arguments would provide further reason to include voting in the deliberative-democratic ideal itself.

that there are reasons for thinking otherwise. I therefore conclude that we should also endorse Dahl's second criterion, the criterion of Voting Equality at the Decisive Stage.

3.3 The Third Criterion

Let us now consider Dahl's third criterion, the Criterion of Enlightened Understanding:

Each citizen ought to have adequate and equal opportunities for discovering and validating (within the time permitted by the need for a decision) the choice on the matter to be decided that would best serve the citizen's interests.⁶⁸

Now, "one might object," Dahl observes, "that enlightenment has nothing to do with democracy."⁶⁹ But, he continues,

I think this would be a foolish and historically false assertion. It is foolish because democracy has usually been conceived as a system in which "rule by the people" makes it more likely that the "people" will get what it wants, or what it believes is best, than alternative systems like guardianship in which an elite determines what is best. But to know what it wants, or what is best, the people must be enlightened, at least to some degree. And because advocates of democracy have invariably recognized this and placed great stress on the means to an informed and enlightened demos, such as education and public discussion, the objection is also historically false.⁷⁰

The reasoning here is, I think, essentially on track, and aligns with reflection on paradigmatic moments of "free and equal treatment" in joint or collective decision-making, where participants see the discussion, dialogue, and deliberation that features in such decision-making as a way of arriving at more informed and enlightened decisions, and where participants prefer to make decisions themselves, collectively, rather than letting an "elite" (say one or two friends in a group of five friends) make all the decisions for them. But we should again ask: How might we reinterpret this criterion, now registering the primary responsibilities that participants should ideally assume?

Actually, I'd like to focus on a number of things that follow from our endorsing this criterion, even on Dahl's articulation of it, some of which, however, do not come out clearly in his presentation. Based on what was said in previous sections, I would, though, first like to suggest this revision:

Each citizen or member ought to have adequate and equal opportunities for discovering and validating (within the time permitted by the need for a decision) the choice on the matter to be decided that would best serve the citizen's or member's good or interests. In considering that choice, each participant should have an equal and adequate opportunity to offer his or her reasons for preferring one outcome to another, and to listen and respond to the reasons offered by each of the other participants. In doing so, participants should assume responsibility for seeking out mutually acceptable and generally

⁶⁸ Ibid. 112.

⁶⁹ Ibid. 111.

⁷⁰ Ibid. 111-112.

accessible reasons for their expressed preferences, hence for trying to understand relevant social situations and activities from relevant persons' perspectives.

Now, the criterion implies, Dahl says, that “alternative *procedures* for decision-making ought to be evaluated according to the opportunities they furnish citizens for acquiring an understanding of [the] means and ends [of policymaking], of one's [good or] interests and the expected consequences [of the means and ends of policymaking] for interests, not only for oneself but for all other relevant persons as well.”⁷¹ Of course, as Dahl himself observes, the criterion is not unambiguous. Nevertheless, it can evidently provide “guidance for the shape that institutions should take.”⁷² For instance, it

makes it hard to justify *procedures* that would cut off or suppress information that, were it available, might well cause citizens [or members] to arrive at a different decision; or that would give some citizens [or members] much easier access to information of crucial importance; or that would present citizens [or members] with an agenda of decisions that had to be decided without discussion; and so on.⁷³

Now, with this much I am in agreement.⁷⁴ But I want to extend Dahl's reasoning, briefly discussing a range of responsibilities that the criterion itself can also help us to specify.

To begin with, recall that the criterion (as I've revised it) specifies that each participant should assume responsibility: for seeking out mutually acceptable and generally accessible reasons for their expressed preferences; for listening and, as appropriate, for responding to the reasons offered by the other participants; and for trying to understand relevant social situations and activities from the perspectives of relevant others. Surely, however, more can be said about the responsibilities that the criterion helps us to specify. Indeed, if the criterion implies that alternative *procedures* are to be assessed *in virtue of* the opportunities they provide citizens or members for acquiring an understanding of the means and ends of policymaking, and of one's interests and the consequences of policies for interests (not only for oneself but for all other relevant persons too), it likewise implies, I submit, that *alternative sources of information/knowledge production* and *alternative philosophies of social inquiry* should also be *so evaluated*. In other words, the criterion implies not only that participants ideally assume responsibility for evaluating procedures in this way but also alternative sources of information/knowledge production and alternative philosophies of social inquiry too.⁷⁵ Hence, the criterion not only makes it hard to justify *procedures* that would “cut off or suppress information that, were it available, might well cause citizens [or members] to arrive at a different

⁷¹ Ibid. 112; my emphasis. In speaking of “all other relevant persons” here, I presume that Dahl means (something like) “anyone whose good or interests might be (somehow) significantly affected by’ the decision(s) in question.” Whether or not this is fair to his intention, however, that is what I shall mean by it.

⁷² Ibid.

⁷³ Ibid; emphasis added.

⁷⁴ Although, as chapter 4 already indicated, this and the other criteria ought to be used to reason not just about “procedures,” but also about “virtues” and “cultural practices” too. More on this in section IV and chapter 7.

⁷⁵ Indeed, it implies that they should ideally evaluate *anything* that is relevant to assessing to what extent citizens or members can acquire an understanding of the means and ends of policymaking, and of one's interests and the consequences of policies for interests (not only for oneself but for all other relevant persons too). To focus the discussion, however, I concentrate on the two issues just signaled: alternative sources of information/knowledge production and alternative philosophies of social inquiry.

decision; or that would give some citizens [or members] much easier access to information of crucial importance; or that would present citizens [or members] with an agenda of decisions that had to be decided without discussion; and so on”; it also makes it hard to justify a reliance on *sources of information/knowledge production* that would also produce any of these results. And, likewise, it makes it hard to justify an advocacy of, or an implicit endorsement of, *a philosophy of social inquiry* that, compared to some other such philosophy, is more liable to do so.

3.3.1 *Alternative Sources of Information/Knowledge Production*

Consider first the claim about alternative “sources of information/knowledge production,” and reflect on the possibility that certain such sources might (for instance) “cut off or suppress information that, were it available, might well cause citizens [or members] to arrive at a different decision.” To do so, let us begin by noticing the “political function” that is often assigned to “the free press” in American constitutional interpretation and in much political commentary generally.⁷⁶ It is widely held that the press, or, better yet, (elements of) the media more broadly, ought to seek out “the information needed for the intelligent discharge of [the citizen’s] political responsibilities,” thereby “enabling the public to assert meaningful control over the political process.”⁷⁷ Without a media to accomplish this function, it is commonly supposed, citizens would only have government-provided or government-sanctioned information to rely on in assessing the state’s actions.⁷⁸ And, it is thought, this would surely imply that important information would then be “cut off or suppressed,” information that, we presume, would often cause citizens to arrive at very different decisions.⁷⁹

The basic viewpoint may briefly be summarized as follows.⁸⁰ First, we presume that, in the context of the American “democratic process” (such as it is), citizens need some (adequate) level of “relevant” information to make political participation (at least reasonably) “meaningful” and to allow them reasonably to judge how government actions bear on the interests of whomever they affect (as the Criterion of Enlightened Understanding suggests they should have equal and adequate opportunities to do). Second, we presume that in order to obtain such information, or an adequate level of it, no single individual may conceivably act alone. Third, we presume that in order to obtain such information, citizens cannot rely solely on information provided by the public authorities themselves; rather, they should have access to “independent” and “critical” sources of such information. What is more, we presume that such information is best generated, and then dispersed, socially or publically, but not in the sense of “by the state or government,” and that the press and (elements of) the media are to play this role. To the extent that they do, the press/media, we believe, therefore serve a crucial function on behalf of “the democratic process,” presumably allowing the demos to play a more meaningful role in it. Accordingly, an independent and critical media is viewed as an important contributing factor to citizens’ ability to assess what political choices might best serve citizens’ interests. We therefore

⁷⁶ For discussion, see, for instance, Mermin (1999), especially chapter 1, and Bollinger (2010). See also chapter 7 of this dissertation.

⁷⁷ Lewis (1987).

⁷⁸ Well, not quite: they could also rely on their own personal observations as well as rumors and word-of-mouth accounts of government actions.

⁷⁹ Here I am just referring to “citizens” because I am briefly reviewing how the “political function” of the “free press” is often depicted in American constitutional interpretation and political commentary, where “American citizens” *are* the concern.

⁸⁰ A much more detailed treatment is provided in chapter 7.

presume that, “from a democratic point of view,” we have good reason to want to protect the right, and to guard or enhance the ability of, the media to be independent and critical. Such media, we may add, place citizens in a better position to assume the responsibilities specified by the Criterion of Enlightened Understanding. And, we may add, the criterion itself implies that participants to the democratic process should ideally assume responsibility for assessing which sources of information/knowledge production best allow them to assume these responsibilities.

3.3.2 *Alternative Philosophies of Social Inquiry*

Now, a “philosophy of social inquiry” cannot be assessed in quite the way that “a *source* of information/knowledge production” can be. As I am using these terms, the latter has a “product” that can be assessed in terms of its actual “content.” The members of a news organization, for instance, themselves “produce” information through their actions. Thus, “the organization itself” is a “source of information/knowledge production,” whose product can be directly evaluated. By contrast, a “philosophy of social inquiry” cannot be so assessed. For “a philosophy” does not directly “produce” anything that can be so. Nevertheless, one’s implicit or explicit endorsement of the ideas “contained in a philosophy” may, of course, incline one to produce “information” or “knowledge” in this way or that. For it gives one a certain sensibility, hence influences how one acts in the world. Thus, it may influence the actual production of “information” and “knowledge” (as well as what is *regarded as* “information” and “knowledge”). So, it is sensible to ask: Are there ways in which one philosophy of social inquiry may lead participants to meet the Criterion of Enlightened Understanding better than some other such philosophy?

Here, it is challenging to offer a brief but compelling response to this question.⁸¹ Nevertheless, consider the possibility that some such philosophy could lead participants to think/act in ways that “cut off or suppress information that, were it available, might well cause [them] to arrive at a different decision.” To do so, compare a philosophy of social inquiry that begins from the supposition that *all* inquiry is “value-guided” and “value-laden” with one that explicitly rejects that claim, holding that “value-free” and “value-neutral” social inquiry is possible.⁸² More specifically, compare how one may be disposed to act if one endorses the former philosophy with how one may be disposed to act if one endorses the latter. Where one endorses the former, I submit, one will be disposed to *look for norms and values “everywhere.”* And where one endorses the latter, one will be disposed to *believe that norms and values are sometimes “absent”* (e.g., in properly conducted “social-scientific research,” which is construed as being “value-free” and “value-neutral”).

⁸¹ But part of chapter 6 is devoted to giving a compelling response to it.

⁸² For an historical account of the rise of the idea of “value-free/neutral” science/inquiry, see Proctor (1999). For critical accounts of this idea, see, among others, Kincaid et al. (2007) and Putnam (2002). The view that “*all* inquiry is ‘value-guided’ and ‘value-laden’” is one that I associate with, among others, the classical pragmatists. To the best of my knowledge, though, none of the classical pragmatists explicitly made that claim, explicitly invoking that terminology. Rather, I am offering my own way of stating a viewpoint that I believe that they would endorse, and that would seem to follow from beliefs that they did explicitly endorse. (See chapter 6.) As Hilary Putnam (2002: 30) has remarked, “The classical pragmatists, Peirce, James, Dewey, and Mead, all held that value and normativity permeate *all* of experience. In the philosophy of science, what this point of view implied is that normative judgments are essential to the practice of science itself.” Note that, as the classical pragmatists also recognized, there are many different kinds of “values,” including not just “moral” and “ethical” values but also “epistemic” and “aesthetic” ones too. For discussion, see Putnam (2002) and Walsh (2011).

Now, suppose that, indeed, all inquiry is “value-guided” and “value-laden.”⁸³ If so, this would imply that when someone does think that “value-free” and “value-neutral” social inquiry is possible and hence is disposed to believe that norms and values may be “absent” in some given inquiry, one is therefore inclined to *miss certain moments when indeed they are “present.”* Additionally, suppose that some of those moments are ones in which what is said (and not said) then can be said to “have *moral or ethical* significance and implications,”⁸⁴ and precisely because of the norms and values that *are* “present” there. Depending on the circumstances, this

⁸³ In chapter 6, I defend the claim that all inquiry can fairly be characterized this way. (Note that I do not just speak of ethical or moral values here, but also of other values, like epistemic and aesthetic ones.) For the purposes of this chapter, I wish merely to make it plausible to say that, if that claim can be adequately defended, we have good reason for endorsing a philosophy of social inquiry that affirms that claim over a philosophy that (implicitly or explicitly) denies it. Chapter 6 will give a more robust account of why we should endorse a philosophy of inquiry that affirms the claim that all inquiry is “value-guided” and “value-laden.”

⁸⁴ Why do I refer here to the “moral or ethical significance and implications” of “what is said (and not said)” in some inquiry? Well, to enter into a moral dialogue and deliberation about the justifiability of some “binding,” collective decision is, I have suggested, to search out mutually justifiable and mutually acceptable reasons for one’s expressed policy preferences. And to do so, one has to try and understand the (potential or actual) “moral or ethical significance and implications of what is said (and not said) about “‘relevant’ social situations and activities,” where “relevant” has the meaning of “whatever is sincerely *regarded as* ‘relevant’ by one’s interlocutors.” So, for instance, where a dialogue/deliberation concerns the justifiability of some proposed foreign intervention, participant 1 might well regard the potential impact of the proposed intervention on the children of the society-to-be-“intervened-in” as a primary topic of concern. So, ideally speaking, participants 2 through N have the responsibility for trying to understand the “(potential or actual) moral or ethical significance and implications” what is said (and not said) about the potential impact of the proposed intervention on said children. Now, so far I can see, there is no way to specify *in advance* what (kinds of) words, terms, phrases, or sentences or other communicative symbols or gestures will “(potentially or actually) have moral or ethical significance and implications” when they are employed (or not employed) by participant 1’s interlocutors in relation to said topic. Instead, it seems to me that the responsibility in question is for participants 2 through N to try to understand “the (potential or actual) moral or ethical significance and implications” of *whatever* is said (and not said) about said topic *from the perspective of person 1*. A very brief example should serve to illustrate.

Suppose, for instance, that in the first dialogue/deliberation about the proposed intervention, participants 2 through N make no reference or allusion to children at all. In reaction, person 1 might think that *all of what said* by participants 2 through N in the dialogue/deliberation in question “is morally or ethically significant” in that “that level of inattention to something so important as the lives of children evinces a sad lack of sensitivity to the likely humanitarian consequences of the proposed intervention.” Equally, she might say that *what was not said* by participants 2 through N “is morally or ethically significant” for the same reason. Furthermore, she might say that *all of what was said* by participants 2 through N “has moral or ethical implications” because it means that deliberators “are less likely even to consider the impact of the proposed intervention on said children, hence are more likely to make a decision that adversely affects their well-being.” Equally, she might say that *what was not said* by participants 2 through N “has moral or ethical implications” for the same reason. Or, recognizing that there are other dialogues/deliberations to come, she might say that *all of what was said* (or *what was not said*) is *potentially* “morally or ethically significant” because “that level of inattention to something so important as the lives of children *could* evince a sad lack of sensitivity to the likely humanitarian consequences of the proposed intervention,” assuming that the same pattern is observed in the remaining dialogues/deliberations on said intervention. Furthermore (and again recognizing that there are further dialogues/deliberations to come), she might say that *all of what was said* (or *what was not said*) by participants 2 through N *potentially* “has moral or ethical implications” because it means that deliberators “*might be* less likely even to consider the impact of the proposed intervention on said children, hence are more likely to make a decision that adversely affects their well-being,” assuming that the same pattern is observed in the remaining dialogues/deliberations on said intervention.

These considerations suggest the conclusion that, ideally speaking, each participant should try to understand “the (potential or actual) moral or ethical significance and implications” of *whatever* is said (and not said) about “relevant social activities and social situations” *from the respective perspectives of each of the other participants*.

could imply that “relevant” information was being “cut off or suppressed,” indeed, information that, “were it available, might well cause citizens to arrive at a different decision.” And, in consequence, it could imply that the Criterion of Enlightened Understanding would have been better served by the alternative philosophy that had disposed participants to look for norms and values “everywhere.”

To see this, suppose that, in trying to understand the character of some particular policy, the participants produce, and then come solely to rely on, a particular description of that policy. Furthermore, suppose that they begin by endorsing a philosophy of social inquiry that does hold that “value-free/neutral” social inquiry is possible. Still further, suppose that, partly in consequence of that endorsement, they begin by regarding their policy description as being merely a “factual” account, hence as being “value-free/neutral.”

Now, suppose that the participants subsequently choose to adopt a philosophy that holds that all inquiry is “value-guided” and “value-laden,” and are, therefore, disposed to look for norms and values “everywhere.” Consequently, they decide to conduct an inquiry that serves to reveal the *value-guided* character of the description in question (and, as we’ll see, its *value-laden* character as well). More specifically, suppose that, by conducting their inquiry, they reveal how certain of their own norms and values had originally led them, in describing the policy, not to include a consideration of certain persons’ *actions, motives, and intentions* – including those that, even for the “minimal” purposes of “descriptive accuracy,” they retrospectively come to agree that they should have included. (We need not postulate any *moral* or *ethical* motives or intentions behind the participants’ choices about what to include. Indeed, let us just suppose that, in producing the original description, the information in question was simply not regarded as “relevant” to the description in question, for whatever “epistemic reasons” you like: say, for reasons of “parsimoniousness,” or “coherence,” or “plausibility.” The citizens’ epistemic values, and their epistemic values alone, are what led them not to include the information, we’ll say.⁸⁵) In particular, suppose that the description is of a policy implemented by a foreign state, but with crucial support from the citizens’ own. Further, suppose that the role of those participants’ own state in supporting the policy is precisely what is excluded from the description, and that, in consequence, the actions, motives, and intentions of their state’s decision-makers are too.

Now, suppose that, through a process of reflection triggered by their inquiry, the participants come to see that, by originally viewing the description in question as being merely a “factual account” (hence “value-free/neutral”), they had *failed to recognize “the moral or ethical significance and implications” of what was said (and not said) in that description*. In particular, let us say that they come to see that they had failed to recognize who certain of the

⁸⁵ Note that, to be intelligible, any social inquiry will have to include an implicit or explicit description of certain persons’ actions, motives, and intentions. Moreover, note that, by necessity, all inquiries are selective about all of the (different kinds of) information they include. Furthermore, all inquiries are selective for reasons that partly have to do with our “epistemic values,” e.g. reasons that have to do with “relevance,” “coherence,” etc. Hence all intelligible social inquiries selectively include information/claims about certain persons’ actions, motives, and intentions, and do so partly for epistemic reasons. The question, then, is whether this “necessary selectivity” (about persons’ actions, motives, and intentions) leads us to think, on reflection, that what is *said* (or is *not said*) in the inquiry in question may reasonably be said to “have moral or ethical significance and implications.” If so, we can then say that in recognizing *how* an inquiry *is* “value-guided” we may come to see *how* it is also “value-laden.” (I assume that in recognizing how an inquiry is “value-guided,” we therefore recognize that it *conveys* values. And an inquiry that “conveys” values is also one that is “value-laden.”)

persons were whose interests were “(somehow) significantly affected by” their own state’s actions.⁸⁶ In other words, they see that they had failed to recognize who certain of their “moral constituents” were. Furthermore, we may suppose that the inquiry thereby helps them “to understand relevant social situations and activities from the perspectives of relevant others” – more specifically, *to understand the consequences of the policy they had (unwittingly) supported from the perspectives of those whose interests were (somehow) importantly affected by it.* For, as I’ve characterized this hypothetical, the participants began with a description that failed to recognize the actions of agents of their own state in executing or implementing the policy. As such, the description failed to indicate that their own state *did* support the policy in question, and, accordingly, it did not point them to the possibility that they bore some responsibility for it. Consequently, “the description/factual account” did not allow them to see that “their” actions *were* “relevant” here. Hence, the moral or ethical significance and implications of the description was evident to the moral constituents but was shielded from the participants. (Here, let us suppose that the moral constituents had always recognized that the state in question had supported the policy in question. Moreover, let us suppose that they had always recognized that the participants’ original description of the policy in question had not recognized the actions of the participants’ state. Hence, in getting the participants also to recognize these facts, the inquiry brings them to better understand the perspectives of the moral constituents. Moreover, we may suppose that it gets them to see why the moral constituents had always seen the description in question as “value-guided” and “value-laden,”⁸⁷ given that they had always recognized that the participants’ choices about what to include in the description implied that their own *status* as “moral constituents” would remain unrecognized.) But the participants’ inquiry brings them to see this, and hence to understand the consequences of the policy they had supported from the perspectives of those who were “(somehow) significantly affected by it.”

If so, it would also be fair to say that the imagined inquiry aided them in better living up to the Criterion of Enlightened Understanding. For recall that, on my reinterpretation of it, the criterion specifies that participants should assume responsibility for seeking out mutually acceptable and generally accessible reasons for their expressed policy preferences. And this responsibility entails a number of further, more specific responsibilities, including: (a) that they try to identify who their moral constituents are, hence to whom they owe a justification for any policy that they (would) support; and (b) that they try to understand relevant social situations and activities from the perspectives of relevant others (including their moral constituents), hence *also that they try to understand “the moral or ethical significance and implications” of what is said (or is not said) about those relevant social situations and activities by those who support the pertinent policy.* If the inquiry in question succeeded in helping the participants to live up to those commitments, it could fairly be said to have served the Criterion of Enlightened Understanding too.

Furthermore, it would then be fair to say that, by originally regarding the description in question as merely being a “factual account” (hence “value-free/neutral”), certain relevant information was then being “cut off or suppressed,” indeed, information that, conceivably at least, could have led the participants to arrive at a different decision. (It is conceivable that had the participants originally recognized the moral constituents, they would have changed

⁸⁶ Recall that, in our hypothetical description, their state’s actions with respect to the policy in question were not at all recognized.

⁸⁷ Of course, in any actual case, they may not (indeed, very likely will not!) use that terminology.

something about, perhaps never even supported, the policy in question.) And it would then be fair to say that the participants' choice to endorse the philosophy that holds that all social inquiry is "value-guided" and "value-laden" better served the Criterion of Enlightened Understanding than their original choice to endorse a philosophy that holds that "value-free/neutral" social inquiry is possible.

3.4 The Fourth Criterion

We turn now to Dahl's final criterion: the Criterion of Final Control of the Agenda by the Demos. This is how he states it:

The demos⁸⁸ must have the exclusive opportunity to decide how matters are to be placed on the agenda of matters to be decided by means of the democratic process.⁸⁹

Now, I do not wish to revise this fourth criterion. For again, no insights derived from inquiry into paradigmatic moments of "free and equal treatment" lead me to think that there are reasons for abandoning or revising it. Here, however, I do want to say something about why Dahl offers the criterion, and about why I think that we should endorse it too. Furthermore, I want to mention some of the main responsibilities that the criterion would seem to entail.

Dahl notes that even if a democratic association were to meet the first three criteria "perfectly," it nevertheless could be "a travesty of democracy."⁹⁰

Let us imagine an independent country where the three criteria we have discussed are relatively well met, and in addition there are no limitations on the matters that citizens may decide. Their agenda of collective decisions is completely open. Suppose that an antidemocratic movement somehow seizes power. In a move to placate the democratic sentiments of their fellow countrymen the new rulers leave the old constitution symbolically in place. However, they modify it in one respect. Hereafter, the people may use their old democratic political institutions for only a few matters – purely local questions, let us say, such as traffic control, street maintenance, and residential zoning. The rulers keep all the rest strictly under their own control.⁹¹

Now, such a political association, Dahl rightly observes, would be "a travesty of democracy." "For citizens could not democratically decide matters they felt to be important other than those the rulers had allowed to remain on the pitifully shrunken agenda of the neutered democracy."⁹²

An analogous example could be given with respect to a group of friends, whose agenda-setting, and so decision-making, processes become usurped by a new associate. Briefly, consider a case where a new associate "joins" a group of friends and offers to "coordinate the logistics" of an upcoming group vacation abroad. Group discussion (which includes the involvement of the new associate) leads the friends to think that the new associate is just going to arrange whatever

⁸⁸ For our purposes, we'll use "the demos" either to refer to "the citizens of the state in question" or to "the members of the association in question."

⁸⁹ Dahl (1989:113).

⁹⁰ Ibid. 113.

⁹¹ Ibid. 113.

⁹² Ibid.

exact trip the *group* decides to make in the forthcoming weeks. For whatever reason, group discussion leads them also to decide that it is easiest for them to pool their resources together and to have one person make the hotel reservations, pay for the day trips that they would like to do through various in-country travel agencies, purchase the plane tickets for in-country travel while abroad, and so forth. So, trusting the new associate, they pool their money, agreeing to allow the new associate to “coordinate the logistics” for the forthcoming trio. Once they have done so, however, they realize that, using their *collective* resources, the new associate has gone ahead and made hotel reservations where *he alone* decided he wanted to stay, planned and paid for the day trips that *he alone* decided that he wanted to make, and so forth – all without consulting any of his “friends.” Here, too, we would have a “travesty of democracy.” For the friends in question could not democratically decide matters they felt to be important (e.g., where to stay, which day trips to make) other than those that the new associate had allowed to remain on the “pitifully shrunken agenda of the neutered democracy” (perhaps which restaurants to eat at while abroad).

What, though, do these considerations suggest about the responsibilities that participants ought ideally to assume? To respond, notice first what the criterion, as stated, does *not* imply.

According to this criterion, a political system would employ a fully democratic process even if the demos decided that it would not make every decision on every matter but instead chose to have some decisions made, say, in a hierarchical fashion by judges or administrators. As long as the demos could effectively retrieve any matter for decision by itself, the criterion would be met.... Thus the criterion of final control does not presuppose a judgment that the demos is qualified to decide every question requiring a binding decision. It does presuppose a judgment that the demos is qualified to decide (1) which matters do or do not require binding decisions, (2) of those that do, which matters the demos is qualified to decide itself, and (3) the terms on which the demos delegates authority. To accept the criterion as appropriate is therefore to imply that the demos is the best judge of its own competence and limits.

Accordingly, we might observe that the criterion helps us to define the following principal responsibilities that, ideally speaking, those who choose to participate ought to assume. (I stress that, ideally speaking, the citizens or members of the association in question ought to have equal and adequate opportunities to participate in the decisions referenced under [1]-[3] above. I take this to be an implication of the claim that “the demos”⁹³ must have the exclusive opportunity to decide how matters are to be placed on the agenda of matters to be decided by means of the democratic process.”) First, they ought to assume responsibility for judging which matters do or do not require binding decisions. Second, they ought to assume responsibility for judging which matters, of those that do require a binding decision, the demos is itself qualified to decide. And third, they ought to assume responsibility for judging the terms on which the demos delegates authority.

Conclusion

⁹³ For our purposes, we’ll use “the demos” to refer either to “the citizens of the state in question” or to “the members of the association in question.”

In closing, let us briefly review the main conclusions from this chapter, tying these into a variety of relevant considerations adduced in the previous chapter, “Normative Democratic Theory as a Tool for Practical Reasoning.”

Having developed a Dewey-inspired approach to normative democratic theory in chapter 4, I then, in this chapter, aimed to develop my own “normative theory of the democratic process.” I did so by critically engaging with Robert Dahl’s normative theory. Here, I reiterate the main points of similarity between our respective approaches, which highlight why I chose to engage with his theory in the first place. In doing so, I’ll highlight how my theory differs from Dahl’s theory, and so how it can be read as an improvement on it.⁹⁴ Furthermore, I’ll underscore how the juxtaposition between Dahl’s theory and my own theory indicates the benefits of a Dewey-inspired anthropological-interpretive approach to normative democratic theory.

To begin with, Dahl’s theory is based on two major premises (which refer us back to what I referred to in chapter 4 as “the twin values that arguably justify the adoption of a democratic process in the first place,” namely, the values of treating persons as “moral equals” and as “autonomous”). First, if we regard persons as somehow being “intrinsically equal,” it follows that the process by which an association governs itself ought to give “equal consideration” to the good or interests of each of its citizens or members. Second, if we presume that the adult members of an association are “autonomous” – that they are the best judges, promoters, and defenders of their own good or interests – we should assume that they are adequately qualified to participate in that process. Based on these premises, Dahl offers four “criteria for a democratic process.” Dahl’s criteria specify the equal and adequate opportunities for participation that citizens should ideally have in such a process. The criteria are “standards – ideal standards, if you like – against which procedures proposed ought to be evaluated in any association to which the assumptions [“justifying a *democratic* political order” may be said to] apply,” those assumptions being that persons are regarded as intrinsically equal and as autonomous.⁹⁵ More specifically, the criteria, he says, ought to be used for assessing how well alternative *procedures* furnish citizens with the equal and adequate opportunities that the criteria articulate.

In this chapter, I suggested that we should endorse Dahl’s two premises (in a modified form in the case of the first premise), but reconsider the implications of our doing so. First off, I agreed with Dahl that if we regard persons as being “intrinsically equal” (as both of us accept we should), it follows that the process by which a political association governs itself ought to give “equal consideration” to the good or interests of each of its members. However, I proposed an amendment to this first premise. Again, instead of saying that if we regard persons as somehow being “intrinsically equal,” it follows that the process by which a political association governs itself ought to give “equal *consideration*” to the good or interests of each of its members, I offered reasons for preferring to say that we should therefore give “equal consideration to, and show *equal concern and respect* for,” the good or interests of all relevant persons. The second premise I did not amend: if we presume that the adult members of an association are “autonomous” – that they are the best judges, promoters, and defenders of their own good or

⁹⁴ Often, the best way to make progress in theory is to differentiate one’s own theory from whatever theory is, in relevant respects at least, the theory that is “closest” to one’s own theory. This helps to make it clear how one’s own theory offers an improvement on what, in relevant respects at least, is “the best theory” currently on offer.

⁹⁵ Dahl (1989: 108-109).

interests – we should, indeed, assume that they are adequately qualified to participate in that process.⁹⁶

Moving on to the criteria themselves, I agreed with Dahl that we should think of the criteria for a democratic process as “ideal standards,” but chose to use the terminology “ideal procedural criteria” instead. However, taking the arguments developed in this chapter together with selected arguments from chapter 4, I disagreed with Dahl on two major substantive issues with respect to the criteria.

First, I disagreed on how to characterize the *ideal procedural criteria themselves* and I disagreed on how to characterize *their function (that is to say, the function of normative democratic theory) in democratic practice*. On the first issue, I argued, the ideal procedural criteria should specify not only the (equal and adequate) *opportunities* that the process (and that participants) should ideally grant each other; they should also specify the *responsibilities* that participants should ideally assume in relation to one another (and, indeed, those they [ought to] represent).⁹⁷ Anthropological-interpretive inquiry into paradigmatic moments of “free and equal treatment” reveals, I suggested, that persons who view each other as intrinsically equal and autonomous recognize that they owe each other *justifications* for their expressed policy preferences. Therefore, the ideal procedural criteria should not just articulate certain (equal and adequate) *opportunities* but also a number of *responsibilities* related to such justification. In this way, we are led from Dahl’s own premises to a deliberative conception of the democratic process. This, I submit, is an important outcome. As indicated in chapter 1, a broad range of democrats, including so-called “aggregative democrats” and so-called “deliberative democrats,” agree that democracy is a “moral or ethical ideal.” For it seems that all such democrats (at least tacitly) endorse some ideal of “free and equal personhood,” and, in consequence, some ideal of “free and equal *citizenship* or *membership*.” Nevertheless, such democrats currently arrive at very different conclusions about what an inclusive, democratic process should look like (for instance, “aggregative democracy” is sometimes understood to stand in sharp contrast to “deliberative democracy”). If, however, we can derive a deliberative conception of democracy from the core values that “aggregative democrats” and “deliberative democrats” both apparently endorse (that is, the values of treating citizens or members as “free” and as “equal”), my theory promises to bring more “aggregative democrats” into the “deliberative” fold, creating broader agreement on what a democratic process should at least ideally look like.

On the second issue, I argued, the function of normative democratic theory in democratic practice should *not* be what Dahl suggests it should be. (Here is where we need to recall various conclusions from chapter 4). Again, Dahl suggests that normative democratic theory ought to be

⁹⁶ I did, however, add the comment that this presumption – the Presumption of Personal Autonomy – should be interpreted so as to include the implication that “autonomous persons” should be presumed to be the best judges of how actions *bear* on their own good or their own respective interests.

⁹⁷ Among the responsibilities that we either included in the criteria themselves or characterized as entailments of them are the responsibilities: to seek out mutually acceptable and generally accessible reasons for one’s expressed policy preferences; to listen and, as appropriate, respond to the reasons offered by each of the other participants; to try to understand relevant social situations and activities from each other’s perspectives; to judge which matters do or do not require binding decisions; to judge which matters (of those that do require a binding decision) the demos is itself qualified to decide; to judge the terms on which the demos delegates authority; and finally, to evaluate alternative procedures, sources of information/knowledge production, and philosophies of social inquiry in virtue of the opportunities they furnish citizens for acquiring an understanding of the means and ends of policymaking, of one’s good or interests and the expected consequences of the means and ends of policymaking for interests, not only for oneself but for all other relevant persons as well.

used for assessing how well alternative *procedures* furnish citizens or the members of an association with the equal and adequate opportunities that the criteria articulate; he mentions *no* other role for it. By contrast, my view is that the participants to a democratic process ought to use the ideal procedural criteria as a tool for inquiring into the *procedures, virtues, and cultural practices* that, in the particular context in which they do (have to) act, are most apt to promote the effective granting of the (equal and adequate) opportunities that are specified by those criteria and are most apt to promote the effective assumption of the (corollary negative and positive) responsibilities that are specified (or entailed) by them. (Again, we arrived at that conclusion [in chapter 4] through informed reflection on paradigmatic moments of “treatment as free and equal” in joint or collective decision-making. Here again, I suggest, we can see the benefit of my Dewey-inspired philosophic method – that is, we can see the benefit of engaging in anthropological-interpretive inquiry into moral experience itself. For such inquiry helps us to see *why* participants ought ideally to engage in such inquiry in the first place. That is, when we reflect on those joint or collective decisions (say, among friends) in which we typically *do* think that we are being treated as moral equals, we notice that we do recognize the potential *need* to inquire, and that, as appropriate, we actually *do* inquire, into “procedures,” “virtues,” and “cultural practices” in this way. And, reasoning analogically, we can then appreciate that, in order to treat each other (and those, if any, they [ought to] represent) as free and equal, the participants to a democratic process should do so too.

Chapter 6

Why the Democratic Process Ought to Be Conducted as a Reflexive Social Practice

Introduction

In chapter 4, “Normative Democratic Theory as a Tool for Practical Reasoning,” I suggested that the democratic process ought to be conceived of as a form of collective social inquiry. In chapter 5, “Toward a Normative Theory of the Democratic Process,” I then suggested that the normative theory that I developed in that chapter gives us reason to prefer some sources of information/knowledge production to other such sources, just as it gives us reason to prefer some philosophies of social inquiry to other such philosophies. More specifically, the claim was that the Criterion of Enlightened Understanding implies that, ideally speaking, participants not only assume responsibility for evaluating alternative decision-making *procedures* in virtue of the opportunities they afford participants for acquiring an understanding of the means and ends of policy-making, and of relevant persons’ interests and the consequences of policies for relevant persons’ interests; it also implies that participants evaluate *alternative sources of information/knowledge production and alternative philosophies of social inquiry* in this way too. Furthermore, recall that, in that chapter, I observed that the Criterion of Enlightened Understanding implies that, ideally speaking, participants should assume responsibility for seeking our mutually acceptable and generally accessible reasons for their expressed policy preferences. And, I pointed out, this responsibility entails a number of further, more specific responsibilities, including that they try to understand relevant social situations and activities from the perspectives of relevant persons, hence also the “moral or ethical significance and implications” of whatever participants *say* (and *do not say*) about those relevant social situations and activities.

In this chapter, I want to develop a claim that can reasonably be understood as directly emerging from the observations summarized in the previous paragraph. The claim is that the democratic process is best conceived of as a form of collective social inquiry, conducted as a “reflexive social practice”: as a practice in which participants recognize the potential *need* to inquire, and, as appropriate, actually *do* inquire, into the (potential or actual) moral or ethical significance and implications of whatever is said (and not said) in whatever inquiries are fed into, or invoked in the context of, the democratic process.¹ (In the rest of this chapter, I’ll sometimes refer back to this claim as “the main claim.”)

I. Three Arguments for Conducting the Democratic Process as a Form of Collective Social Inquiry

We begin with the reference to “whatever inquiries are fed into, or invoked in the context of, the democratic process” in the main claim. What are the “inquiries” that I refer to here?

¹ See note 84, chapter 5, for an elaboration of why I refer to “the (potential or actual) moral or ethical significance and implications of whatever is said (or not said)” in those inquiries.

To begin with, recall that in chapter 4 I suggested that, ideally speaking, the democratic process ought to be conducted as a form of collective social inquiry. And recall that, more specifically, the suggestion was that informed reflection on paradigmatic moments of “free and equal treatment” in joint or collective decision-making reveals that in order to give equal consideration to, and to show equal concern and respect for, the good or interests of each of the participants, participants grant certain (equal and adequate) opportunities to one another *and* assume certain (corollary positive and negative) responsibilities in relation to one another. (This idea was developed in chapter 5 as well.) Furthermore, I suggested that informed reflection on such paradigmatic moments reveals that participants: recognize that, in order effectively to grant one another such opportunities, they often need to adopt a specific *procedure* for doing so; recognize that there are certain moral, ethical, and intellectual *virtues* that would assist the participants to the process in assuming (or that would dispose them to assume) the (positive and negative) responsibilities entailed by the effective granting of such opportunities; and recognize that there are *cultural practices* that can promote a social environment that is conducive to the effective granting of such opportunities and to the effective assumption of the (positive and negative) responsibilities that are involved in their doing so. Still further, the suggestion was that such reflection also reveals that participants: recognize that there is often a need to inquire, and frequently do inquire, into *the specific procedures* that, in the particular context in which they do (have to) act, are most likely to allow them effectively to grant such opportunities; recognize that there is often a need to inquire, and that they sometimes do inquire, into *the specific virtues* that would assist the participants to the process in assuming (or that would dispose them to assume) the (positive and negative) responsibilities entailed by the effective granting of those opportunities; and recognize that there is often a need to inquire, and that they frequently do inquire, into *the specific cultural practices* that can promote a social environment that is conducive to the effective granting of those opportunities and to the effective assumption of the (positive and negative) responsibilities that are involved in their doing so.

In short, the suggestion was that informed reflection on paradigmatic moments of free and equal treatment in joint or collective decision-making reveals that, in those moments, participants recognize the need to inquire, and, as appropriate, actually do inquire, into the procedures, virtues, and cultural practices that, in the particular context in which they do (have to) act, are most apt to promote the effective granting of certain opportunities and the effective assumption of certain responsibilities. That, again, is why I said that, ideally speaking, *democracy’s participants* should (think they should) conduct empirical inquiries that illuminate how, in some particular context, they might best uphold the norms and realize the values that the normative democratic theory developed in chapter 5 helps them to articulate. And that, I also added, is one reason why I suggested that, ideally speaking, the democratic process ought to be conducted as a form of collective social inquiry. For brevity, let’s summarize this first argument for conducting the democratic process as a form of collective social inquiry as *The Presumed Need to Inquire into Procedures, Virtues, and Cultural Practices*.

There are, however, at least two other arguments for why the democratic process ought to be conducted as a form of collective social inquiry.

The first of these emerges directly from the normative democratic theory developed in chapter 5. Recall that, on my interpretation, the Criterion on Effective Participation and the Criterion of Enlightened Understanding both say that participants should assume responsibility for seeking out mutually acceptable and generally accessible reasons for their expressed policy preferences, and, consequently, for trying to understand relevant social activities and situations

from relevant persons' perspectives. Now, notice that assuming these responsibilities entails conducting a good deal of *inquiry*, which we can even appreciate by looking at a case where there are just two agents involved.

For two agents sincerely to seek out reasons that are mutually acceptable and mutually accessible, they have to assume numerous further responsibilities: for instance, for listening to each other and, as appropriate, for responding to each other. And these responsibilities entail still further ones. For instance, "listening and responding to another person" often entails *questioning and even transforming one's own self-understandings or self-perceptions*. ("You say that you have 'always' been strongly committed to the social/economic/political ideal of 'equal opportunity'; but what about your long-standing opposition to gay marriage and same-sex adoption? Don't all members of our society deserve an 'equal opportunity' to start a family and to adopt children in the same way that heterosexual couples do?"). Or consider the fact that, often, "listening and responding to another person" entails "putting oneself in their shoes," that is, *sympathetically projecting oneself into their 'heart and mind,'* thereby trying to understand relevant social activities and situations from their perspective, to see and feel them as they do. ("Imagine what *you* would feel like if you and you're partner were neither able to bear your own children nor permitted to adopt children. How would you feel then? Before you respond with some platitude about the 'disadvantages' that my children are likely to suffer in virtue of the fact that they have gay parents, you should at least try to understand the matter from my perspective.") Moreover, the assumption of these further responsibilities entails assuming still further ones: for instance, "questioning and even transforming one's own self-understandings or self-perceptions" might entail revisiting the history of one's policy positions and the way in which one has interpreted the aim of "equal opportunity," while "sympathetically projecting oneself into another person's 'heart and mind'" may entail re-thinking the empirical evidence – such as there is – on the "disadvantages" that the children of same-sex couples face and placing that evidence alongside a more sensitive and nuanced understanding of the emotional burdens suffered by those who are denied marriage and adoption rights. And so on. Indeed, beginning with just one responsibility (e.g. the responsibility for seeking out mutually acceptable and generally accessible reasons for one's expressed policy preferences), one can continue on almost indefinitely in the task of enumerating additional responsibilities that, in some particular context, (would) arguably follow on the sincere *assumption* of that "first responsibility."

This observation puts the lie to the idea that an "ethics" or a "morality" could ever be made fully explicit. But there is another, related implication that I am driving at, namely, that our normative democratic theory *itself* suggests that there is reason to maintain that the democratic process ought to be conducted as a form of collective social inquiry. I refer to the fact that, as just indicated, the Criterion of Effective Participation and the Criterion of Enlightened Understanding both say that participants should assume responsibility for seeking out mutually acceptable and generally accessible reasons for their expressed policy preferences, and so for trying to understand relevant social activities and situations from each other's perspectives, and that their doing so entails that they engage in various forms of inquiry: perhaps, for instance, questioning and even transforming their own self-understandings or self-perceptions; sympathetically projecting themselves into relevant persons' "heart and minds"; revisiting the history of their own policy positions and the way in which they have interpreted certain relevant social/economic/political ideals; developing a more sensitive and nuanced understanding of the emotional burdens suffered by those who are critically impacted by relevant policies; and so on. For brevity, let's summarize this second argument for conducting the democratic process as a

form of collective social inquiry as *The Presumed Need to Inquire into What Could Count as Mutually Acceptable and Generally Accessible Reasons*.

The third argument is one that, stated in a quite general form, applies, I believe, to any normative democratic theory worthy of the name, not just to our own theory from chapter 5. Let me first state the argument in its general form and then offer a brief articulation of the variant of it that is specific to our own theory.

The basic idea is simple: any reasonable view of collective decision-making will view that process as, among other things, a way to generate knowledge and information that is relevant to making “informed,” “intelligent,” “reasonable,” or “rational” decisions, however one specifically interprets these adjectives. Correspondingly, any normative theory of the democratic process will presumably stipulate, or, if it forgets to do so, accept as a friendly amendment, that one desideratum for “informed,” “intelligent,” “reasonable,” or “rational” decision-making, however defined, is that participants have some “adequate” level of “relevant” information about the past, present, and/or proposed actions of “relevant” agents and/or agencies.² One simply cannot make such a decision without some such information; for instance, an “informed,” “intelligent,” “reasonable,” or “rational” decision about future energy policy without any information about how past energy policy has worked out. Accordingly, any normative democratic theory will presumably recognize the need for the democratic process to function as a form of collective social inquiry, at least in the minimal sense that it ought to be an occasion to *pool* participants’ knowledge, information, and/or judgments about the actual or potential consequences of past, present, and/or proposed actions of “relevant” agents and/or agencies. Beyond this, however, differences will emerge with respect to what counts as “relevant” information about these “actual or potential consequences.”

In any case, though, the primary claims that I would like to emphasize with respect to our own theory are as follows.

In chapter 5, I defended the idea that, ideally speaking, the participants to a democratic process ought to give equal consideration to, and show equal concern and respect for, the good or interests of “relevant persons.” This was summarized in the Principle of Equal Consideration of, and Concern and Respect for, the Good or Interests of Relevant Persons. In doing so, I invoked the Presumption of Personal Autonomy, which, in its most succinct formulation, was stated as follows: “In the absence of a compelling showing to the contrary everyone should be assumed to be the best judge [and most reliable promoter and defender] of his or her own [good or] interests.”³ What I want now to add is that our *joint* endorsement of The Principle of Equal Consideration of, and Concern and Respect for, the Good or Interests of Relevant Persons *and* the Presumption of Personal Autonomy seems to have important implications for how we should interpret the idea that “the democratic process ought to be an occasion to *pool* participants’ knowledge about the potential or actual consequences of past, present, and/or proposed actions of ‘relevant’ agents and/or agencies.” Briefly, it implies, we might say, that the democratic process ought to be an occasion to pool all relevant persons’ knowledge, information, and judgments about the actual or potential consequences of past, present, and/or proposed actions of “relevant” agents and/or agencies, and to pool relevant persons’ *own* ideas about how those

² There is no way to stipulate who these “relevant” agents and agencies are in advance, since different agents and agencies will be pertinent to different decisions in different contexts: sometimes they will include this or that bureaucracy, sometimes this or that foreign leader, sometimes this or that local police force, this or that local social movement, and so on.

³ Dahl (1989: 100).

actions bore, bear, and/or might bear on their own good or their own respective interests. For it would seem that persons who are (to be presumed) “the best judges, and most reliable defenders and promoters, of their own good or their own respective interests” are also (to be presumed) “the best judges of how certain actions *bear* on their own good or their own respective interests.”⁴ Hence the above suggestion “that the democratic process ought to be an occasion...to pool relevant persons’ *own* ideas about how [the actual or potential consequences of past, present, and/or proposed actions of ‘relevant’ agents and/or agencies] bore, bear, and/or might bear on their own good or their own respective interests.”

There is, however, something potentially misleading about this formulation. Talk of “pooling” such knowledge, information, and/or judgments might be thought to suggest that the process in question is “aggregative” in character, where this is understood as follows. Any given participant *may* have knowledge, information, and/or judgments about how relevant agents’ and/or agencies’ actions have turned out, are turning out, and/or might turn out. Hence, in trying to formulate an “informed,” “intelligent,” “reasonable,” or “rational” decision in the democratic process in question, each participant ought ideally to “have access to” the knowledge, information, and/or judgments that each of the other participants has (made) *and* to the knowledge, information, and/or judgments that each of the other relevant persons has (made). (The reason that it might be thought to have this “aggregative” character is that when we sometimes *talk* of “pooling” things, like financial resources, the process of doing so does have a simple “aggregative” character in this way, as when, for example, the three sons of a sick mother pitch in whatever money they have to cover her exorbitant medical bills.) This, however, strikes me as altogether too “individualistic” or “atomistic” a rendering of the *purpose* and *function* of “democratic discussion,” even where, for the moment at least, the purpose of that discussion *is* to share knowledge, information, and/or judgments about how “relevant” agents’ and/or agencies’ actions have turned out, are turning out, and/or might turn out. For it seems to suggest the expectation that the *resource* that is “contributed” to the process in question will not in any way be transformed by it (much in the way that the money that son 1 contributes to his mom’s medical bills is not transformed by the money that son 2 contributes to it, or by the money that son 3 contributes to it, and so on). By contrast, our everyday, lived experience with discussions that are aimed at information generation and exchange indicates that the purpose of those discussions just *is* to “transform” the “resources” in question, that is, to transform the information, knowledge, and/or judgments in question. That is why, for instance, we speak of “improving the *quality* of the information at our disposal,” not just “the *amount* of it.”

Accordingly, I should like to say that, in the context of our own normative democratic theory, the third argument for conducting the democratic process as a form of collective social inquiry is this: Our joint endorsement of The Principle of Equal Consideration of, and Concern and Respect for, the Good or Interests of Relevant Persons *and* the Presumption of Personal Autonomy implies that the democratic process ought to be an occasion to inquire into how all relevant persons interpret the actual or potential consequences of past, present, and/or proposed actions of “relevant” agents and/or agencies *and* an occasion to inquire into how all relevant persons interpret how (if at all) those actions bore, bear, and/or might bear on their own good or their own respective interests. For brevity, let’s summarize this third argument as *The Presumed Need to Inquire into Relevant Persons’ Own Interpretations of Policy Consequences*.

⁴ Again, recall Dewey’s (LW 11: 219) apt observation that “there is one thing that [individuals] are wiser about than anybody else can be, and that is where the shoe pinches, the troubles they suffer from.”

(To clarify, the Principle of Equal Consideration of, and Concern and Respect for, the Good or Interests of Relevant Persons explains the reference to inquiring into how “*all relevant persons* interpret the actual or potential consequences of past, present, and/or proposed actions of relevant agents and/or agencies” and the reference to inquiring into how “*all relevant persons* interpret how [if at all] those actions bore, bear, and/or might bear on their own good or their own respective interests.” And the Presumption of Personal Autonomy explains the reference to inquiring into “how all relevant persons *interpret* the actual or potential consequences of past, present, and/or proposed actions of relevant agents and/or agencies” and the reference to inquiring into “how all relevant persons *interpret* how [if at all] those actions bore, bear, and/or might bear on their own goods or their own respective interests.”)

So, taking the above three arguments together, it is not difficult to appreciate why I have concluded that, ideally speaking, the democratic process ought to be conducted as a form of collective social inquiry. For at least three arguments stand in support of this conclusion, which I have summarized as: (1) The Presumed Need to Inquire into Procedures, Virtues, and Cultural Practices; (2) The Presumed Need to Inquire into What Could Count as Mutually Acceptable and Generally Accessible Reasons; and (3) The Presumed Need to Inquire into Relevant Persons’ Own Interpretations of Policy Consequences.

These considerations clarify what I have in mind in referring to “collective social inquiry” and to “whatever inquiries are fed into, or invoked in the context of, the democratic process” in the main claim of this chapter. (To recall, the main claim is that the democratic process is best conceived of as a form of collective social inquiry, conducted as a “reflexive social practice”: as a practice in which participants recognize the potential need to inquire, and, as appropriate, actually do inquire, into the [potential or actual] moral or ethical significance and implications of whatever is said [and not said] in whatever inquiries are fed into, or invoked in the context of, the democratic process.”) What, though, of the idea of “inquiry into inquiries” that is expressed by the main claim? And, more specifically, what about the idea of inquiring into the “(potential or actual) *moral or ethical significance and implications* of whatever is said (and not said) in whatever inquiries are fed into, or invoked in the context of, the democratic process?”

Here is where we come to the idea of reflexivity that is contained in the main claim but that we have not yet discussed. In section II, we begin with some general observations about the idea of reflexivity. In section III, we’ll then turn to the specific way in which I propose to employ the term for the purposes of our own normative democratic theory.

II. Basic Tenets of a Generic Conception of Reflexivity

As an adjective, the Oxford English Dictionary tells us, a “reflexive” person is someone who is “capable of, or inclined to, or characterized by reflection or serious thought.” However, “reflexive” may also refer to a “mental action, process, etc.” that is “turned or directed back upon the mind itself” or that involves “intelligent self-awareness or self-examination.” In the social sciences, the term has had the meaning of a “method, theory, etc.” that “takes account of itself or esp. of the effect of the personality or presence of the researcher on what is being investigated.” In literary theory, the term has had the meaning of a text, piece of artwork, or suchlike that “consciously calls attention to itself or its process or production.”

Putting aside for the moment the precise manner in which I have expressed the notion of a “reflexive social practice” in the main claim, we might, then, begin with the following thought.

In claiming that the democratic process is best conceived of as a form of collective social inquiry, conducted as reflexive social practice, the suggestion is something like this: When the participants to a democratic process conduct the various inquiries described under the three arguments that stand in support of the conclusion that, ideally speaking, the democratic process ought to be conducted as form of collective social inquiry, they would ideally be capable of, inclined to, and characterized by serious, reflective thought. Moreover, as they conduct such inquiries, they would ideally turn or direct their mental processes back upon their own minds, always engaging in the kind of searching self-examination that would allow them to exhibit an intelligent self-awareness. For instance, when, in conducting such inquiries, they develop specific theories and employ particular methods, they would ideally take account of the effect of their personalities and their own presence on whatever is being investigated. And, ideally, whatever they create through these inquiries would consciously call attention to the process that went into producing it.

Now, as far as it goes, this understanding of a reflexive social practice is well aligned with what I have in mind with the main claim. But it does not go far enough. For I should need to say something about the reasons I have for suggesting that participants should recognize the potential need to inquire, and that, as appropriate, they actually do inquire, into the (potential or actual) moral or ethical significance and implications of whatever is said (and not said) in whatever inquiries are fed into, or invoked in the context of, the democratic process. And I should need to give some indication of what specifically it would mean for them to do so, why I am specifically highlighting “the *(potential or actual) moral or ethical significance and implications* of whatever is said (and not said)” in those inquiries.

Before doing so, however, it is useful to consider how the above, generic conception of reflexivity might benefit any conception of “informed,” “intelligent,” “reasonable,” or “rational” decision-making. This will set the background for the later discussion of how the specific form of reflexivity that I develop might benefit our own democratic conception from chapter 5.

2.1 Self-Reflection and Serious Thought

First off, there is little that is controversial in the idea that, *ceteris paribus*, persons who are well described as “capable of, inclined to, or characterized by reflection or serious thought” are better able to engage in “informed,” “intelligent,” “reasonable,” or “rational” decision-making than those who are not well described this way. (Indeed, the claim is essentially tautological.) And similarly with respect to the idea that the participants to a decision-making process should preferably “turn their mental processes back upon their own minds, always engaging in the kind of searching self-examination that would allow them to exhibit an intelligent self-awareness.”

For instance, there is little that is controversial in the idea that, *ceteris paribus*, someone who is well described as being inclined to “turn her mental processes back on her own mind” and to engage in “the kind of searching self-examination that would allow her to exhibit an intelligent self-awareness” is better able to engage in “reasonable” decision-making than someone who is not well described this way. Think, for instance, of what we describe as “reasonable” and “unreasonable” decision-making in everyday life. Often, a person who decides to do the same thing over and over again, expecting different results, does so precisely *because* they fail to turn their mental processes back on their own mind. They fail, then, to benefit from the insights that they could generate by engaging in a process of searching self-examination, of

the kind that could yield insights about *why* they continue to repeat the same action over and over again, expecting different results. (They miss such insights as these: “Thinking about it, I now realize that I *do* tend to pursue relationships with people who are in some sense ‘unavailable.’ Maybe that is why I’ve remained single for so long. It’s a useful realization; I need to be more careful about who I chase. It’d also help to figure out why I do this. Perhaps I’m actually scared of being in a relationship, and it’s a unconscious form of self-sabotage.”) And parallel comments could be made about what we describe as “informed,” “intelligent,” and “rational” decision-making, *not just at the individual but also the collective level*.

However, controversy is more likely to arise when we turn to the claim that – in conducting their inquiries, developing specific theories, and employing particular methods – *participants should take account of the effect of their personalities and their own presence on whatever is being investigated*. And likewise with the claim that whatever is produced by their inquiries should consciously call attention to the process that went into producing it. Both of these claims are associated with “reflexivity” as this term is commonly used in the contemporary human or social sciences.⁵ But different professional disciplines have different orientations toward these claims. Anthropology is perhaps paradigmatic of a professional discipline that, on the whole, is attuned to the need for reflexivity in the above two senses, while economics and political science are perhaps paradigmatic of disciplines that are not. These, however, are controversial claims, and I do not intend to stake my argument on them; I wish only to point out that there is some need to clarify *why* these senses of reflexivity warrant brief elaboration – if for no other reason than the fact that even those who are dedicated to generating social inquiries *by profession* sometimes appear divided on these issues.

Now, despite these apparent divisions, a number of brief observations should serve to indicate why it should not be particularly controversial to say that – in conducting their inquiries, developing specific theories, and employing particular methods – the participants to a democratic process should take account of the effect of their personalities and their own presence on whatever is being investigated. And likewise with the claim that whatever is produced by their inquiries should consciously call attention to the process that went into producing it. Here I have in mind insights drawn from everyday experience, from linguistic philosophy, and from the philosophy of social science.

2.2 Calling Attention to the Conditions of Production of Our Inquiries

First consider the idea that whatever is produced by participants’ inquiries should *consciously call attention to the process that went into producing it*. To begin with, it is well to recall that in chapter 3 we briefly discussed the naturalistic empiricism of the classical pragmatists and, with Robert Brandom, observed that this variety of empiricism counsels a “fundamental pragmatism,” according to which one should understand knowing *that* as a kind of knowing *how*. On the fundamental pragmatist view, as saw, believing *that* things are thus-and-so is to be understood in terms of practical abilities to *do* something. States and performances are only intelligible as explicitly contentful believings and doings against the background of an implicit context of practices and practical abilities. Accordingly, “the fundamental pragmatist aspiration is to be able to exhibit *discursive intentionality* as a distinctive kind of *practical rationality*.”⁶ Roughly, “practical rationality is [here construed as] the kind of attunement to their

⁵ See, for instance, Bourdieu (2004) and Gouldner (1970).

⁶ Ibid. 10; my emphasis.

environment that intelligent nonlinguistic animals display – the way they can practically take or treat things as prey or predator, food, sexual partner or rival and cope with them accordingly.”⁷ And “discursive rationality is [here construed as] using concepts in judgment and intentional action, being able explicitly to take things to be thus-and-so, to entertain and evaluate propositions, formulate rules and principles.”⁸ Hence, “fundamental pragmatism counsels looking first to what discursive subjects are *doing*, to the abilities they exercise, to the practices they engage in.”⁹ Hence it “invites us to understand representation in terms of what discursive subjects must *do* in order to count thereby as representing, as taking or treating some state, episode, or performance *as* a representation *of* something.”¹⁰ Fundamental pragmatism is therefore “opposed to a *representationalist* order of explanation: one that begins with a notion of representational content, and appeals to that notion to make sense of what it is that knowing and acting subjects *do*. That is not to say that pragmatists in this sense can have no truck at all with the concept of *representation*. It is to say at most that talk of representation should come at the end of the story, not the beginning.”¹¹

Thus, on the fundamental pragmatist view, “consciously calling attention to the process that went into producing some inquiry” just *is* the way that you make sense of the “the content” of that inquiry, including its “representational content.” Hence, on that view, there is nothing controversial about the aspect of “reflexivity” in question: to understand “the content” of an inquiry (including its “representational content”), on that view, we always need to appeal to the practical activities and human abilities that were *involved in* producing it; any appeal to the “accuracy,” “truth,” “reasonableness,” or “veracity” of that content that does not do so will be regarded as an *empty* one.

What is more, there is some reason to think that this conclusion holds not only for those who (would) subscribe to the fundamental pragmatist view that I just adumbrated, but for “everyday agents” as well. Indeed, in diverse areas of everyday life, we seem to recognize that in assessing (for instance) the “accuracy” of some “representation,” it is imperative that we evaluate the *sources* of our information, by which we understand that we are not just to evaluate how (for instance) “accurate” or “truthful” their “representations” are, but also that we are to evaluate *the practical activities and human abilities that were involved in the production of those “sources.”* Or, to put the point another way, we seem to recognize, in everyday life, that in order precisely to evaluate (for instance) the “accuracy” or “truthfulness” of some “representation,” we need to appeal to the practical activities and human abilities that were involved in the production of our sources of information. (“Are the facts based on eyewitness accounts? If so, how ‘reliable’ are the witnesses? What kinds of character traits do the eyewitnesses exhibit? Are they trustworthy? How and by whom were the accounts transcribed? Can we trust them? Is the narrative explanation a plausible rendering of what indeed happened that day? Have you cross-checked this particular account with those of other alleged witnesses?”) Indeed, at a very general level, this, we might say, is our considered judgment about how best *to* assess the “accuracy,” “truthfulness,” “veracity,” or “reliability” of some “representation.” (This is perhaps clearest with the idea of “reliability.”) Hence the importance we place, for instance, on character witnesses in jury trials.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid. 10-11.

¹⁰ Ibid. 11.

¹¹ Ibid.

2.3 Taking Account of Inquirers' Personalities

Next consider the claim that in conducting their inquiries, developing specific theories, and employing particular methods, *the participants to a democratic process should take account of the effect of their personalities on whatever is being investigated*. It is a commonplace to say that two human observers may “observe ‘the same event’ differently.” This is true in several senses, but just consider two of them.

First, two observers may literally observe – that is, may literally perceive – *different aspects of “the same event,”* as when, for instance, “the same event” is “within view” of two (potential) observers and, in principle at least, both of them are capable of observing all of “the same aspects” of “the same event,” but do not do so.

Suppose that the event in question is an attack on some rural village by an army unit. And suppose that the two observers are: first, an army official who is not part of the unit in question but arrives on the scene just as the attack commences and so witnesses its initiation and execution; and second, a member of the village in question who arrives at the same time as the army official and so likewise witnesses the attack but is not himself subject to it.

Now, suppose that the two observers are positioned so as literally to *see* “the same aspects of ‘the same event’” (and are physically capable of doing so), but in fact do not do so. If this happens, I submit, we are not likely to be surprised by it. Given *who* the two individuals are, it would not be surprising if they literally witnessed “different aspects of ‘the same event’” that was in front of them: our army official, let us say, witnesses three soldiers being struck down by village residents, while our village member witnesses two young boys being bludgeoned. In that event, an appeal to the respective “personalities” of our two witnesses – an appeal to those clusters of habits and dispositions that make up their respective “characters” – would likely help us to explain this outcome. Given the army official’s background, he, let us say, primarily has sympathies with the attacking soldiers. And given the villager’s background, he, let us say, primarily has sympathies with the village children. Hence, even though – as we have stipulated – the “sub-events” in question are literally all “before the eyes” of our two witnesses, they *see* “different aspects of ‘the same event,’” perhaps because, in scanning (most) of the “sub-events” that are a part of it, *their “sympathies” lead them to focus on different things*. Supposing all of this to be true, again, we would not be surprised, I think. What is more, an appeal to the respective “personalities” of our two witnesses – again, in the broad sense of those clusters of habits and dispositions that make up their respective “characters” – would likely help us to explain this outcome.

A second sense in which it is surely the case that two human observers may “observe ‘the same event’ differently” relates to the fact that, as Ian Shapiro has emphasized, “all phenomena admit of multiple true descriptions.”¹² Here, the more specific issue is not “*seeing different aspects* of ‘the same event,’” but “*describing the same aspects* of ‘the same event’ differently.” Consider Shapiro’s example, which concerns “possible descriptions of a woman who says ‘I do’ in a conventional marriage ceremony.” She could be:

- “Expressing authentic love
- Doing (failing to do) what her father has told her to do
- Playing her expected part in a social ritual

¹² Shapiro (2005: 187).

- Unconsciously reproducing the patriarchal family
- Landing the richest husband she can
- Maximizing the chances of reproducing her genes”¹³

“Each description is theory-laden,” Shapiro observes, “in the sense that it leads to the search for a different type of explanation. This can be seen if in each case we ask the question *why?*, and see what type of explanation is called forth.”

- “*Why does she love him?* predisposes us to look for an explanation in terms of her personal biography
- *Why does she obey (and disobey) her father?* predisposes us to look for an anthropological explanation
- *Why does she unconsciously reproduce patriarchy?* predisposes us to look for an explanation in terms of ideology and power-relations
- *Why does she do as well as she can in the marriage market?* predisposes us to look for an interest-based rational choice explanation
- *Why does she maximize the odds of reproducing her genes?* predisposes us to look for a sociobiological explanation”¹⁴

“The claim that all description is theory-laden illustrated here is,” Shapiro observes, “a claim that there is no ‘raw’ description of ‘the facts’ or ‘the data.’ There are multiple possible true descriptions of a given action or phenomenon, and the challenge is to decide *which* is most apt.”¹⁵

Shapiro’s discussion of this particular variant of the all-description-is-theory-laden thesis is motivated by a concern to challenge what he calls “theory-driven” research in the social sciences. “The theory-driven scholar,” Shapiro writes, “commits to a sufficient account of a phenomenon,” developing “debatably plausible conjectures about the creation and/or operation” of some phenomenon.¹⁶ Correspondingly, she at least sometimes posits research problems in ways that are “idiosyncratic artifacts of [her] theoretical priors,” characterizing some particular phenomenon “so as to vindicate a particular theory rather than to illuminate a problem that has been independently specified.”¹⁷ One of the problems with this type of theory-driven research is, Shapiro maintains, that it

is part of a reductionist program. It dictates always opting for the description that calls for the explanation that flows from the preferred model or theory. So the narrative historian

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid; my emphasis.

¹⁶ As illustrations, Shapiro (2005: 185) asks us to “consider theory-laden descriptions of institutions and practices that are problematic even though they do not fail on their own terms, such as Kathleen Bawn’s claim that an ideology is a blueprint around which a group maintains a coalition or Russell Hardin’s claim that constitutions exist to solve coordination problems. Here the difficulty is that, although it is arguable that ideologies and constitutions serve the designated purposes, they serve many other purposes as well. Moreover, it is far from clear that any serious investigation of how particular ideologies and constitutions came to be created or are sustained would reveal that the theorist’s stipulated purpose has much to do with either. They are ‘just so’ stories, debatably plausible conjectures about the creation and or [*sic*] operation of these phenomenon.”

¹⁷ Ibid. 184.

who believes every event to be unique will reach for personal biography; the psychological reductionist will turn to the psychological determinants of her choice; the anthropologist will see the constitutive role of the social ritual as the relevant description; the feminist will focus on the action as reproducing patriarchy; the rational choice theorist will reach for the explanation in terms of maximizing success in the marriage market; and for the socio-biologist it will be evolutionary selection at the level of gene reproduction.¹⁸

“Why do this?” Shapiro asks.

The common answer rests, I think, on the belief that it is necessary for the program of social science. In many minds this enterprise is concerned with the search for general explanations. How is one going to come up with general explanations if one cannot characterize the classes of phenomena one studies in similar terms? This worry misunderstands the enterprise of science, provoking three responses, one skeptical, one ontological, and one occupational.¹⁹

Summarizing,

The skeptical response is that whether there are general explanations for groups of phenomena is a question for social-scientific inquiry, not one to be prejudged before conducting that inquiry.... *The ontological response* is that although science is in the second instance concerned with developing general knowledge claims, it must in the first instance be concerned with developing valid knowledge claims. It seems to be an endemic obsession of political scientists to believe that there must be general explanations for all political phenomena, indeed to subsume them into a single theoretical paradigm. Theory-drivenness kicks in when the pursuit of generality comes at the expense of empirical validity.... [One “pathology” that this leads to...] is that it invites tendentious characterizations of the phenomenon under study because the selection of one description rather than another is driven by the impulse to vindicate a particular theoretical outlook.... *The occupational response* is that political scientists are pushed in the direction of theory-driven work as a result of their perceived need to differentiate themselves from others, such as journalists, who also write about political phenomena for a living – but without the job security and prestige of the professoriate.... Too often [, however] the aspiration to do better than journalists is cashed out as manufacturing esoteric discourses with high entry costs for outsiders. All the better if they involve inside-the-cranium exercises that never require one to leave one’s computer screen.²⁰

Now, for our purposes, the important point is that Shapiro is plausibly appealing here to professional values, norms, and interests to explain why some social scientists end up being “theory-driven” scholars (or why they end up producing “theory-driven” research) in the first place, and so to explain *why* they end up “describing the same aspects of ‘the same event’ [or phenomenon] differently.” And notice that, prior to doing so, he plausibly appealed in part to

¹⁸ Ibid. 188.

¹⁹ Ibid. 188.

²⁰ Ibid. 189.

professional values, norms, and interests to indicate why different kinds of actors (for instance, a narrative historian, a psychologist, and a rational choice theorist) might end up “describing the same aspects of ‘the same event’ [or phenomenon] differently. Of course, even on the supposition that these claims are plausible, to plausibly make them is not yet to say that researchers’ *personalities* can help us to explain this outcome. It is, however, to take us just one step short of doing so. And it is not hard to make that last step.

To see why, take the idea that “the narrative historian who believes every event to be unique will reach for personal biography” to justify why he describes the woman as “expressing authentic love” when she says “I do” in a conventional wedding, while “the rational choice theorist will reach for [an] explanation in terms of maximizing success in the marriage market” to justify why he describes the woman as “landing the richest husband she can.” One way to parse the difference is to say that professional values, norms, and interests dictate that these are the types of explanation that professionals in these respective disciplines *should* offer: historians should offer explanations in terms of personal biography and descriptions that are consistent with such explanations, let us say, while economists should offer explanations in terms of utility maximization and descriptions that are consistent with such explanations. Doing so, we might be inclined to think that an appeal to professional norms, values, and interests would be sufficient to explain why we do observe the professional historian describing and explaining the event in question one way, and the professional economist explaining and describing it another way – if indeed we do observe this outcome. Another way to parse the difference, however, is to say that people who *start* with certain beliefs and dispositions – hence “personalities” – are more inclined to enter this or that profession in the first place. So, part of what explains why different “professional values, norms, and interests” *exist and arise in the first place* is that different disciplines are populated by individuals who *do* start with different beliefs, dispositions, and personalities.

A third option is surely more plausible than either of these interpretations, however. According to this interpretation, what we have here are different disciplines, characterized by different professional values, norms, and interests. In some measure, people who *start* with certain beliefs, dispositions, and personalities are more inclined to enter these respective disciplines in the first place. In part, this is because the different professional values, norms, and interests that characterize these different disciplines *attract* individuals at different rates. So, there is typically a degree of “stability” in the values, norms, and interests that characterize a discipline, and these values, norms, and interests are in part reproduced by the fact that the discipline is populated by many individuals who themselves have certain values, norms, and interests, ones which give them relatively little reason to challenge the values, norms, and interests that characterize the discipline. Thus, what we have here are disciplines that are characterized by certain values, norms, and interests, which attract individuals with different initial beliefs, dispositions, and personalities, which in turn serve to reproduce the values, norms, and interests of the discipline itself. In other words, what we have are cycles of reciprocal reinforcement between professional values, norms, and interests on the one hand, and individuals’ beliefs, dispositions, and personalities on the other. In short, this is what we refer to when we refer to disciplines or professions as having different “cultures.” *And, arguably at least, these different cultures help to explain why individuals from different professions sometimes describe the same aspects of “the same event” [or phenomenon] differently.* If so, it becomes hard to deny the claim that, in conducting their inquiries, developing specific theories, and

employing particular methods, *professional social scientists should take account of the effect of their personalities on whatever is being investigated.*²¹

Of course, this is not yet to say that *the participants to a democratic process should do so too*. However, is there any reason for thinking that the same conclusion does not apply to them too? If the proposition that we need not take account of the effect of investigators' personalities on whatever is being investigated (because their personalities are irrelevant to whatever is being investigated) indeed has any plausibility, surely it is with reference to those groups that have arguably tried the hardest to make it the case that their personalities *are* irrelevant to whatever they investigate. And, with respect to social matters at least, who fits this description better than (certain groups of) social scientists? Hence, if it is indeed the case that even professional groups that do strive for the absence of such influence often fail to attain it (as I have just been suggesting it is), it is therefore plausible that individuals and groups that do *not* necessarily strive for this will also conduct inquiries in which their personalities affect whatever is being investigated. And so for these reasons I am led to conclude that in conducting their inquiries, developing specific theories, and employing particular methods, *the participants to a democratic process should also take account of the effect of their personalities on whatever is being investigated.*

2.4 Taking Account of Inquirers' Presence

Now consider the claim that, in conducting their inquiries, developing specific theories, and employing particular methods, the participants to a democratic process should take account of *their own presence on whatever is being investigated*. There are various ways to argue for this conclusion. For brevity, however, let us just consider some brief remarks on what has been termed the "Hawthorne effect."

"The Hawthorne effect," McCambridge et al. write, "concerns research participation, the consequent awareness of being studied, and possible impact on behavior."²²

The original studies that gave rise to the [concept of the] Hawthorne effect were undertaken at Western Electric telephone manufacturing factory at Hawthorne, near Chicago, between 1924 and 1933. Increases in productivity were observed among a selected group of workers who were supervised intensively by managers under the auspices of a research program.... A large literature and repeated controversies have evolved over many decades as to the nature of the Hawthorne effect. If there is a Hawthorne effect, studies could be biased in ways that we do not understand well, with

²¹ In this connection, it is interesting to recall William James's comment about the crucial role that the "temperaments" of philosophers have played in various philosophical disputes over the years. For parallel remarks could be made, I think, with respect to the role of *social scientists'* "temperaments" (hence "personalities") in various disputes in the social sciences. "The history of philosophy," James (1975: 11) wrote, "is to a great extent that of a certain clash of human temperaments. Undignified as such a treatment may seem to some of my colleagues, I shall have to take account of this clash and explain a good many divergences of philosophers by it. Of whatever temperament a professional philosopher is, he tries, when philosophizing, to sink the fact of this temperament. Temperament is no conventionally recognized reason, so he urges impersonal reasons only for his conclusions. Yet his temperament really gives him a stronger bias than any of his more strictly objective premises. It loads the evidence for him one way or the other, making a more sentimental or more hardhearted view of the universe, just as this fact or that principle would. He trusts his temperament. Wanting a universe that suits it, he believes in any representation of the universe that does suit it."

²² MacCambridge et al. (2014: 267).

profound implications for research.... There is a widespread social psychological explanation for the possible mechanism for the Hawthorne effect as follows. *Awareness of being observed or having behavior assessed engenders beliefs about research expectations. Conformity and social desirability considerations then lead behavior to change in line with these expectations.* Chiese and Hobbs point out that just as there are different meanings given to the purported Hawthorne effect, there are also many suggested mechanisms producing the effect, some of which are contradictory.²³

Accordingly, McCambridge et al. carried out a systematic review whose aims were “to elucidate whether the Hawthorne effect exists, explore under what conditions, and estimate the size of any such effect, by summarizing and evaluating the strength of evidence available in all scientific disciplines.”²⁴ The authors decided that 19 studies were eligible for inclusion in their review. Apart from one study, all of these had been undertaken in the health sciences. For the purposes of the review, the Hawthorne effect was operationalized as “the effects of reporting on one’s behavior by answering questions, being directly observed, or otherwise made aware of being studied.”²⁵ The authors found “evidence of effects across these studies,” but also “inconsistencies in this evidence.”²⁶ Putting the details aside, however, the authors’ main conclusion was that “there is no *single* Hawthorne effect”; but “consequences of research participation for [the] behaviors being investigated” were “found to exist in most studies included within [the] review.”²⁷ These findings give support to the conclusion that, in conducting their inquiries, developing specific theories, and employing particular methods, social scientists should take account of *their own presence on whatever is being investigated*, just as the participants to a democratic process should too.

2.5 Summary: Two Main Roles for “Reflexivity” on the Generic Conception

The above considerations indicate some of the reasons for which I am suggesting that a “reflexive social practice” (as we have thus far construed it in this section) might serve to benefit any conception of “informed,” “intelligent,” “reasonable,” or “rational” decision-making. (Recall that, until this point in Section II, the notion of a reflexive social practice has only been given the meaning of a practice in which participants: are capable of, inclined to, and characterized by serious, reflective thought; turn or direct their mental processes back upon their own minds when they conduct their inquiries, develop specific theories, and employ particular methods, always engaging in the kind of searching self-examination that would allow them to exhibit an intelligent self-awareness; take account of the effect of their personalities and their own presence on whatever is being investigated; and craft inquiries that consciously call attention to the process that went into producing those inquiries.) One way to summarize these reasons is to point out that the abilities and dispositions that I have so far associated with such a practice can be useful to participants insofar as they can help them to identify the various ways in which norms, values, and interests *may* come into play in their inquiries.

²³ Ibid. 268; my emphasis.

²⁴ Ibid.

²⁵ Ibid. 274.

²⁶ Ibid.

²⁷ Ibid. 276.

Now, hard on the heels of the observation that a reflexive social practice can help participants to *identify* the various ways in which norms, values, and interests may come into play in their inquiries is the thought that a reflexive social practice might therefore help them to *purge* their inquiries of those norms, values, and interests. (Indeed, this, I believe, is the main reason that some social scientists do argue for reflexivity.) And, undoubtedly, there is something to this thought.

For instance, it is evident that “turning our mental processes back on our own minds” can, so to speak, help us to “purge” certain norms, values, and interests from our inquiries. (“I now recognize that I didn’t initially *want* to accept his alternative hypothesis, primarily because doing so would force me to revisit my own, published interpretation of the results, which would entail publicly recognizing that I had likely been wrong. But I decided it was the honest, not to say professional, thing to do, and so I did it.”) And, at times at least, doing so can surely help us to engage in “informed,” “intelligent,” “reasonable,” or “rational” individual decision-making, just as it can surely help us to engage in “informed,” “intelligent,” “reasonable,” or “rational” decision-making *at the collective level*.

Recalling the above individual-level example, we can thereby come to such realizations as: “Although I recognized that renouncing my earlier, published interpretation of the results would force me to publically recognize that I had likely been wrong, I also came to recognize that doing so was in my own best interests in the long run. Had I not come to the realization that I originally didn’t want to accept my interlocutor’s alternative hypothesis precisely *because* it would force me to publically renounce my own published interpretation, it is likely that my interlocutor or someone else would have published a devastating critique of that interpretation. It is better, for my own professional reputation, that I be my own harshest public critique. Hence, the process of self-reflection that led me to recognize what personal desire *was* driving my refusal to accept the alternative hypothesis really helped me to make a better decision in the long run.” And similar insights can be had at the collective level: “In this country, ‘the mainstream media’ doesn’t give anything like the same coverage to (alleged) government-perpetrated human rights abuses in those countries with ‘friendly’ diplomatic ties with our own government as they do to (alleged) human rights abuses in ‘enemy states.’ There is quite good scholarship that demonstrates these systematic ‘biases’ in the relevant news coverage. Whatever the precise explanation is for this pattern, there are, to be sure, norms, values, and interests at work that help to explain it. What is more, it is surely important for us to identify and counteract this pattern. If, say, we as a political community are sincerely committed to ‘cutting ties’ with those governments who engage in systematic human rights abuses, we need to have a reasonably accurate sense of *which* governments actually fit that description. Hence, revealing the pattern in question is in our own best interests. Furthermore, we would ideally develop a better sense of what precise norms, values, and interests *are* at play here, so that, in the future, we can better compensate for, or mitigate the detrimental effects of, the pattern in question.”

However, it is a non sequitur to conclude that a reflexive social practice could allow us to “purge” our social inquiries of *all* norms, values, and/or interests. For, on the view that I would like to advocate, this is an impossible, indeed incoherent, aim in the first place. Briefly, this is because, on my view, all of our social inquiries *presuppose*, *depend on*, and *convey* norms, values, and interests, hence can reasonably be described as “value-guided” and “value-laden.” (The idea that our social inquiries are “value-laden” is a familiar, though not uncontroversial, one

in the contemporary social sciences.²⁸ As far as I am aware, however, “value-guided” is a term of art, and in Section III I will therefore describe what I mean by it.) Hence, norms, values, and interests *cannot* be “purged” from our inquiries. (This is not to say that, in this or that specific case, some *particular* norm, value, or interest cannot be “purged” from an inquiry. It is rather to say that values, norms, and interests *as such* cannot be so.) If so, this suggests that reflexivity, as we have so far interpreted it, has two main purposes: first, to reveal the various roles that norms, values, and interests inevitably just do play in whatever inquiries are fed into, or invoked in the context of, the democratic process; and second, to help participants to the democratic process to mitigate or compensate for the various roles that some norms, values, and interests do play in those inquiries.

III. Inquiry as Value-Guided and Value-Laden

What, however, is the relevance of these considerations for our own normative democratic theory? As I have repeatedly indicated, our own normative democratic theory suggests that, ideally speaking, the participants to a democratic process should enter into a moral dialogue and deliberation with one another, seeking out mutually acceptable and generally accessible reasons for their expressed policy preferences. Furthermore, the sincere assumption of this responsibility entails, I have suggested, that they assume responsibility for trying to understand relevant social situations and activities from relevant persons’ perspectives. (Again, the Criterion of Enlightened Understanding and the Criterion of Effective Participation both make these “ideal expectations” explicit.) And, from what was earlier said in chapter 5, it should already be clear that revealing the various roles that norms, values, and interests do play in the inquiries that are fed into, or invoked in the context of, the democratic process can help us to assume this responsibility. Likewise, it should already be clear that a failure to reveal the various roles that norms, values, and interests do play in some (set of) inquiries can prevent us from (better) assuming this responsibility.²⁹ But, more generally, so can *the idea that any inquiry either is, or could be, “value-free” and/or “value-neutral.”* In chapter 5, I briefly illustrated how this is so, but the claim needs further elaboration. So, let me begin this section by briefly reiterating the main points that were made in the aforementioned illustration from chapter 5. In the rest of this section (Section III), we’ll then discuss the inevitable “value-guidedness” and “value-ladenness” of all of our inquiries. Then, in section IV, we’ll discuss how recognizing the inevitable value-guidedness and value-ladenness of our inquiries can help us to reason about the (potential or actual) moral or ethical significance of what we say (and do not say) in our inquiries. Finally, in the conclusion we’ll then bring the main arguments from Sections I-III together in support of the “main claim”: again, that the democratic process is best conceived of as a form of collective social inquiry, conducted as a “reflexive social practice”: as a practice in which participants recognize the potential need to inquire, and, as appropriate, actually do inquire, into the (potential or actual) moral or ethical significance and implications of whatever is said (and not said) in whatever inquiries are fed into, or invoked in the context of, the democratic process.

3.1 Reviewing the Earlier, Limited Comments about “Value-Guidedness” and “Value-Ladenness”

²⁸ For discussion, see, for instance, Kincaid et al. (2007), Proctor (1991), Putnam (2002), Putnam and Walsh (2012), Sayer (2011), and Taylor (1985).

²⁹ Recall the discussion of alternative philosophies of social inquiry in chapter 5, section 3.3.2.

As noted, the Criterion of Enlightened Understanding gives us reason to prefer some philosophies of social inquiry to other such philosophies. In chapter 5, I illustrated this through a brief comparison between two philosophies of social inquiry: between a philosophy that begins from the supposition that all inquiry is “value-guided” and “value-laden” with one that explicitly rejects that claim, holding that “value-free” and “value-neutral” social inquiry is possible. More specifically, I compared how one may be disposed to act if one endorses the former philosophy with how one may be disposed to act if one endorses the latter. Where one endorses the former, I submitted, one will be disposed to *look for norms, values, and interests “everywhere.”* Where one endorses the latter, I suggested, one will be disposed to *believe that norms, values, and interests are sometimes “absent”* (e.g., in “the content” of “properly conducted social-scientific research,” where this is construed as being “value-free” and “value-neutral”; more on this below). I then noted that, if this is so, one implication is that when individuals do think that “value-free” and “value-neutral” social inquiry is possible (and hence are disposed to believe that norms, values, and interests may be “absent” in some given inquiry), they are therefore inclined to *miss certain moments when indeed they are “present.”* I then indicated how there are cases in which this could imply that the individuals in question miss the “moral or ethical significance and implications” of what is said (and not said) there, precisely because of the way in which they do miss the norms, values, and interests that are “present” there. In brief, I did this by pointing out that all inquiry is “selective,” based in part on our “epistemic values,” and noted that, if we do not explicitly recognize this, we are apt to miss how our inquiries “convey” values, just as we are apt to miss the fact that, even where our selectivity *is* based on “epistemic values,” these values can nonetheless lead us to say things that can be described as having “moral or ethical significance and implications.”

Additionally, I indicated how, depending on the circumstances, this could imply that “relevant” information was being cut off or suppressed, indeed, information that, were it available, might well cause the persons in question to arrive at different expressed policy preferences. If so, this would imply that the Criterion of Enlightened Understanding would have been better served by an alternative philosophy that had disposed them to look for norms, values, and interests “everywhere,” that is, one that begins from the supposition that all inquiry *is* “value-guided” and “value-laden.” Furthermore, I indicated how, depending on the circumstances, “missing moments” in which norms, values, and interests *are* present could (for instance) imply failing to recognize who certain “relevant persons” are, that is, certain persons whose interests were or are “(somehow) significantly affected by” the policy decision(s) in question. (The “necessary selectivity” of our inquiries can always potentially lead to this result, *regardless of what motives are at play in those inquiries.*) Realizing this, I suggested, could help someone to “understand relevant social activities and situations from the perspectives of relevant others” – for instance, from the perspectives of those whose interests *were* “(somehow) significantly affected” by it. Accordingly, I concluded that, in that case, it would be fair to say that recognizing that the inquiry in question was, indeed, “value-guided” and “value-laden” would help the person(s) in question to assume responsibility for trying to understanding relevant social situations and activities from the perspectives of relevant others. Hence, it would help them better to live up to the Criterion of Enlightened Understanding, and, I now add, to the Criterion of Effective Participation as well, since both of these criteria stipulate the “ideal expectation,” so to speak, that participants to the democratic process should try to understand relevant social situations and activities from the perspectives of relevant others.)

There are, however, various other ways to argue that all of our social inquiries are “value-guided” and “value-laden,” hence to indicate how it is the case that what we say (and do not say) in our inquiries *could* be said to have “moral or ethical significance and implications,” whether or not we initially recognize or intend this to be the case. To be clear, however, let me just state as succinctly as possible what has so far been said about both of these claims: first, about why it is the case that all of our social inquiries are “value-guided” and “value-laden”; and second, about how, in light of this fact, anything we say (and do not say) in any of our inquiries *could* be said to have “moral or ethical significance and implications,” whether or not we initially recognize or intend this to be the case.

On the first claim, I have so far suggested: that to be intelligible, any social inquiry has to include an implicit or explicit description of certain persons’ actions, motives, and intentions; that, by necessity, all inquiries are selective about *all* of the (different kinds of) “information” they include, at least partly for reasons that have to do with our “epistemic values,” e.g. for reasons that have to do with “relevance,” “coherence,” “plausibility,” etc.; that all intelligible social inquiries therefore *selectively* include information/claims about certain persons’ actions, motives, and intentions; that when we reveal *how* an inquiry is “value-guided” in this sense, we thereby recognize that it also “conveys” values; and that any inquiry that “conveys” values is also, therefore, a “value-laden” one. And on the second claim, I have so far suggested that the “necessary selectivity” about persons’ actions, motives, and intentions that inevitably does characterize our inquiries may lead us to think that, on reflection, what is said (and not said) in some inquiry *does* have “moral or ethical significance and implications.”

3.2 A View of Moral Reasoning Based on the Idea of “Value-Free”/“Value-Neutral” Inquiry

To set the background for our more extended discussion of value-guidedness and value-ladenness, it is useful to say something more about the conception of “rational” *moral* or *ethical* decision-making that I am concerned to argue against here. There is a familiar and long-standing conception about what “rational” decision-making looks like at the individual level (including “rational” moral/ethical decision-making), as well as, what is more important here, a corresponding conception of what it looks like at a collective level. And the idea that, properly conducted, social (-scientific) inquiry either is or could be “value-free” and/or “value-neutral” has bolstered this conception.

Often, modern moral philosophers and social scientists have reasoned as follows. When we reason properly about the character of the circumstances that we find or have placed ourselves in, we only make “value judgments” *in the moment or process of decision-making itself*, that is, when we try to decide how to *act* in response to those circumstances, not when we engage in the “prior” task of formulating beliefs about what those circumstances *are*. As Hilary Putnam has observed, there is a widespread view that “statements of fact” are capable of being “objectively true” and “objectively warranted,” while “value judgments” are incapable of objective truth and warrant. Indeed, some have even gone so far as to conclude that “value judgments” are “outside the sphere of reason” altogether.³⁰ Thus, much modern moral philosophy has assumed that “value judgments” are properly made only *after* one has an adequate description of the situation at hand. Correspondingly, many moral philosophers have (at least tacitly) endorsed a dichotomy between “theoretical reasoning” (reasoning that is “directed toward belief”) and “practical reasoning” (reasoning that is “directed toward decision or action”),

³⁰ Putnam (2002: 1).

where the former has been regarded as “reasoning about the facts” and the latter has been regarded as “reasoning about values.” Hence, “theoretical” and “practical” forms of reasoning have been sharply separated, and, correspondingly, reasoning about “facts” has been sharply separated from reasoning about “values.”³¹

In sum, then, the thinking has been that we do *not* make “value judgments” when coming up with “rational” observations and descriptions of, and explanations and predictions about, the circumstances in which we are then to *make* “rational” decisions about how to act. Instead, rational decision-making consists in two clearly distinct and separable “moments”: a “value-free” and/or “value-neutral” one, where we first figure out *what* our situation is; and (as we might put it) a “value-guided” and “value-laden” one, where we then decide how we would should (like to) act *in light of* that situation.

Correspondingly, the view of “rational” collective decision-making (including democratic decision-making) has been that, in such decision-making, participants: first “gather the facts” about relevant circumstances, where this process is viewed as one of collecting and/or producing observational, descriptive, explanatory, and predictive information, data, and/or knowledge about the facts of those circumstances and where this process is viewed as *not* involving “value judgments”; and only *subsequently* decide together – through some form of collective decision-making – what (individual or collective) “ends” or “values” they would like to realize, and how they would like to do so, given those circumstances. What is more, for many such thinkers this division of intellectual labor has been defended by reference to the possibility of creating (or due to the reality of our already having created) “value-free” and/or “value-neutral” *sciences*. That is, some have suggested that there are domains of “information,” kinds of “data,” and modes of “knowledge production” – variously grouped under the “natural sciences,” the “behavioral sciences,” and the “social sciences” – that are, indeed, “value-free” and/or “value-laden”; and they have suggested that, at their best, *these* sciences allow their practitioners to provide “value-free” and/or “value-neutral” (observational, descriptive, explanatory, and predictive) information, data, and/or knowledge to decision-makers, so that decision-makers themselves can engage in “rational” decision-making based on *their* own “ends” or “values.” (Thus, some social scientists have held, for instance, that their own work, even in the area of “democratic theory,” is “non-normative,” and that the practitioners in their field “eschew values judgments.”³²) Correspondingly, if the social scientist has any role to play in collective decision-

³¹ As Elijah Millgram (2001: 17) characterizes the typical view: “To draw the right conclusion about what to do, you normally have an adequate description of your situation. Arriving at such a description is usually regarded as theoretical rather than practical reasoning; you are reasoning about the facts, rather than about the values.”

³² Consider, for instance, Cnudde and Neubauer’s (1969: 1-2; my emphasis) description of “empirical democratic theory”: “All political theories can be cast in one or more of any three modes: normative, empirical, or analytic. Normative theories are argumentative and prescriptive; they attempt to justify the choice of one value or set of values over another and prescribe that behavior (including institutional practices) presumed most appropriate for achieving that valued outcome. Analytic theories are definitional or conceptual expositions, examinations of the logical implications of concepts and their relationship to other concepts. Empirical theories are descriptive and explanatory, constructed from observations of the real world. These three modes of theory are thus differentiated by their goals (argumentation and prescription, exposition and implication, or description and explanation) and the kinds of “evidence” which are deemed appropriate as support for a given theory. . . . Historically, democratic political theory has been cast primarily in the normative and analytic modes. . . . The adoption of the empirical mode as a predominant form in the construction of democratic theory is of quite recent origin, a product of the so-called “behavioral” movement in political science. *Contemporary empirical democratic theory is distinguished from traditional political theory in several respects. First, it is explicitly non-normative*, although like normative theory it is frequently linked to analytic theory. Although almost any empirical finding which bears upon the functioning or

making *qua* “scientist,” her role is: first, to assist decision-makers in the process of collecting and/or producing observational, descriptive, explanatory, and predictive information, data, and/or knowledge about the facts of “relevant circumstances”; and second, to assist decision-makers in reasoning about the most efficient “means” to their *own* “ends” in light of those circumstances.

Thus, as in individual “rational” decision-making about how to act, we have here a process involving two distinct “moments,” where the first involves “value-free” and/or “value-neutral” “theoretical reasoning” about (what to believe about) relevant circumstances, and where the second moment consists in “value-guided” and “value-laden” reasoning about what “ends” or “values” to realize in light of those circumstances. Of course, “rational” decision-making, whether at the individual or collective level, sometimes, indeed more often than not, requires that we switch back and forth between these two “moments.” Nevertheless, when we are in the first of these two moments, values are not to play any role in *the content of the reasoning that goes on in that moment (nor in the linguistic expressions that we employ in conveying our reasoning there)*, no matter how many times we “switch back and forth between these two ‘moments.’”

Now, this conception of “rational” decision-making is (more or less implicitly or explicitly) based on, or, as the case may be, gains (more or less tacit or explicit support from) various traditional epistemologies and associated philosophies of language that have come under attack from a variety of different directions.³³ Here, though, I want to focus on criticisms rooted in, or easily related to, the pragmatist tradition, beginning with the way in which Charles Sanders Peirce and John Dewey each reconstructed the notions of “experience” and “inquiry.” Reviewing these criticisms will allow me to clarify why I believe that it is untenable to think of *any* inquiry as being “value-free” and/or “value-neutral,” regardless of the subject matter. Moreover, it will clarify why I believe that it is better to say that, in point of fact, all of our inquiries are “value-guided” and “value-laden.”

Like any two thinkers, Peirce and Dewey had their disagreements, but these are not my concern here. Instead, I want to highlight how these authors’ writings can be used to support the idea of inquiry as being “value-guided” and “value-laden,” especially when taken together. Accordingly, I will first consider some relevant aspects of Peirce’s thought, then consider what of immediate relevance Dewey adds to it; I will not consider what Peirce in fact thought, or might have thought, of Dewey’s additions to his arguments, nor will I comment on any disagreements that Dewey may have had with Peirce.

3.3 Resources for Critiquing “Value-Free/Neutral” Inquiry in the Pragmatist Tradition

3.3.1 Peirce’s Reconstruction of Experience and Inquiry

dysfunctioning of a democratic political system has normative implications, *empirical democratic theorists explicitly eschew attempts to justify values or prescriptive statements*. Second, empirical democratic theorists are concerned with the description and explanation of observable phenomena, as opposed to hypothesized or conjectured occurrences. And third, empirical democratic theory shares with the broader tradition of modern political analysis a pretension to scientific status. That is, the primary concern of empirical democratic theory is not simply to be empirical, but to be systematically empirical and theoretical in the scientific sense.”

³³ As indicated below, I have in mind here: the various historical empiricisms that might be characterized as being dominated by “the metaphor of the fixed ‘mental eye,’ where “sensing, perceiving, and knowing [have] been analyzed in terms of the model of mental seeing” (Bernstein 1971: 219); the various epistemologies that might each be characterized by Dewey’s notion of a “spectator theory of knowledge”; and the various philosophies of language that adopt a “picture theory of language.”

Early in his career, Peirce noted that, especially since the time of Descartes, philosophy had largely been “dominated by the metaphor of the fixed ‘mental eye.’ Sensing, perceiving, and knowing had been analyzed in terms of the model of mental seeing.”³⁴ Hence, “disputes arose concerning what sees, what is seen, and what is the relation of what we see to ‘external reality.’”³⁵ Typically, this “spectator” view of the knower had been accompanied by what Peirce called the “foundation metaphor.”³⁶ Beginning with a series of papers published in 1868, however, Peirce set out to displace the Cartesianism that had dominated so much modern philosophy, including the metaphor of the fixed mental eye and the metaphor of the foundation that had gone with it. Of course, as Bernstein reminds us, the *character* of “the foundation” that, at least in principle, philosophers have thought could put us in a position to “legitimize” our knowledge “is an issue that has divided many modern philosophers – whether it consists of impressions, simple matters of fact, sense data, universals, a priori truths, etc. But in such diverse philosophic positions as rationalism and empiricism, there *is* such a foundation.”³⁷ For all such thinkers, the knower “views the world aright, or has legitimate knowledge, when he penetrates the vagueness, indeterminacy and confusion of ordinary or common thought and opinions and sees clearly the foundation of legitimate knowledge.”³⁸ With Descartes in particular, the thinking went like this:

Descartes drew upon the traditional philosophical distinction between two sorts of knowledge, direct and indirect, immediate and inferential. But he gives it a novel twist. The first sort of knowledge is conceived of as a two-term (dyadic) relation between a knowing mind and a known truth. A great deal of preliminary investigation may be required to discriminate and isolate these intuitions – to insure that they are clear and distinct – but once this is achieved, then we have direct immediate knowledge; *these intuitions are not based upon, nor do they presuppose, any inferential knowledge*. On the contrary, they serve as the basis (the premises) for our inferences. The Cartesian version of the distinction between intuitive and inferential knowledge has had a profound influence on subsequent philosophy in both its rationalist and its empiricist strains. For example, in the twentieth century Bertrand Russell distinguished between “knowledge by acquaintance” and “knowledge by description.” He characterized “knowledge by acquaintance” as follows: “We have acquaintance with anything of which we are directly aware without the intermediary of any process of inferences or any truths.”³⁹

Starting with his 1868 papers, Peirce attacks the Cartesianism that had dominated so much modern philosophy.⁴⁰ “Peirce’s primary aim is to criticize Cartesianism and the thesis that we have direct intuitive knowledge – the type of intuition not determined by prior cognitions and

³⁴ Bernstein (1971: 219).

³⁵ Ibid.

³⁶ Ibid. 174. For more recent criticisms of the “foundation metaphor” which echo and extend Peirce’s critique, see, for instance, W.V.O Quine, “Two Dogmas of Empiricism,” *From a Logical Point of View*; Karl Popper, “On the Sources of Knowledge and Ignorance,” *Conjectures and Refutations*; and Wilfred Sellars, “Empiricism and the Philosophy of Mind,” *Science, Perception, and Reality*.

³⁷ Ibid. 174.

³⁸ Ibid. 174-75.

³⁹ Bernstein (2010: 39-40).

⁴⁰ Ibid. 174.

one that can serve as an epistemological foundation.”⁴¹ He “wants to break free from the Cartesian supposition that we can break out of language or systems of signs and have direct immediate knowledge of non-linguistic objects.”⁴² Peirce takes this supposition “to be at the core of Cartesianism, and to be a central dogma of many varieties of modern philosophy.”⁴³ Of course, he “does not doubt that there are real things that are independent of our thought and that constrain our opinions. But he challenges the claim that we can have direct, immediate, intuitive knowledge of what is real.”⁴⁴ “All such knowledge,” he thinks, “involves or *presupposes* inferential processes.”⁴⁵ Indeed, “one of the most important claims that Peirce makes in these early papers is that there *is* no thought without signs, or, more precisely, no thinking without sign activity.”⁴⁶

Bernstein reminds us that “every lawyer knows just how difficult it really is to discern what is presumably directly seen and known ‘immediately’ from what is actually inferred or conditioned by our expectations and interpretations.”⁴⁷ And this reminder should immediately alert us to how counter-intuitive, or at the very minimum ambitious, is the Cartesian supposition that “we can break out of language or systems of signs and have direct immediate knowledge of non-linguistic objects.”⁴⁸

Peirce adduces a variety of arguments “developed from perceptual studies to illustrate our inability to sort out what is presumably intuited from what is inferred (consciously or unconsciously).”⁴⁹ These arguments are still relevant today, for “one of the main ‘dogmas’ of contemporary philosophy has been the acceptance of a sharp dichotomy between causal constraint and rational justification; the former ascribed to experience and the latter to reasoning.”⁵⁰ Peirce, however, offers us a way to escape this dichotomy, one that points to the fact that, as John McDowell has more recently argued, our “conceptual capacities” permeate experience.⁵¹ “Like McDowell, Peirce wants to preserve the central ‘truth’ of the empiricist tradition – that the world constrains what we believe – but he also wants to avoid the confusion between constraint and justification.”⁵²

To appreciate how he does so, consider a brief example. When we speak about experience or perception, we can focus our attention on its different aspects.⁵³ Suppose we have a simple perceptual report where, as Bernstein writes,

I am looking at the sky on a beautiful sunny day and report that “I see a cloudless blue sky.” I would not be able to make such a report unless I had already mastered what Wittgenstein calls a language game and what Sellars describes as a “battery of concepts.” Making such a report requires mastery of the inferences that Peirce designates as

⁴¹ Bernstein (2010: 46).

⁴² Ibid. 18.

⁴³ Ibid. 18-19.

⁴⁴ Ibid. 111.

⁴⁵ Ibid. 111.

⁴⁶ Ibid. 45.

⁴⁷ Ibid. 41-42.

⁴⁸ Ibid. 18.

⁴⁹ Ibid. 41-42.

⁵⁰ Ibid. 48.

⁵¹ McDowell (1996: 10) [PT 49]

⁵² Bernstein (2010: 49).

⁵³ Ibid. 49.

Thirdness.⁵⁴ But I can also focus on the insistency of this perceptual report. The perceptual judgment is forced upon me in the sense that if I look up (and have normal eyesight), I cannot help seeing that the sky is blue. But the fact that such perceptual judgments are forced upon us (where there seems no room for doubt) may turn out to be false. “We all know, only too well, how terribly insistent perception may be; and yet, for all that, in its most insistent degrees, it may be utterly false, – that it may not fit into the mass of experience”.⁵⁵

To clarify his meaning, Peirce introduces the technical term of a “percipuum”:

We know nothing about the percept otherwise than by the testimony of the perceptual judgment, excepting we feel the blow of it, the reaction of it against us, and we see the contents of it arranged into an object, in its totality, –excepting also, of course[,] what the psychologists are able to make out inferentially. *But the moment we fix our minds upon it and think the least thing about the percept, it is the perceptual judgment that tells us what we so “perceive.”* For this and other reasons, I propose to consider the percept as it is immediately interpreted in the perceptual judgment, under the name of the “percipuum.”⁵⁶

Although we can discriminate the brute compulsion in a perception, Bernstein comments,

this brute compulsion is not a Given. It does not *authenticate* a perceptual judgment. The percipuum is *not* a discrete sense datum. It is *not* a self-authenticating episode, which serves as an epistemological foundation of empirical knowledge. It is *not* a Given. It is a judgment forced upon us.... Peirce is disentangling the concept of *brute compulsion* from *epistemic authority*. Both are essential to account for perception and experience. The world does constrain our empirical knowledge, but this constraint...is mediated through our perceptual and experiential judgments.⁵⁷

In this way, Peirce anticipated many of the arguments that were later to be elaborated by Wilfred Sellars. Like Sellars, Peirce contends that once we give up (what Sellars terms) The Myth of the Given, we are led to a fallibilistic, non-foundational, intersubjective understanding of concept formation and inference. This understanding of concept formation and inference entails a non-representationalist semantics, one which interprets meaning and inference in a more holistic manner.⁵⁸ “Without denying the ‘truth’ of empiricism – that in our empirical and scientific knowledge, we are subject to a brute compulsion – Peirce and Sellars challenge the very idea that there is (or can be) any knowledge ‘below’ the level of concepts, ‘below’ what Kant and Hegel call *Verstand* (understanding).”⁵⁹ Thus, “there is no ‘pure’ receptive knowledge that does not *always already* involve what Kant calls spontaneity. There is no immediate knowledge by acquaintance when this is understood to be a type of immediate *self-*

⁵⁴ For discussion of Peirce’s three “classes” of “Firstness,” “Secondness,” and “Thirdness,” see Bernstein (1970: 177-87).

⁵⁵ Peirce (7.647).

⁵⁶ Peirce (7.643; emphasis added.)

⁵⁷ Bernstein (2010: 51).

⁵⁸ Bernstein (2010: 97).

⁵⁹ *Ibid.* 97-98.

authenticating episode that can presumably serve as an epistemic foundation for inferential knowledge.”⁶⁰ In short, this is why Peirce challenges what he regarded as a profoundly misleading conception of a philosophical system, one that proceeds from allegedly unassailable premises and builds up a system of knowledge through a chain of reasoning. Hence Peirce’s emphasis on the importance of “multiform argumentation” in philosophy:

Philosophy ought to imitate the successful sciences in its methods, so far as to proceed only from tangible premises which can be subjected to careful scrutiny, and to trust rather to the multitude and variety of its arguments than to the conclusiveness of any one. It should not form a chain which is no stronger than its weakest link, but a cable whose fibres may be ever so slender, provided they are sufficiently numerous and intimately connected.⁶¹

The “chain metaphor” is closely linked to the “foundation metaphor.” “The dream of many philosophers,” Bernstein writes, “has been to discover ‘one thing which is certain and indubitable,’ or, more generally, to discover those basic truths (what Sellars calls ‘self-authenticating episodes’) that can serve as an epistemological foundation.”⁶² Then, the thinking goes, we can build a solid edifice of knowledge through a systematic chain of reasoning (inferences).⁶³ However, Peirce notes that the chain metaphor fails to capture how the sciences actually proceed.⁶⁴ “Before Peirce, when philosophers turned their attention to science, it was primarily the results of the scientific process that preoccupied them. Or they approached empirical science with a set of independent epistemological biases which they set out to vindicate by an appeal to science.”⁶⁵ Peirce, however, was a practicing scientist, and he sought to generalize from scientific investigation *as a process*, to articulate and clarify the spirit of science *as an activity*.⁶⁶ And actual scientific reasoning is, he observed, more like a cable with multiple strands reinforcing each other than a chain of inferences. Any one of the strands in the cable may prove weak; taken together, however, they can have great strength. This cable model of multiform argumentation has been tremendously successful in the sciences, and it ought to be adopted in philosophical inquiry, he thought.⁶⁷

Thus, the new approach to knowledge and inquiry that Peirce was to develop was primarily a reaction to the Cartesianism that had dominated so much modern philosophy. For Peirce and the pragmatists that were to follow him, “knowledge” and “inquiry” neither *have* nor *need* a “foundation.”⁶⁸ Critical of what Dewey was later to call the “spectator theory of knowledge” (see section 3.3.2 below), Peirce wanted to “shift our attention to know-how, to how we engage in the world and social practices.”⁶⁹ Furthermore, he repudiated what Rorty was to later to call “philosophy as the mirror of nature.”⁷⁰ On his view, as we have seen, all cognition

⁶⁰ Ibid. 97-98.

⁶¹ Peirce (1992: 29).

⁶² Bernstein (2010: 38). Bernstein is quoting Sellars (1997: 73).

⁶³ Bernstein (2010: 38).

⁶⁴ Ibid.

⁶⁵ Bernstein (1971: 199).

⁶⁶ Ibid.

⁶⁷ Bernstein (2010: 38).

⁶⁸ Bernstein (1971: 174).

⁶⁹ Bernstein (2010: 19).

⁷⁰ Ibid.

involves or presupposes inferential processes and, since all thinking and reasoning consists of sign activity, these inferential processes also involve the use of signs.⁷¹ Hence, it makes little sense to think of our minds – or our reasoning processes or even philosophies – as even *potentially* “mirroring nature.”

The alternative paradigm that Peirce began to develop in his 1868 papers and that he continued to develop over the course of his life was a view of inquiry as a self-corrective process. Knowledge claims are legitimated not by their origins – for the origins of knowledge are diverse and fallible – but rather by *the norms and rules of inquiry itself*.⁷² On this view, every knowledge claim is part of a system of signs that is always open to further clarification and interpretation, and every knowledge claim is to be tested and confirmed publically. “The practices and norms of the critical community of inquirers are the locus for refining, testing, and validating our hypotheses and theories.”⁷³

Why did Peirce place so much emphasis on the communal character of inquiry? In large part, he did so because he believed that it is only through social interaction and criticism that we find the correctives for our prejudices and idiosyncratic perspectives.⁷⁴ Hence, when Peirce declares that “to make single individuals absolute judges of truth is most pernicious,” he is placing on display one of the principal theses of his overall philosophy.⁷⁵ As we saw, Peirce launched a sustained attack on the subjectivism that has characterized so much modern epistemology. His alternative is an “intersubjective (social) understanding of inquiry, knowing, communication, and logic.”⁷⁶ Peirce wanted to shift our attention from the *origins* of ideas and hypotheses to their *consequences* for conduct.⁷⁷ He insists that all inquiry, including scientific and philosophical inquiry, starts with tacit prejudices and prejudgments. These prejudices and prejudgments provide a necessary background and orientation to our inquiries. “We do not get rid of them by feigned or paper doubt. We must distinguish paper doubt from real doubt – the type for which we have *positive reasons*. Doubt, then, is not a mere psychological state; it is a normative concept insofar as it requires positive reasons.”⁷⁸ Of course, in conducting any given inquiry, we may come to reject *some* of these prejudices; but we never escape from having (tacit) prejudgments that we do not question. Peirce emphasizes that figuring out which prejudgments are to be criticized or rejected is not the starting point of inquiry but rather an end product – that is to say, an achievement – of it.⁷⁹ “Popper echoes Peirce’s critique of Cartesianism when he attacked the search for epistemological origins that has dominated so much of modern philosophy. Like Peirce, Popper argues that this search, which has been characteristic of both rationalist and empiricist strains in modern philosophy, is misguided.”⁸⁰ Thus, the idea of a community of inquirers is central to Peirce’s pragmatism precisely because he thought that “it is only in and through subjecting our prejudices, hypotheses and guesses to public criticism by a relevant

⁷¹ Ibid. 39.

⁷² Bernstein (1971: 175).

⁷³ Bernstein (2010: 36).

⁷⁴ Ibid. 116.

⁷⁵ Ibid. 35.

⁷⁶ Ibid. 36.

⁷⁷ Ibid. 33.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

community of inquirers that we can hope to escape from our limited perspective, test our beliefs, and bring about the growth of knowledge.”⁸¹

Now, these comments give a very brief account of the new approach to knowledge and inquiry that Peirce began to develop in 1868 (and that he refined throughout his career) and that would greatly influence John Dewey and other subsequent pragmatists. Before moving on to Dewey’s thought, however, I want to highlight two tightly related facets of Peirce’s fallibilistic, non-foundational, intersubjective understanding of concept formation and inference that will be important below. The first is Peirce’s view of the essentially *social* character of inquiry and its end product, knowledge. The second is the status of *norms* in his thought.

“Jürgen Habermas has argued that at the turn of the twentieth century there was a major paradigm shift from a ‘philosophy of subjectivity’ or a ‘philosophy of consciousness’ to an intersubjective (social) communicative model of understanding human action and rationality.”⁸² And one of the primary sources of this shift is evident in Peirce’s early papers.⁸³ We have already reviewed several features of Peirce’s attack on the Cartesian roots of the philosophy of subjectivity/consciousness. But I should now say something more about Peirce’s semiotics. For Peirce’s theory of signs is at the heart of the intersubjective model of understanding human action and rationality that he thought should replace the philosophy of subjectivity or consciousness. The core idea of his theory of signs is that *signification is triadic in character*.

To elucidate what Peirce means, let us return to the Cartesian understanding of intuition. I have indicated that intuition is a two-termed (dyadic) relation between knower (mind) and known object. In representational epistemological and semantic accounts of language, attention is focused on the relation between a sign and what it represents. *One of Peirce’s most original and central claims is that all sign activity is irreducibly triadic: a sign (first term) stands for an object (second term) to an interpretant (third term)*. This triadic structure is an essential characteristic of both linguistic and non-linguistic signs. In his theory of signs, Peirce typically speaks about the “interpretant” rather than the “interpreter” because he stresses that the interpretant is itself a sign.⁸⁴

Now, “the upshot of Peirce’s theory of signs is that all signification, which includes all language and thought, is essentially social in nature.”⁸⁵ For “the very meaning of our concepts depends,” the theory suggests, “on the role that they play in a social context of rules and norms.”⁸⁶ “In the 17th century, epistemology was generally conceived in terms of the mental activity of an individual.”⁸⁷ In contrast, pragmatists like Peirce stress the social character of language and so also epistemology.⁸⁸ And this is evident in Peirce’s theory of signs. “In addition to the sign and the signified, there is always an interpreter who can be an immediate addressee as well as a future one. *Meaning is generated in the prolonged interaction between speakers and interpreters.*”⁸⁹ Certain signs, hence words, *exist* to serve certain social-communicative purposes;

⁸¹ Ibid. 36.

⁸² Ibid. 36.

⁸³ Ibid.

⁸⁴ Ibid. 34.

⁸⁵ Bernstein (1971: 175).

⁸⁶ Ibid. 175.

⁸⁷ Janssen-Lauret and Kemp (2016: 69).

⁸⁸ Ibid.

⁸⁹ Ibid.

and we cannot understand our language, hence concepts and judgments, *apart from* those social purposes.

Peirce also emphasizes the social character of inquiry in another sense, however. For he always emphasizes the social character of the individual himself. As Peirce writes: “A person is not absolutely an individual. His thoughts are what he is ‘saying to himself,’ that is, is saying to that other self that one is trying to persuade; and all thought whatsoever is a sign, and is mostly of the nature of language,” which is a social resource.⁹⁰

Turn now to the status of norms in Peirce’s thought. Peirce’s emphasis on the social or communal nature of humans reflects his strong anti-subjectivistic orientation.⁹¹ Peirce not only claims that thought is a form of internal dialogue but also that *dialogue presupposes a community in which there are effective standards and norms of discourse.*⁹² This, indeed, is one of the fundamental tenants of his entire philosophy, and has already been suggested by the idea that “meaning is generated in the prolonged interaction between speakers and interpreters.”⁹³ It helps us to understand how Peirce interprets “rational” thought and inquiry. Where thought is rational, Peirce characterizes it as being a form of *self-controlled conduct in relation to norms or standards.*⁹⁴ Here the status of norms in Peirce’s thinking becomes clearer, and we again see Peirce’s rejection of what Dewey was later to call the “spectator theory of knowledge.” (Again, see section 3.3.2 below.) “A rational person,” Peirce writes, “not merely has habits, but also can exert a measure of self-control over his future actions.”⁹⁵ For Peirce, beliefs *themselves* are habits, and when we reason about our beliefs we exert control over ourselves, shaping and modifying our conduct in this way or that. Hence he writes that “readiness to act in a certain way under given circumstances and when actuated by a given motive is habit; and a deliberate, or self controlled habit[,] is precisely a belief.”⁹⁶ Indeed, thinking itself, he says, is a “kind of action,”⁹⁷ and intelligence consists in “acting a certain way.”⁹⁸

For Peirce, then, humans *qua* knowers or inquirers are viewed as agents who have and can control their own habits; they are not passive spectators of reality.⁹⁹ And there can *be* no rational self-control unless there are norms by which we distinguish the true from the false, the right from the wrong, the correct from the incorrect.¹⁰⁰ More specifically, this self-control “consists (to mention only the leading constituents) first, in comparing one’s past deeds with standards, second in rational deliberation concerning how one will act in the future, in itself a highly complicated operation, third, in the formation of a resolve, fourth, in the creation, on the basis of the resolve, of a strong determination, or modification of habit.”¹⁰¹ Furthermore, self-control requires constant self-criticism, which he regards as “the very life of reasoning.”¹⁰² As Bernstein observes, however, “self-criticism does not take place in a vacuum”: it requires “an active community of inquirers, a community that is not completely identified with any existing

⁹⁰ Peirce (5.421).

⁹¹ Bernstein (1971: 190-91).

⁹² Bernstein (1971: 190-91).

⁹³ Janssen-Lauret and Kemp (2016: 69).

⁹⁴ Bernstein (1971: 188-89).

⁹⁵ Peirce (5.418).

⁹⁶ Bernstein (1971: 184).

⁹⁷ Peirce (8.191).

⁹⁸ Peirce (6.286)

⁹⁹ Bernstein (1971: 188-89).

¹⁰⁰ Ibid. 191.

¹⁰¹ Peirce (8.320).

¹⁰² Peirce (2.123).

community,” but, as Peirce says, a community “without definite limits, and capable of a definite increase in knowledge.”¹⁰³ Thus, summarizing Peirce’s view, Bernstein concludes that “all reasoning exists in a logical space of norms,”¹⁰⁴ and the community of inquirers is the origin of those norms and the linguistic resources that inquirers employ in invoking, challenging, and modifying them.

How are these “norms” best characterized, however? Sometimes, philosophers of science recognize that “logical,” “epistemic,” and/or “cognitive” “norms” and/or “values” play an indispensable role in our inquiries. Might, then, we simply say that the norms Peirce has in mind here are “logical,” or “cognitive,” or “epistemic” norms? Putting the point in any of these ways would, I believe, misrepresent Peirce’s view. For Peirce, a normative science “studies what ought to be.”¹⁰⁵ And Peirce maintained that there is a hierarchy of such sciences, according to which logic is dependent on ethics, which is in turn dependent on esthetics. Hence to suggest that the “norms” in question are *simply* “logical,” or “cognitive,” or “epistemic” ones would, I think, misrepresent his view, especially in light of the fact that such norms and/or values are commonly construed as standing apart from – as neatly and categorically separable from – ethical and/or aesthetic norms and/or values. (More on this below.) Peirce’s idea that there is a hierarchy of normative sciences is evident, for instance, in the following rich passage:

There are inhibitions and coordinations that entirely escape consciousness. There are, in the next place, modes of self-control which seem quite instinctive. Next, there is a kind of self-control which results from training. Next, a man can be his own training-master and thus control his self-control. When this point is reached much or all the training may be conducted in imagination. When a man trains himself, thus controlling control, he must have some moral rule in view, however special and irrational it may be. But next he may undertake to improve this rule; that is, to exercise a control over his control of control. To do this he must have in view something higher than an irrational rule. *He must have some sort of moral principle. This, in turn, may be controlled by reference to an esthetic ideal of what is fine.* There are certainly more grades than I have enumerated. Perhaps their number is indefinite. The brutes are certainly capable of more than one grade of control; but it seems to me that our superiority to them is more due to our greater number of grades of self-control than it is to our versatility.¹⁰⁶

“It should be clear,” Bernstein observes, “that Peirce is redefining ‘Ethics,’ at least when we consider some of the traditional meanings of this term. But there is a ‘core’ of its traditional meaning that he wants to preserve. *The substantive point that Peirce is emphasizing is that logic is essentially normative; it is concerned with laying down rules that ought to be followed in reasoning.*”¹⁰⁷

These rules or imperatives are not categorical, but instead hypothetical: they are laid down in light of some purpose, goal, or end to be realized.¹⁰⁸ “The understanding and critique of these ends of logic is what Peirce labels ‘Ethics.’”¹⁰⁹ Peirce apparently thought, Bernstein says,

¹⁰³ Peirce (5.311).

¹⁰⁴ Bernstein (1971: 191).

¹⁰⁵ Peirce (1.281).

¹⁰⁶ Peirce (5.5.33); my emphasis.

¹⁰⁷ Bernstein (1971: 192).

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

“that the fundamental question of ethics is ‘What am I prepared deliberately to do, what am I to aim at, what am I after?’ And logic (broadly conceived) demands answers to these questions; ‘it is, therefore, impossible to be thoroughly and rationally logical except on an ethical basis,’” Peirce writes.¹¹⁰ “We can see here Peirce’s own version of the primacy of practical reason.”¹¹¹

What, though, of the claim that ethics is in turn dependent on “esthetics”? “Reasoning is a deliberate form of voluntary conduct involving the use of logical norms,” Bernstein continues.¹¹² “Although logic can be divided into different branches, logic is the critique of arguments and leading principles.”¹¹³ It “not only lays down rules which ought to be, but need not be followed,” Peirce says; “it is [also] the analysis of the conditions of attainment of something of which purpose is an essential ingredient.”¹¹⁴ However, “if logic is to lay down rules that ought to be followed in reasoning, then there must be an appeal to an end or purpose by which we can justify the rules that ought to be followed” in the first place.¹¹⁵ If we think of “esthetics” with many of its normal connotations we are sure to be misled. By “esthetics,” Peirce means a science of ends; and the business of the esthetician “is to say what is the state of things which is most admirable in itself regardless of any ulterior reason.”¹¹⁶ The problem of esthetics is “to determine by analysis what it is that one ought deliberately to admire *per se* in itself regardless of what it may lead to and regardless of its bearing upon human conduct.”¹¹⁷ “No matter how we may attempt to avoid the issue, the question of ultimate justification is crucial,” Bernstein comments.¹¹⁸ “To answer this question we must critically investigate our ultimate goals and purposes; we must find out what it is that we *ought* ultimately to admire and seek. It is in this sense that ethics is dependent on esthetics, or to put the issue more neutrally, the criteria of right and wrong in logic as well as in ethics ultimately depend on the ends of all human activity.”¹¹⁹

Now, this necessarily brief review of Peirce’s reconstruction of experience and inquiry (of his critique of Cartesianism and his alternative view of inquiry, his semiotics, and his idea that the three normative sciences of logic, ethics, and esthetics can be arranged hierarchically) provides us, I believe, with sufficient resources for rendering plausible the two overarching claims that at the beginning of this section (Section III) I signaled would be our central focus in Section III: first, that all inquiry presupposes, depends on, and conveys norms, values, and interests, hence may be described as “value-guided” and “value-laden”; and second, that, in light of this fact, anything we say (and do not say) in any of our inquiries *could* have “moral or ethical significance and implications.” (Hereafter, I refer to these two claims as the two “claims-of-interest.”) But I want to hold off on making my initial defense of the two claims-of-interest. For, as previously indicated, I first want to review selected aspects of John Dewey’s thought (3.3.2 below), which will allow me, in section 3.4, to make my initial pragmatist-inspired statement of the first claim-of-interest (the claim about the inevitable value-guidedness and value-ladenness of our inquiries). In section 3.5, we’ll then consider some further pragmatist (or pragmatist-

¹¹⁰ Ibid. 192-93.

¹¹¹ Ibid. 193.

¹¹² Ibid. 192.

¹¹³ Ibid.

¹¹⁴ Peirce (1.575)

¹¹⁵ Bernstein (1971: 192).

¹¹⁶ Peirce (1.611)

¹¹⁷ Peirce (5.36)

¹¹⁸ Bernstein (1971: 195).

¹¹⁹ Ibid.

type¹²⁰) criticisms of the fact/value dichotomy that will strengthen the initial statement of that claim. These additional pragmatist (and pragmatist-type) considerations will also lay a firmer basis for the discussion of the second claim-of-interest (the claim about “the moral or ethical significance and implications” of what we say [and do not] say in our inquiries), which we take up in the subsequent section (Section IV).

3.3.2 Dewey’s Reconstruction of Experience and Inquiry

Now, Dewey, as I understand him, would agree with the Peircean perspectives on knowledge, inquiry, and language that I’ve just adumbrated. For our purposes, however, it is not important that I try to substantiate this claim – indeed, it is not even important that it is accurate. For, as I’ve just intimated, our own purpose is simply to evaluate selected ideas that arguably stand in support of the two overarching claims-of-interest just mentioned. So, let us turn to Dewey’s thought and see what relevant resources we may find there.

We have already reviewed various ways in which Peirce was concerned to reconstruct “experience.” To recall, Peirce offered at least the following tightly related theses in defense of his reconstruction of experience: experience is active, not passive, and is permeated by our conceptual capacities and funded with inference; thinking is itself a kind of action, activity, or conduct; thinking always proceeds against the background of (tacit) prejudgments (we cannot start from a position of having *no* prejudgments that we might later find reason to reject or modify – there is apparently no infallible starting point for reasoning about *anything*); and thinking always involves sign activity and so is essentially *normative* and *social* in character. With all of theses, I will say, Dewey surely did agree. But he also offered a battery of related arguments that warrant consideration here. For Dewey’s reconstruction of experience is arguably even more radical than Peirce’s, and what sets it off as being so gives us additional resources with which to argue for the *all-inquiry-is-value-guided-and-value-laden thesis*.

Like Peirce, Dewey thought that past philosophy, especially since Descartes, had been dominated by the metaphor of the fixed “mental eye.”¹²¹ Indeed, as I’ve already suggested, “a distinctive and central theme in Dewey’s epistemology was the rejection of a ‘spectator theory’ of knowledge, which he thought dominated western philosophy.”¹²² Here, “knowledge was understood on the model of the observation of a fixed and independent object on the part of a subject. The spectator account of knowledge was accompanied by a ‘quest for certainty’ in epistemology; that is, a search for a fixed and certain foundation for knowledge claims, for example in *a priori* truths or in the incorrigible data of our senses.”¹²³ Dewey wanted “to displace this conception of knowledge with a notion of inquiry, understood as the struggle of human intelligence to solve problems. The goal of such inquiry was not to arrive at a certain

¹²⁰ I refer to arguments or even philosophical orientations that are not “strictly” or explicitly pragmatist, but which share with pragmatism a certain view about “the primacy of practice.” The later Wittgenstein’s philosophic orientation can be characterized this way, and thus, due to his influence, so can much “ordinary language philosophy,” which I draw on below. In *Pragmatism: An Open Question* (which is based on a series of lectures), Hilary Putnam entitles one of his lectures, “Was Wittgenstein a Pragmatist?”, and concludes that while Wittgenstein was not in a “strict sense” a “pragmatist,” he nevertheless shares “a central – perhaps *the* central – emphasis with pragmatism: the emphasis on the primacy of practice” (Putnam 1995: 52).

¹²¹ Bernstein (1971: 219).

¹²² Festenstein (2014).

¹²³ *Ibid.*

picture of the nature of things, but at an inevitably provisional solution to the practical and intellectual problem that sparked inquiry.”¹²⁴

Dewey thought that, by and large, past philosophers had offered highly abstract and artificial ways of discussing experience, and he wanted us to return to the concrete context of actual life *as it is experienced*.¹²⁵ The analogy that Dewey thought appropriate for understanding human life – *including, crucially, our mental activities and cognitive processes* – was “the esthetic analogy of the craftsman involved in *doing and making*.”¹²⁶ “According to Dewey, Greek philosophy limited the application of this analogy to our ethical and political life, to praxis as contrasted with *theoria*.”¹²⁷ However, with the development of experimental scientific inquiry, he thought, this analogy should now be extended to what had traditionally been viewed as *theoria*. “Experimental knowing,” Bernstein comments, “is essentially an art that involves, like all arts, a conscious interaction between a craftsman and the subject matter that he is transforming. The craftsman perfects his art, not by comparing his product to some ‘ideal’ model, but by the cumulative results of experience – experience which benefits from tried and tested procedures, but always involves risk and novelty.”¹²⁸

For Dewey, the craftsperson is to be viewed from a biological-anthropological perspective. After all, Dewey, like the other classical pragmatists, was a thoroughgoing naturalist. As such, Dewey emphasized that “every experience involves an interaction (or as he later put it, a transaction) between a living organism and its environment. In every experience there is both suffering or undergoing and activity.”¹²⁹ Viewed in this way, “a primary characteristic of human experience is its purposiveness. We are creatures who can imaginatively construct new possibilities and by intelligent inquiry we can reconstruct our experience so that the goods we most deeply desire can be achieved and made stable.”¹³⁰ Like all natural creatures, humans’ responses to their environments are, of course, selective; “in acting we are always choosing.”¹³¹ In responding selectively to our environments and so inevitably making choices, we can, of course, do so blindly, motivated by impulse, convention or habit; but we can also do so intelligently.¹³² And our controlled or reflective inquiries can help us do so. Inquiry arises as the “dominant trait of a situation,” Dewey says, “when there is something seriously the matter, some trouble, due to active discordance dissentiency, conflict among the factors of a prior non-intellectual experience: when... a situation becomes tensional.”¹³³ The purpose of any *specific* inquiry is to locate the felt difficulty and to craft a method for coping with it.¹³⁴

Thus, Dewey not only advocates that we view humans as agents in politics and morality, where it has conventionally been recognized that conflicts of values arise and something has to be done; he also advocates that we view humans this way when we consider all of their inquiries, including their most “theoretical” inquiries.¹³⁵ With Peirce, he maintains that traditional

¹²⁴ Ibid.

¹²⁵ Bernstein (1971: 205).

¹²⁶ Ibid. 219.

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Ibid. 204.

¹³⁰ Ibid. 213.

¹³¹ Ibid. 213.

¹³² Ibid.

¹³³ Ibid. 204-5.

¹³⁴ Ibid. 205.

¹³⁵ Ibid. 218.

epistemology has been overly focused on logics of proof and on the results of our inquiries.¹³⁶ Accordingly, “it has failed to focus on the status of our knowledge claims as they function *within the process of inquiry itself*.”¹³⁷ Like Peirce, he also maintained that “the lesson to be learned from experimental science is that what distinguishes knowledge from fancy and mere speculation is precisely the procedures within inquiry by which we discover, test, and warrant our knowledge claims.”¹³⁸ “When we focus on discovering and inquiring, we are lead to very different conclusions concerning knowledge itself.”¹³⁹ We then become aware of “the essentially hypothetical nature of all knowledge claims,” look to consequences rather than to the origins of knowledge, and “realize that the norms of inquiry are not supplied from some source ‘outside’ our inquiry, but are arrived at, refined, and modified in the course of the process of inquiry.”¹⁴⁰

We can deepen our understanding of Dewey’s reconstruction of “experience” by looking at one of his boldest statements of how we might do so, namely, the statement he offers in “The Need for a Recovery of Philosophy.” Here, Dewey list five contrasts between his view of experience and what he calls the “orthodox” or “traditional” view of experience.

“In the orthodox view,” Dewey says, “experience is regarded primarily as a knowledge affair. But to eyes not looking through ancient spectacles, it assuredly appears as an affair of the intercourse of a living being with its physical and social environment.”¹⁴¹ “In the history of philosophy, especially in modern philosophy since Descartes,” Bernstein comments, “the primary question has been: What kind of knowledge, if any, does experience yield? Or what is the role of experience in our knowledge of the world?”¹⁴² For instance, empiricism and rationalism have typically been construed as opposing philosophies; and yet, “both movements have been primarily concerned with experience as a ‘knowledge-affair’ – empiricists maintaining that experience is the only source of knowledge of the world, while rationalists have argued that experience is never *sufficient* to yield genuine knowledge.”¹⁴³ In both cases, “the concern with experience has been epistemologically oriented,” and “to approach the nature of experience from an exclusively epistemological orientation results in a major distortion of experience.” Dewey came to appreciate that there is surely more to experience than knowledge.¹⁴⁴

It is not difficult to grasp what Dewey means, in fact it is quite obvious. But philosophers have a way of forgetting or neglecting the obvious. When Dewey speaks of “nonreflective” or “noncognitive” experience, he means the type of experience in which knowing or inquiry is not the primary objective. “Anyone [who] recognizes the difference between an experiencing of quenching thirst where the perception of water is a mere incident, and an experience of water where knowledge of what water is, is the

¹³⁶ Ibid. 217.

¹³⁷ Ibid. 218.

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ Ibid. Hence Dewey (1938: 8-9) writes that “knowledge, as an abstract term, is a name for the product of competent inquiries. ... The ‘settlement’ of a particular situation by a particular inquiry is no guarantee that *that* settled conclusion will always remain settled. The attainment of settled beliefs is a progressive matter; there is no belief so settled as not to be exposed to further inquiry. It is the convergent and cumulative effect of continued inquiry that defines knowledge in its general meaning. ... When knowledge is taken as a general abstract term related to inquiry in the abstract, it means ‘warranted assertibility.’”

¹⁴¹ Dewey (1960: 23).

¹⁴² Bernstein (1971: 203).

¹⁴³ Ibid.

¹⁴⁴ Ibid.

controlling interest; or between the enjoyment of social converse among friends and a study deliberately made of the character of the participants; between esthetic appreciation of a picture and an examination by a connoisseur to establish the artist” recognizes the difference between noncognitive or nonreflective experiences and experiences in which knowing is primary. Dewey is not denying that there is thinking or conscious awareness in all human experiences. But we distort our experience as *lived* if we think that the paradigm of all experience is *knowing*.¹⁴⁵

When knowing *is* the primary objective and we do inquire, however, we do so *in response to a felt problem*, a “problematic situation.”¹⁴⁶ Inquiry emerges as the “dominant trait of a situation when there is something seriously the matter, some trouble, due to active discordance, dissentiency, conflict among the factors of a prior non-intellectual experience: when...a situation becomes tensional.”¹⁴⁷ Moreover, inquiry not only *arises out of* a particular problematic situation but is also *guided by* it. Hence, late in his career Dewey wrote that

...the unsettled, indecisive character of the situation with which inquiry is compelled to deal affects all the subject matters that enter into all inquiry. It affects, on the one hand, the observed existing facts that are taken to locate and delimit the problem; on the other side, it affects all of the suggestions, surmises, ideas that are entertained as possible solutions of the problem.¹⁴⁸

The second contrast with the “orthodox” or “traditional” view of experience that Dewey emphasizes in “The Need for a Recovery of Philosophy” goes like this. “According to tradition experience is (at least primarily) a psychological thing, infected throughout by ‘subjectivity.’ What experience suggests about itself is a genuinely objective world which enters into the actions and sufferings of men and undergoes modifications through their responses.”¹⁴⁹ Dewey is referring here to what Habermas was later to call the “philosophy of subjectivity” or the ‘philosophy of consciousness’ that we already discussed in relation to Peirce’s anti-Cartesianism. “Descartes’ dualism of mind and body, together with his conception of mind as a thinking substance which ‘contains’ ideas by which the mind knows ‘external objects,’ led to an epistemological preoccupation with what is ‘in’ or ‘before’ the mind,” Bernstein comments. Hence,

Experience as subjective experiencing became a dominant concern of philosophers. When this subjectivistic bias was followed to the bitter end, some philosophers came to the conclusion that man is trapped in the privacy of the acts and contents of his mind and the he lacks any adequate evidence for believing that there is any objective world “outside” his private, subjective experience. Dewey, like the other pragmatists, argued that the steps leading to the conclusion that experience is exclusively mental, private, and subjective consist of a tissue of fallacies. It is of course true that there is no experience without an *experiencer* and *experiencing*.... But all experience includes an objective

¹⁴⁵ Ibid. 203-4.

¹⁴⁶ Dewey (1939: 221-2). Indeed, Dewey (1916: 331) goes so far as to say that “thinking would not exist, and hence knowledge would not be found, in a world which presented no troubles.”

¹⁴⁷ Dewey (1916: 11).

¹⁴⁸ Dewey (1960: 136).

¹⁴⁹ Dewey (1960: 23).

dimension. “Subjectivity” and “objectivity” are names for changing functional distinctions within experience.¹⁵⁰

Here, “Dewey cannot only draw support from the analyses of Peirce and James, but also continental phenomenology with its emphasis on the *Lebenswelt* and from Wittgensteinian analysis with its concern for *Lebensform*. In differing ways, all of these philosophic tendencies have been reacting against the misguided subjectivism of so much modern philosophy.”¹⁵¹

Here now is the third contrast that Dewey stresses:

So far as anything beyond a bare present is recognized by established doctrine, the past exclusively counts. Registration of what has taken place, reference to precedent, is believed to be the essence of experience. Empiricism is conceived of as tied up to what has been, or is “given.” But experience in its vital form is experimental, an effort to change the given; it is characterized by projection, by reaching forward into the unknown; connection with a future its salient trait.¹⁵²

Bernstein suggests that we can identify the dominant tendency that Dewey is explicating in the influential empiricism of David Hume. “A dominant tendency in traditional empiricism has been to identify experience with what is now presented to us or what is the result of past observations.”¹⁵³ Hume, for example, “sought to explain how it is that when we are presented with an instance of the species of an object, we imagine the effect associated with it and *believe* that it will reoccur. To this extent Hume is concerned with the relation of past experience to the future.”¹⁵⁴ In the present connection, however, it is useful to note “how easily Hume slides from the nature of experience to *past* experience.”¹⁵⁵ And we should note too “how Hume’s description of experience is oriented by his epistemological concern.”¹⁵⁶ “The nature of experience is this,” Hume writes.

We remember to have had frequent instances of the existence of one species of objects; and also remember, that the individuals of another species of objects have always attended them, and have existed in a regular order of contiguity and succession with regard to them.... In all these instances, from which we learn the conjunction of particular causes and effects, both the causes and the effects have been perceiv’d by the senses and are remember’d: But in all cases where we reason concerning them there is one perceiv’d or remember’d, and the other supply’d in conformity to our past experience.¹⁵⁷

However, “when we shift our perspective to a biological-anthropological orientation and take seriously the experimental attitude so fundamental to modern scientific inquiry,” Bernstein

¹⁵⁰ Bernstein (1971: 205).

¹⁵¹ *Ibid.* 205-6.

¹⁵² Dewey (1960: 23).

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*

¹⁵⁷ Hume (1888: 87).

comments, “we realize that within experience ‘anticipation [as Dewey says] is ...more primary than recollection; projection than summoning of the past; the projective than the retrospective.”¹⁵⁸

Dewey, like the existentialists, “always underscores that man ‘lives forward,’” although he draws very different conclusions from this. In maintaining that experience in its ‘vital form is experimental,” Dewey also indicates the dominant role that activity plays in human experience.”¹⁵⁹ In this connection, it is again well to recall that “philosophers have frequently written as if our primary attitude toward the world is that of the spectator who passively observes and records what is happening and what has happened.”¹⁶⁰ And again, it well to note that humans are agents; they are not spectators “looking into reality or nature from the outside.”¹⁶¹ They are part of nature and their activities condition and are conditioned by the full range of their cognitive activities.¹⁶² “The very nature of sensation, perception, and knowledge have been misunderstood because of the failure to appreciate the ways in which these processes themselves function within human activity.”¹⁶³ “Once we recognize that experience is primarily an active transaction between a living organism and its environment, then our understanding of the entire range of man’s cognitive functions is transformed.”¹⁶⁴ These functions are then to be located in the life activity of an individual; for, as Dewey says, “we are active beings from the start and are naturally...engaged in redirecting our action in response to change in our surroundings.”¹⁶⁵ Thus, Dewey, I am confident, would have agreed with Stuart Hampshire’s claim that “the deepest mistake in empiricist theories of perception, descending from Berkeley and Hume, has been the representation of human beings as passive observers receiving impressions from ‘outside’ of the mind, where the ‘outside’ includes our own bodies.”¹⁶⁶ In point of fact, “I not only perceive my body, I also control it: I not only perceive external objects, I also manipulate them.”¹⁶⁷ Accordingly, it is “wrong to represent experience of the external world as some synthesis of impressions of the five senses. A physical object is recognized as a potential obstruction, or as something to be manipulated, occupying a definite position in relation to me at the moment of perception.”¹⁶⁸ And I am also confident that he would agree with Heidegger’s view that, as Axel Honneth has summarized it, “we do not encounter reality in the stance of a cognitive subject, but rather practically cope with the world in such a way that it is given to us as a field of practical significance.”¹⁶⁹

The fourth contrast with the “orthodox” or “traditional” view of experience Dewey states like this: “The empirical tradition is committed to particularism. Connections and continuities are supposed to be foreign to experience, to be byproducts of dubious validity. An experience that is an undergoing and a striving for control in new directions is pregnant with connections.”¹⁷⁰ Dewey, Bernstein comments, “is reiterating the point so eloquently made by William James in

¹⁵⁸ Bernstein (1971: 207).

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Ibid. 208.

¹⁶⁵ Dewey (1896: 239).

¹⁶⁶ Hampshire (1949: 47-48).

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ Honneth (2008: 30).

¹⁷⁰ Dewey (1960: 23).

his criticism of traditional empiricism and his demand for a “radical empiricism.”¹⁷¹ “In the history of British empiricism,” he continues, “there has been a strong particularistic and atomistic tendency. Experience consists of discrete and separable perceptions.”¹⁷² Like James, Dewey “accuses past philosophers of foisting upon us a highly abstract and artificial analysis of experience, one that mistakes an abstraction for the concreteness of experience itself.”¹⁷³ When we return to the concreteness of lived experience, we see that, as Dewey says, “experience exhibits every kind of connection from the most intimate to mere external juxtaposition.”¹⁷⁴ “Connections and relations are as much a part of experience as the particulars that we isolate within experience.”¹⁷⁵ “*Dewey argued that we must not mistake distinctions and discriminations instituted for specific purposes with the experience as it is lived.*”¹⁷⁶

The fifth contrast with the “orthodox” or “traditional” view of experience is based on the previous four. “In the traditional notion,” Dewey writes,

experience and thought are anti-thetical terms. Inference, so far as it is other than a revival of what has been given in the past, goes beyond experience; hence it is either invalid, or else a measure of desperation by which, using experience as a spring-board, we jump out of a world of stable things and other selves. But experience taken free of the restrictions imposed by the older conception is full of inference. There is, apparently, no conscious experience without inference; reflection is native and constant.¹⁷⁷

In many of its philosophic uses, “experience” has been used as “a contrast term with ‘thought,’ or ‘inference,’ or ‘reason.’”¹⁷⁸ Underlying this tendency, Bernstein comments, “is a fundamental epistemological doctrine that experience is limited to what is sensed, perceived, or remembered. Experience supplies the input and reason is the faculty or capacity by which we order, arrange, and draw inferences from this input.”¹⁷⁹ For Dewey, however, the appropriate contrast is “not between experience and reason, but between experience which is funded by the procedures and results of intelligent activity and experience which is not.”¹⁸⁰ “Experience *can* be nonrational and irrational, but it can also be *funded* with intelligence and controlled inference.”¹⁸¹

“As a living organism, man continually acts and reacts within an objective world.”¹⁸² As Dewey writes, “any reaction is a venture; it involves risk... But the organism’s fateful intervention in the course of events is blind, its choice is random, except as it can employ what happens to it as a basis for inferring what is likely to happen later. In the degree in which it can read future results into present on-goings, its responsive choice, its partiality to this condition or that, become intelligent.”¹⁸³ “The fundamental issue for Dewey is always what will be the quality

¹⁷¹ Bernstein (1971: 208).

¹⁷² Ibid.

¹⁷³ Ibid. 208-9.

¹⁷⁴ Ibid. 209.

¹⁷⁵ Ibid. 209.

¹⁷⁶ Ibid. 204.

¹⁷⁷ Dewey (1960: 23).

¹⁷⁸ Bernstein (1971: 210).

¹⁷⁹ Ibid. 210.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

¹⁸² Ibid. 210.

¹⁸³ Dewey (1960: 34).

and nature of our interactions and transactions.”¹⁸⁴ Thus, “Dewey’s exploration of the five contrasts culminates with a plea for the realization of intelligence in all phases of human life; not intelligence that is [as Dewey says] ‘the faculty of intellect honored in textbooks but neglected elsewhere,’” but intelligence that is ‘the sum-total of impulses, habits, emotions, records, and discoveries which forecast what is desirable and undesirable in future possibilities, and which contrive ingenuously in behalf of imagined good.’”¹⁸⁵

3.4 Inquiry as Value-Guided and Value-Laden: A Pragmatist-Inspired Summary Statement

I want now to offer a brief statement of how the above Peircean and Deweyan reflections provide us with a perspective from which to argue against the idea that any inquiry either is or could be “value-free” and/or “value-neutral.” Or, to state the first overarching claim-of-interest in its positive form, I want to offer a very brief explanation of how the above Peircean and Deweyan reflections provide us with a perspective from which to argue *for* the idea that all of our inquiries presuppose, depend on, and convey norms, values, and interests, hence may be described as “value-guided” and “value-laden.” Note, however, that while I believe that we already have the resources to offer a compelling statement of the second overarching claim-of-interest as well (again, the claim that in light of the fact that all inquiry *is* value-guided and value-laden, anything we say [and do not say] in any of our inquiries *could* have “moral or ethical significance and implications”), I will again delay offering that statement until Section IV. Again, the reason for this is that there are additional pragmatist (and pragmatist-type) considerations that I would like to draw on in making that statement, ones that will not only help us to defend the first overarching claim-of-interest but also the second one. So, in the rest of this subsection (3.4) I offer a statement of the first overarching claim-of-interest; in the next subsection (3.5) adduce the further pragmatist or pragmatist-type considerations that I’ve just referred to; and in Section IV then offer the statement of the second overarching claim-of-interest.

The above pragmatist arguments suggest that, as Brandom says, “experience” is “something *done* rather than something that happens – a process, engaging in a practice, the exercise of abilities, rather than an episode.”¹⁸⁶ This construal of experience is congruent without our everyday understanding of it. But the highly abstract and artificial ways in which philosophers have discussed experience have often served to obscure this understanding. “Pragmatists hold not only, as do all empiricists, that our knowledge rests on experience,” Ruth Anna Putnam says; “they also demand that our philosophical claims should rest on experience and thus be liable to empirical refutation.”¹⁸⁷ When we attend to actual human experience, pragmatists add, we then see that “what is experienced is not limited to what is apprehended by the five senses,” but “*includes enjoying and suffering in various ways.*”¹⁸⁸ As we have seen, “earlier empiricists [and not just “empiricists” – think: Descartes] had thought of experience as the occurrence of conscious episodes that provide the raw materials for learning, via processes such as association, comparison, and abstraction.”¹⁸⁹ But when we take experience *as* it is

¹⁸⁴ Bernstein (1971: 210).

¹⁸⁵ Dewey (1960: 68).

¹⁸⁶ Brandom (2011: 7).

¹⁸⁷ Putnam (2006: 278).

¹⁸⁸ *Ibid.*; my emphasis.

¹⁸⁹ Brandom (2011: 7).

experienced, as a pragmatist-inspired empiricism asks us to do, we plainly see that “experiencing is doing as well as cognizing.”¹⁹⁰ Hence, “experience,” for pragmatists, “is not just an input to a learning process. It just *is* learning: the process of perception and performance, and then further performance, exhibiting the iterative, adaptive, conditional-branching structure of a test-operate-test-exit loop.”¹⁹¹ Furthermore, “insofar as doing involves foresight,” it also “involves having ends-in-view, that is to say, values.”¹⁹²

From this perspective, it is not hard to understand why Hilary Putnam says that, for the classical pragmatists, “value and normativity permeate *all* of experience,”¹⁹³ and it is not hard to understand why I suggest that all of our inquiries presuppose, depend on, and convey norms, values, and interests, hence may be described as “value-guided” and “value-laden.”

If, on the one hand, “experience” is thought of in a Cartesian fashion, as “the occurrence of self-intimating event[s] of pure awareness, transparent and incorrigible to the subject of experience,”¹⁹⁴ the notion that “value and normativity *permeate* experience” is an odd one indeed. And this is especially so when we recall that “knowledge,” which, for empiricists at least, is *based on* experience, has so often been understood in modern philosophy as a matter of “accurate representations” of an “external,” “value-less” world. If an “experience” *can* consist in the occurrence of a “self-intimating event of pure awareness, transparent and incorrigible to the subject of experience,” then it is not at all clear what it would mean to say that “value and normativity ‘permeate’ that experience.” Likewise, if knowledge that is based on such an experience *does* consist in an “accurate representation” of an “external,” “value-less” world, then it is not entirely clear what it would *mean* to say that some “true” or “accurate” knowledge claim presupposes, depends on, and conveys norms, values, and interests, hence may be described as “value-guided” and “value-laden.” Hence, in the case of, for instance, some given social (-scientific) inquiry that (purportedly) just consists in “factual claims,” it may not be clear what it would mean to say that *that* inquiry presupposes, depends on, and conveys norms, values, and interests, hence may be described as “value-guided” and “value-laden.”

If, on the other hand, “experience” is thought of as pragmatists think of it, the idea that “value and normativity permeate it” is not at all odd.

Take first the idea of *value* “permeating” experience. Since pragmatists conceive of experience as always involving doing as well as cognizing, it always involves what Dewey calls “ends-in-view,” that is to say, “values.” Experience *as* we experience it tells us that even in our most “passive” experiences this is so (at least where the “experiences” in question are *conscious* ones). (Indeed, even where passivity itself is our aim, we still have ends-in-view in pursuing it. And even where we do not actively or consciously pursue passivity, but, as they say, simply “fall into it,” surely we do so *in part at least* because of our other ends-in-view: perhaps, for instance, avoiding this or that uncomfortable or awkward situation, or escaping from the stress of work, or avoiding anticipated confrontations, and so on.)

Turn now to the idea of *normativity* “permeating” experience. Here again, the idea that experience involves doing as well as cognizing is relevant. As we saw, pragmatists emphasize that (in Dewey’s phrase) “reflection is native and constant”¹⁹⁵ and that (in John McDowell’s apt

¹⁹⁰ Putnam (2006: 278).

¹⁹¹ Brandom (2011: 7)

¹⁹² Putnam (2006: 278).

¹⁹³ Hilary Putnam (2002: 30-31).

¹⁹⁴ Brandom (2011: 7).

¹⁹⁵ Dewey (1960: 34).

phrase) our “conceptual capacities”¹⁹⁶ permeate experience. Pace the once-dominant tendency to conceive of epistemology solely in terms of the mental activity of an individual, pragmatists like Peirce and Dewey stress the social character of language and thought, and so epistemology. As we saw, Peirce, for instance, stresses that all signification, which includes all language and thought, is essentially social in nature and that the very meaning of our concepts depends on the role that they play in a social context of rules and norms. Indeed, he stresses that (in Bernstein’s phrase) “all reasoning exists in a logical space of norms”;¹⁹⁷ that thought is a form of internal dialogue; and that such dialogue presupposes a community in which there are effective standards and norms of discourse. Taking these ideas together with the notion that “reflection is native and constant,” the notion that “normativity” *permeates* experience is not hard to understand. *For the thought emerges that reflection is a native and constant part of experience, and that such thought presupposes and depends on norms and standards of discourse that are socially created and sustained.*

3.4.1 All of our Inquiries Presuppose, Depend on, and Convey Norms, Values, and Interests

Seeing this, neither should it be hard to understand why I suggest that all of our inquiries presuppose, depend on, and convey norms, values, and interests, hence may be described as “value-guided” and “value-laden.”

Take first the idea that our inquiries *presuppose* and *depend on* norms, values, and interests. To begin with, note that reflection on ordinary language suggests that wherever we can say that some practice or activity “depends on” and/or “presupposes” a “norm,” we can obviously also say that it “depends on” and “presupposes” some (cluster of) value(s) and interest(s) too. Indeed, there is hardly anything controversial about the claim that norms *exist* to realize, promote, or instantiate certain values and interests. Hence the claim that an inquiry “presupposes” and “depends on” some “norm” carries with it the implication that it “presupposes” and “depends on” some (cluster of) value(s) and interest(s) as well. So, insofar as it is plausible to claim that *thought inevitably involves sign activity (including linguistic signs)* and that *signs get their very meaning from the role that they play in a social context of rules and norms*, it is plausible to claim that thought presupposes and depends on “norms,” hence values and interests too. And this suggests that *insofar as our inquiries presuppose and depend on language and thought, as they obviously do, they also presuppose and depend on norms, values, and interests too.*

What, though, of the idea that all of our inquiries “convey” norms, values, and interests? Following what has already been said, the point here is simple. Reflection on ordinary language suggests that any practice or activity that can be identified as “presupposing” and as “depending on” norms, values, and interests may be described as “conveying” norms, values, and interests. For it seems to me that we cannot make sense of the claim that some activity *does* “presuppose and depend on norms, values, and interests,” but does *not* “convey” norms, values, and interests.” This is not to say that all of the norms, values, and interests that some inquiry does presuppose and depend on just *are* “conveyed” by that inquiry, as though it were the case that whatever norms, values, and interests are presupposed and depended on there *were simply “transparent.”* It is just to say that when we look and see what activities are involved in our inquiries (including our language and thought processes themselves), we should be able to

¹⁹⁶ McDowell (1996: 10).

¹⁹⁷ Bernstein (1971: 191).

recognize that our inquiries inevitably just *do* “convey” norms, values, and interests, and that, in principle at least, we should be able to *identify* some of them.

3.4.2 Value-Guidedness at Four “Levels”: Observation, Description, Explanation, and Prediction

Finally, what of the suggestion that, in light of the fact that all of our inquiries presuppose, depend on, and convey norms, values, and interests, all of our inquiries may therefore be described as “value-guided” and so “value-laden” too?

Take first the notion of “value-guidedness.” There are, I believe, various senses in which we can sensibly say that all of our inquiries are “value-guided.” Here, I won’t attempt to delineate all of these. Indeed, I am dubious that it is even possible to do so. Instead, I’ll just offer a few examples based on the preceding discussion. As discussed, pragmatists emphasize that “inquiry” is as a kind of activity, one that involves doing *as well as* cognizing. We are not passive “knowers.” Hence, a first point to make is that our inquiries, like all of our other activities, are “guided by” our values at least in the following sense: we pursue certain activities in the first place *because* we have certain “values.” Our values affect our choices of what to investigate in the first place, what we regard as *worth* studying in the first place. This much is commonly noted in the philosophy of the human or social sciences, even by those who have defended a “value-free” and/or “value-neutral” conception of the social sciences. Controversy arises, however, when one claims or implies that, in one or another sense, our values necessarily “guide” the reasoning processes that are involved in our inquiries and/or are necessarily conveyed by the language that we use in communicating (“the findings”¹⁹⁸ of) our inquiries. But the foregoing Peircean-Deweyan considerations suggest plausible reasons for maintaining that values *do* “guide” our inquiries in these two senses as well.

Consider first the claim that our values necessarily “guide” the reasoning processes that are involved in our inquiries. I want to indicate four ways in which this is so, corresponding to the four areas or types of inquiry that have traditionally been thought capable of “value-freedom” and/or “value-neutrality”: observation, description, explanation, and prediction.¹⁹⁹

Thus, I first indicate why “values” guide our inquiries at the “observational level.” As we saw, Peirce criticized the view that we have direct intuitive knowledge, “the type of intuition not determined by prior cognitions and one that can serve as an epistemological foundation.”²⁰⁰ Again, he wanted us to break free from “the Cartesian supposition that we can break out of

¹⁹⁸ The scare quotes are used to express my reservations about this term. If we are not careful, frequent references to research “findings” may lead us to forget that we always *produce* or *construct* “research findings” through complex processes of interpretation and evaluation; arguably, we never *literally* “find” anything in our research. Dewey appreciated this point. “Dewey notes that in the course of inquiry certain estimates, appraisals, or evaluations occur. Data are judged to be relevant, or reliable; certain theories are judged to be applicable to the case in question; suggested hypotheses may be judged to be plausible, etc. Dewey does not emphasize that these are value judgments, but in fact he points here to what a later philosopher [Hilary Putnam] called the entanglement of facts and values. That entanglement is itself an aspect of the unity of theory and practice that Dewey seeks to establish.” (Putnam 2010: 40)

¹⁹⁹ It not very common, I think, for authors explicitly to argue that each of these areas or types of inquiry is capable of “value-freedom” and/or “value-neutrality.” But it *is* conventional to regard social science as *involving* observation, description, explanation, and prediction. Hence, when authors do argue for “value-freedom” and/or “value-neutrality” they are often reasonably understood to be *implying* that each of these areas or types of inquiry is capable of “value-freedom” and/or “value-neutrality.”

²⁰⁰ Bernstein (2010: 46).

language or systems of signs and have direct immediate knowledge of non-linguistic objects.”²⁰¹ For Peirce, all such knowledge as we can claim involves or presupposes inferential processes; and, he maintains, *there is no thinking activity (hence inference) without sign activity.*²⁰² Just to be *able* to offer an observational report, one has to have mastered what Wittgenstein would later call a “language game” and what Sellars would later call a “battery of concepts.” Again, it is true, Peirce would recognize, that in looking up at a blue sky, for instance, I cannot help seeing that the sky is blue (assuming I have normal eyesight). And in that sense “the percept” is “forced on me.” But recall why Peirce introduces the technical term “percipuum”: in short, because observation relies not just on “percepts” but “*percepts*” as they are “*immediately interpreted in...perceptual judgment[s].*” Hence, again, he writes that “the moment we fix our minds upon it and think the least thing about the percept, it is the perceptual judgment that tells us what we so ‘perceive.’ For this and other reasons, I propose to consider the percept as it is immediately interpreted in the perceptual judgment, under the name of the ‘percipuum.’”²⁰³ Hence, the “information” or “knowledge” that is conveyed by our observational reports involves inferences and sign activity, and so presupposes and depends on knowledge of certain values. (This is one way of making sense of Hilary Putnam’s point that “knowledge of facts presupposes knowledge of values,” a claim that we return to below.)²⁰⁴ This is because to interpret a percept as *being* this or that percipuum (say, a “blue sky” or a “grey sky”) is to have mastered a language game or a battery of concepts, that is, *to understand the role that relevant signs play in a social context of rules and norms.* And again, anytime we can say that “we understand certain rules or norms,” we can also say that “we have knowledge of certain values.” Without this knowledge, we simply *couldn’t* interpret a percept as being this percipuum or that. Hence our knowledge of certain values “guides” our inquiries at the observational level.

Now, once we recognize this, we also recognize that values necessarily “guide” our inquiries at “the descriptive level” too. Description obviously involves sign activity, and so again, presupposes and depends on knowledge of certain values. The rest follows verbatim. Hence our knowledge of certain values *guides* our inquiries at the descriptive level too.

What about “the explanatory level”? Here again it is useful to recall Peirce’s notion that rational thinking is a form of self-controlled conduct in relation to norms and standards. There can *be* no rational self-control unless there are norms by which we distinguish the true from the false, the right from the wrong, the correct from the incorrect, and so on.²⁰⁵ Logic is essentially normative, laying down rules or standards that ought to be followed in reasoning; it “is a study of the means of attaining the end of thought.”²⁰⁶ Again, these rules or standards are not categorical, but hypothetical; they are laid down in light of some goal or purpose, and so “value,” to be realized. Hence Peirce’s declaration that logic “not only lays down rules which ought to be, but need not be followed; it is the analysis of the conditions of attainment of something of which purpose is an essential ingredient.”²⁰⁷ Thus, logic – and so explanation – just *is* “value-guided.”

There are various more specific ways of indicating how values “guide” our explanations, however. Drawing on Peirce, C. West Churchman, and Roderick Firth, Hilary Putnam, for

²⁰¹ Ibid. 18.

²⁰² Ibid. 45.

²⁰³ Peirce (7.643; emphasis added).

²⁰⁴ Putnam (1995: 14).

²⁰⁵ Ibid. 191.

²⁰⁶ Peirce (2.198).

²⁰⁷ Peirce (1.575).

instance, has argued that “knowledge of facts presupposes knowledge of values,”²⁰⁸ and has persuasively argued that when we evaluate alternative explanatory hypotheses, we are guided by “epistemic values.”²⁰⁹ When we choose among hypotheses, he points out, we are guided by considerations of “simplicity,” “coherence,” “preservation of past doctrine,” “reasonableness,” and so forth.²¹⁰ Such values steer us as we try to pursue “right descriptions of the world,” an aim which many have equated with “objectivity.”²¹¹ Our aims at objectivity are, therefore, guided by values. We do not appear to have a way of judging that we have “arrived at the truth” *apart from* our epistemic values. We do not, therefore, appear to have a way of assessing our factual knowledge apart from our epistemic values, and so of giving it an “external” justification (a justification “external” to our values). That, indeed, is the point of saying that knowledge of facts *presupposes* knowledge of values. As Putnam writes, it is not the case that we can, “so to speak, run a test to see how often choosing the more coherent, simpler, and so on, theory turns out to be true without presupposing these very standards of justified empirical belief.”²¹² When scientists choose hypotheses they do not reflect on all the stories and myths about the past that are available to them; instead, they do so by reflecting on the records and testimonies that they have “good reason to trust *by these very criteria of ‘good reason.’*”²¹³ Thus, if these epistemic values permit us accurately to describe the world – or if they permit us to describe it more accurately than we would have described it had we been guided by another set of epistemic values – we see this “*through the lenses of those very values.*”²¹⁴ And when we render judgments of “reasonableness,” “plausibility,” “coherence,” and so forth, we render normative judgments, in Peirce’s sense, that is, in the sense of judgments about “what ought to be” in the case of our reasoning.²¹⁵

Finally, consider the claim that values guide us at “the predictive level.” To begin with, prediction relies both on observation and description (which both involve sign activity), and so presupposes and depends on knowledge of certain values. For again, observation and description entail that we have mastered a language game or a battery of concepts, that is, that we understand *the role that relevant signs play in a social context of rules and norms*. And again, anytime we can say that “we understand certain rules or norms,” we can also say that “we have knowledge of certain values.” Without this knowledge, we simply *couldn’t* interpret a percept as being this or that percipuum, hence simply *couldn’t* offer this or that observational-descriptive report. Nor, therefore, could we offer this or that prediction *based on* previous such reports. (Presumably all of our “predictions” are based on previous such “reports,” whether our own or others’.) Hence, our knowledge of certain values “guides” our inquiries at the predictive level too.

3.4.3 Value-Ladenness at Four “Levels”: Observation, Description, Explanation, and Prediction

We turn now to the question of the inevitable value-ladenness of our inquiries. Just as there are various forms of potential value-guidedness, there are also various forms of potential value-ladenness. I have no intention of trying to enumerate all of these, however. Indeed, I am

²⁰⁸ Hilary Putnam (2002: 137).

²⁰⁹ Ibid. 30.

²¹⁰ Ibid. 31-32.

²¹¹ Ibid. 32.

²¹² Ibid.

²¹³ Ibid.

²¹⁴ Ibid. 32-33.

²¹⁵ Ibid. 31.

once again dubious that it is even possible to do so. But the general claim is easy enough to make and generalizes from something that was previously said.

Earlier we noted that when we reveal that an inquiry is *value-guided*, we thereby recognize that it also “conveys” values. And, we observed, any inquiry that “conveys” values is also, therefore, a “value-laden” one. (If this point is not immediately clear, ask yourself: What would it even *mean* to say that we recognize that the content of some inquiry, the reasoning that goes into it, is “guided by” this or that cluster of values but that we reject the claim that it “conveys” values? I, for one, cannot make sense of this.) Hence, if indeed it is the case that all of our inquiries inevitably *are* “value-guided,” as I have been suggesting it is, it follows that all of our inquiries inevitably *are* “value-laden” too. And this obviously applies at each of the four “levels” we have been discussing: if observation, description, explanation, and prediction are each “value-guided,” observation, description, explanation, and prediction are each “value-laden” too.

So, beginning from a number of premises associated with pragmatist philosophy, we arrive at a defense of the first overarching claim-of-interest: again, that all inquiry presupposes, depends on, and conveys norms, values, and interests, hence may be described as “value-guided” and “value-laden.” And because of the historic aspiration to create social sciences that are “value-free” and/or “value-neutral,” this conclusion, I stress, obviously applies to those specific areas or types of inquiry that some social scientists and philosophers of social science have claimed, or at least implied, *could* be “value-free” and/or “value-neutral:” observation, description, explanation, and prediction. Hence why I earlier said that the idea that a reflexive social practice could allow us to “purge” our social inquiries of *all* norms, values, and/or interests is not only an impossible but also an incoherent aim.

So much for my statement of the first overarching claim-of-interest. What remains to be discussed, then, is the second overarching claim-of-interest: again, the claim that, in light of the inevitable value-guidedness and value-ladenness of our inquiries, anything we say (and do not say) in any of those inquiries *could* have “moral or ethical significance and implications.” As previously indicated, however, I want to adduce a number of further arguments that have been leveled against the idea of “value-freedom” and/or “value-neutrality” in the human or social sciences before moving on to that second claim.

3.5 Further Pragmatist (-Type) Considerations Relevant to the Two Claims-of-Interest

A useful point of departure is the discussion provided by the editors of a recent volume, *Value-Free Science? Ideals and Illusions*.

The editors note that “worries about the fact-value distinction and its implications came from multiple sources in the 1950s,” a period in which, they seem to suggest, the “fact-value distinction” really came under fire.²¹⁶ More specifically, the editors suggest that, at least since that period, “three types of arguments [have] commonly [been] made for the value-laden nature of science: (1) arguments from denying the distinction between fact and value, (2) arguments from underdetermination, and (3) arguments from the social processes of science.”²¹⁷ Here, I propose to look briefly at how they summarize each of these types of arguments, and at the critical questions they raise in relation to each of them. My suggestion will be that if we make a

²¹⁶ Kincaid et al. (2007: 6).

²¹⁷ Ibid. 14.

stronger statement of each of the three types of arguments for the value-ladenness of science or inquiry that the editors identify, there is not as much room for dispute as the editors seem to suggest. Seeing how this is so will help us subsequently to defend my suggestion that, in light of the inevitable value-guidedness and value-ladenness of our inquiries, anything we say (and do not say) in any of those inquiries *could* have “moral or ethical significance and implications.”

3.5.1 More Recent Arguments Against the Fact/Value Dichotomy: Ordinary Language Philosophy, Entanglement, and Quine’s Holism

“One natural way to argue against the value-free science ideal,” the editors say, “is to attack the distinction between facts and values – to argue that the claim is misguided from the beginning.”²¹⁸ Now, the editors refer to “the distinction between facts and values” and also to “the fact-value distinction,”²¹⁹ but these phrases are misleading. There is no problem with *distinguishing* between “facts” and “values.” “The distinctions we make in a natural language,” Vivian Walsh observes, “have some limited range of application”; “there are areas where they do not apply, others where their relevance is hazy. We expect no more of them, and use them while aware of their limitations.”²²⁰ The problem concerns what philosophers sometimes *do* with ordinary distinctions: “they elevate some distinctions into absolute ‘dichotomies’ or ‘dualisms.’”²²¹ Indeed, as far as I am aware, no one has ever argued that there is literally *no* good reason to *distinguish* between “facts” and “values.” Hence, it is better to speak of “the fact/value dichotomy,” as, for instance, Hilary Putnam does.²²² So, moving forward, let us say that the claim that is being described as “misguided” here is that there *is* some dichotomy between facts and values to be defended in the first place. With this in mind, consider what the editors say about this claim.

There are various ways to support such an attack. Direct counterexamples are one strategy: Find cases of scientific investigation where the claims are both evaluative and factual.... A more systematic strategy is to offer theoretical reasons that fact and value are not independent. Arguments from the holism of meaning...pursue this tack.²²³

Take first the “direct counterexamples” strategy. In the 1950s and 1960s, ordinary language philosophers “noted that a great deal of ordinary language was not neatly divided into the straightforwardly factual or evaluative.”²²⁴ For instance,

To *describe* an apple as ‘extra fancy’ is pretty clearly to provide an *evaluation* of it. But if one consults the relevant criteria laid down by the appropriate authorities, they are factually quite precise, specifying exact requirements of size, color, and so on. *It is also helpful to move away from the broad general terms characteristic of so much philosophy and consider the much more specific terms in which most everyday evaluation takes place.* As J.L. Austin memorably suggested, it is helpful to turn one’s attention from the

²¹⁸ Ibid.

²¹⁹ Ibid. 6.

²²⁰ Walsh (2012: 35).

²²¹ Ibid.

²²² Putnam (2003).

²²³ Kincaid et al. (2007: 14).

²²⁴ Ibid. 7.

beautiful to the dainty and the dumpy. It is, on the whole, a good thing to be dainty, but the factual criteria for this particular aesthetic achievement are fairly precise. Similarly, it is an aesthetic flaw to be dumpy, but it is a risk the slender avoid, whatever their other strengths and weaknesses.²²⁵

However, the editors go on to raise critical questions about the idea that we might *not* be able to divide our language into its “factual” and its “evaluative” “components.” “If there are cases of overlap – cases where something seems both factual and evaluative – we might still think there are clear cases where the two are distinct.”²²⁶ And “if there are [such] clear cases,” they continue, “then it may be thought that the distinction is valid and that some device must be found to handle the exceptions. So we might try to partition the meaning of ‘courage’ into a factual component (e.g., overcoming fear in the face of danger) and a value component, such as behaving in a praiseworthy manner in the face of danger.”²²⁷ Of course, “critics,” they say, might “then challenge whether such partitions work in specific cases or have other unwarranted implications.”²²⁸

In my view, however, there is much less reason to leave open the possibility that “there are clear cases” in which “something” is “factual” but not “evaluative” than the editors seem to suggest, at least where the “something” in question is “*the meaning of a word*.” (The editors’ choice of example – the meaning of “courage” – seems to suggest that they at least want to leave open the possibility that certain *words* can be “partitioned” into a “factual component” and a “value component.” From the context, however, it is not clear what else they might have in mind by “something” being or not being “factual” *and* “evaluative.”) For I am skeptical that words can be separated into such “components,” that is, that there are indeed cases where a word (or phrase or sentence) can be *unproblematically or unambiguously categorized* as a “factual” word (or phrase or sentence-type) *or* as an “evaluative” word (or phrase or sentence-type). Here I agree with Michael Root when he says that “words cannot [simply] be purged of their evaluative content”²²⁹ and with Hanna Pitkin when she says that “no word is by nature ‘expressive’ or ‘evaluative,’ or ‘factual’ or ‘objective.’”²³⁰ “What matters,” as Pitkin says, “is not the character or meaning of a particular word, but how the word is used in particular utterances, whether to express emotion, assert fact, command, recommend, describe, explain, or in other ways.”²³¹ Of course, “certain words may be more likely to be used in certain kinds of speech, because their meaning is associated with an area of human life where that sort of speech is frequent. But they need not be used that way, nor are they essential to that kind of speech.”²³²

Consider Hilary Putnam’s discussion of what he describes as the “entanglement” of fact and ethical value at the level of individual predicates, for instance, with respect to the word “cruel.”²³³ “Cruel” is sometimes used for normative or ethical purposes, sometimes for descriptive ones; it cannot simply be classified as a factual term *or* an evaluative one. As Putnam notes, if someone is asked what kind of person his or her child’s teacher is, and responds, “He is

²²⁵ Ibid. 7-8; my emphasis.

²²⁶ Ibid. 16; my emphasis.

²²⁷ Ibid.; my emphasis.

²²⁸ Ibid.

²²⁹ Root (1993: 205).

²³⁰ Pitkin (1972: 223).

²³¹ Ibid.

²³² Ibid. 223-24.

²³³ Putnam (2002: 34-35).

very cruel,” the person has both criticized him as a man and as a teacher. If one wishes to be understood, one cannot simply say, “He is a very cruel person and a very good teacher.” To be understood, one has to separate the manner (or the circumstances) in which he is a very good teacher and the manner (or the circumstances) in which he is very cruel. One has to say something like, “When he isn’t displaying his cruelty, he is a very good teacher.” Likewise, one cannot hope to be understood if one merely says, “He is a very cruel person and a good man.” However, in a manner of speaking, “cruel” may also be used “purely descriptively,” as when a historian, for example, describes a monarch as being “exceptionally cruel” with the intention of simply making his actions and others’ responses to them intelligible.

Following Iris Murdoch, words like “cruel,” “brave,” and “temperate” have sometimes been described as “thick ethical concepts,” and have often been invoked as counterexamples to the claim that there is an absolute fact/value dichotomy. (As Putnam observes, “Murdoch was the first to emphasize that language has two very different sorts of ethical concepts: abstract ethical concepts...such as ‘good’ and ‘right,’ and more descriptive, less abstract concepts...such as, for example, *cruel*, *pert*, *inconsiderate*, *chaste*.”²³⁴) Nonetheless, in the face of such counterexamples, two main defenses of that dichotomy are still made today. Following Putnam, however, both of these defenses seem to me problematic.

First, some authors have maintained that “thick ethical concepts” are merely factual concepts; they are not normative or ethical concepts at all.²³⁵ In defense of this view, some have claimed that a genuine “adjective of evaluation” (whose semantic content is that something possesses intrinsic value or disvalue) is such that anyone who employs it (without hypocrisy or insincerity) must be *motivated* to approve or disapprove of it.²³⁶ Yet this requirement appears unreasonable. As Elizabeth Anderson has noted:

For something to count as an authentic value judgment or reason, it must be reflectively endorsable. But actual motivational states are not always reflectively endorsable. One of the functions of value judgments is to note when one’s motivational states are deficient because they fail to track what one judges to be good....This prevents the identification of value judgments with expressions of actual desires and preferences...

Second, some have argued that thick ethical concepts can be factored into two components: a purely “descriptive” one and an “attitudinal” one.²³⁷ (Hence why Kincaid et al. acknowledge that a proponent of the fact/value dichotomy might respond to the alleged insights of ordinary-language philosophy by “try[ing] to partition the meaning of ‘courage’ into a factual component...and a value component.”²³⁸) The descriptive component is said to state the “matter of fact” to which the predicate corresponds; the attitudinal component to express a mere attitude, emotion, or volition. But there is at least one problem with this view: the apparent impossibility of identifying the “descriptive meaning” of a word like “cruel” without using the word “cruel” or some synonym. It is plainly not the case, for instance, that the extension of “cruel” is just “causes deep suffering” – and neither is “causes deep suffering” *itself* free of evaluative force. Likewise,

²³⁴ Putnam (1990: 166).

²³⁵ Putnam (2003: 71).

²³⁶ Here I paraphrase Putnam (2002: 36-37), and the passages directly quoted, including the Anderson passage, can be found therein.

²³⁷ This paragraph is based on Putnam (2002: 39-40).

²³⁸ Kincaid et al. (2007: 16).

“suffering” is not simply equivalent in meaning to “pain,” and “deep” is not simply equivalent to “a lot of.” Indeed, as Putnam rightly notes, the characteristic feature of negative descriptive terms like “cruel,” as well as positive ones like “brave” and “temperate,” is that to use them discriminatively, it is necessary

to be able to identify imaginatively with an *evaluative point of view*. That is why someone who thought that “brave” simply meant “not afraid to risk life and limb” would not be able to understand the all-important distinction that Socrates keeps drawing between mere *rashness* or *foolhardiness* and genuine *bravery*. It is also the reason that...it is always possible to *improve* one’s understanding of a concept like “impertinence” or “cruelty.”²³⁹

Let us look closer at this notion of “imaginatively identifying” with an “evaluative point of view.” To do so, first note that “non-cognitivists” typically argue that it is *always* possible to “factor” thick ethical concepts into two components, a purely “descriptive” one and an “attitudinal” one. In general, non-cognitivists hold that when a person utters a moral or ethical sentence they are not expressing a “state of mind” that, like a belief, is in some sense “cognitive.” On this view, moral and ethical statements are unlike utterances of belief because they do not entail truth conditions. They are, rather, expressions of “attitudes,” of feelings of “approval” or “disapproval.” As John McDowell describes the non-cognitivist view of the argument we are considering:

Typically, non-cognitivists hold that when we feel impelled to ascribe value to something, what is actually happening can be disentangled into two components. Competence with an evaluative concept involves, first, a sensitivity to an aspect of the world as it really is (*as it is independently of value experience*), and, second, a propensity to a certain attitude – a non-cognitive state which constitutes the special perspective from which items in the world seem to be endowed with the value in question.²⁴⁰

And consider his reaction to this view:

Now it seems reasonable to be skeptical about whether the disentangling manoeuvre here envisaged can always be effected: specifically, about whether, corresponding to any value concept, one can always isolate a genuine feature of the world – by the appropriate standard of genuineness: that is, a feature that is there anyway, independently of anyone’s value experience being as it is – to be that to which competent users of the concept are to be regarded as responding when they use it; that which is left in the world when one peels off the reflection of the appropriate attitude.²⁴¹

To see precisely why McDowell considers this “disentangling manoeuvre” so implausible, it is worth quoting him once more:

²³⁹ Putnam (2002: 39-40).

²⁴⁰ McDowell (2000: 39); my emphasis.

²⁴¹ *Ibid.* 40.

Consider, for instance, a specific conception of some moral virtue: the conception current in a reasonably cohesive moral community. If the disentangling manoeuvre is always possible, that implies that the extension of the associated term, as it would be used by someone who belonged to the community, could be mastered *independently* of the special concerns which, in the community, would show themselves in admiration or emulation of actions seen as falling under the concept. That is: one could know which actions the term would be applied to, so that one would be able to predict applications and withholdings of it in new cases – not merely without oneself sharing the community’s admiration (there need be no difficulty about that), but without even embarking on an attempt to make sense of their admiration. That would be an attempt to comprehend their special perspective; whereas, according to the position I am considering, the genuine feature to which the term is applied should be graspable without benefit of understanding the special perspective, since sensitivity to it is singled out as an independent ingredient in a purported explanation of why occupants of the perspective see things as they do.²⁴²

As Putnam’s reference to Socrates suggests, however, it seems implausible that we might come to understand which actions the terms would be applied to, so that (as McDowell says) one could “predict applications and withholdings of it in new cases,” “*without even embarking on an attempt to make sense of [the relevant community’s] admiration.*” For, at least with regard to thick ethical concepts, Putnam’s plausible suggestion is that to use such concepts competently, accurately, discriminatively, we need to be able (continually) to identify, at least in imagination, with the relevant evaluative point of view.

Indeed, it seems that to understand how the members of (such) a community apply the relevant term, that which is associated with a specific ethical or moral virtue (or vice), at least two related observer-tasks are necessary. As we have just seen, it appears necessary, first, that we attempt to make sense of *the specific form of admiration* that is being expressed by the use of that term. (Or when we are considering moral or ethical vices, *the specific form of disapprobation*. Thus, when we speak of “imaginative identification with an evaluative point of view” more broadly, we should have in mind “imaginative identification with specific forms of admiration or disapprobation,” as the specific term warrants). That is, in order fully to make sense of the application (use) of that term, we have to be able to identify, at least imaginatively, with *the value experience itself*. Or to put the point another way, our understanding is dependent here on our willingness and ability to understand “the special perspective” that is expressed by its specific use in that community, where “use” refers to the specific range of action-situations in which the term is (typically) applied (by competent speakers). But then we can also see the second observer-task. To develop the ability competently, accurately, discriminatively to employ the term in question, as it is (typically) employed by (competent) members of the (reasonably cohesive moral) community in question, it is necessary that one “master” the range of action-situations in which the term is (typically) used (by competent speakers). Doing so entails that inquirers have access to adequate information about how, in practice, competent speakers from the relevant community typically *themselves* use the term. It implies, so to speak, that the observer, or outsider, “master” the relevant speech practice, either through direct observation of – and participation in – that practice, or (what is perhaps more difficult) through dialogue with competent, self-reflective community members about that practice, or (what is perhaps most difficult) through the study of second-hand accounts of it.

²⁴² Ibid.; my emphasis.

Of course, it is open to the proponent of “value-freedom/neutrality” to suggest that, even if these arguments are indeed compelling, we might just avoid “thick ethical concepts” altogether. Indeed, one might sincerely ask: Why do we need (to use) thick ethical concepts in the first place? To respond, it is well to recognize that, in principle, we *could* just avoid them – but only at a considerable cost. Let me first say a word about why thick ethical concepts typically do play a role in our social descriptions, and then say something about why advocates of “value-free/neutral” social science have often wanted to avoid them, hoping thereby to employ a “value-free/neutral” language. In this way I’ll briefly indicate what the “considerable cost” is that I’ve just referenced.

So, first consider in more detail what is typically involved in trying to describe, explain, and understand human motives and actions and how we typically understand this process. In our ordinary, everyday language, when we say that we have come to “understand,” or to “get,” or to “comprehend” others’ motives and actions, or our own, we typically employ concepts like “charitable,” “brave,” “generous,” “mean-spirited,” “cruel,” “vindictive,” and so forth. In our everyday lives, that is, we tend to understand our own understanding of others, and of ourselves, as deeply dependent on our ability competently to deploy such descriptive terminology, i.e., on our ability to deploy “thick ethical concepts.” When we say that we have arrived at such understanding, moreover, we also typically say that we have come to “explain” persons’ motives and actions. Consequently, we typically view our ability to “understand” human motives and actions as dependent on our ability to “explain” them *in terms that make use of precisely this kind of descriptive terminology*. In our everyday view, that is, we tend to see description, explanation, and understanding as, we might say, *interwoven*. For us, to “understand someone” just *is* to be able competently to describe and explain her motives and actions. Correspondingly, there is, it would seem, no way for everyday agents to make sense of the idea of competent “description” and “explanation” of humans’ actions and activities, or of meaningful “understanding” of themselves and others, *without* “thick ethical concepts.” Thus, while it may be *possible* to offer descriptions that do not make use of these concepts (think of some of the most egregious examples of scientific jargon and bureaucratese), I, for one, see little reason to expect them to be particularly enlightening. And surely our everyday understandings of such phrases as “insightful commentary” on, “perspicuous observation” of, “apt descriptions” of, and “intelligent explanations” of, human motives and actions support this view.

Let me put my thinking here in another way. Following Elizabeth Anscombe and Charles Taylor, we might describe our ordinary interpretation of our descriptions, explanations, and understandings of our fellow humans as involving the application and invocation of the “desirability characterizations” which define agents’ lived worlds.²⁴³ When one comes to “understand” another, for instance, one comes to understand her emotions, her desires, what she appreciates and finds deplorable in others, and so on. One’s ability to formulate this understanding consists in one’s ability accurately to apply the desirability characterizations that she herself applies in the manner in which she herself applies them. If, for instance, the agent in question loathes “pretentious” people, then understanding her demands that one be able to apply the concept of “pretentious” in the sense it has for her. However, it is necessary also to observe that some aspects of what the agent feels, desires, yearns for, loathes, and so forth, may be unformulated for her. Thus, to state more accurately what is involved here we could say the following: the explicit formulation of what one understands when one understands another

²⁴³ The arguments in this paragraph and the next paragraph basically trace, though not in all their details, those offered in Taylor (1985: 118-120).

requires that the interpreter grasp the desirability characterizations that the agent in question herself “clairvoyantly” uses, or else those which she would use, had she arrived at a more reflective formulation of what she feels, desires, yearns for, etc. And parallel remarks could be made of what is involved in trying to “understand” one’s own lived world as well.

Now, with Taylor, note that there are several features of such desirability characterizations that create problems for “social science,” or at least for those versions of it that have taken the natural sciences as providing a certain kind of model to emulate. For many, the idea that the natural sciences provide a model for how social inquiry should be conducted has meant that inquiry should aim to produce a verifiable, predictive science. cursorily summarized, the principal objective of social inquiry is, on this view, to predict, or to allow us to derive, the pattern of observable social and historical events and the regularities they exhibit – and to do so, moreover, *in a language that allows for unequivocal verification*. And when we look closely at what is involved in understanding agents lived worlds, the desirability characterizations they invoke in responding to and moving about in it, we can easily appreciate why some have felt a strong enticement to view the development of a such a science as dependent on a strict separation between “explanation” and “understanding.” Relatedly, we can easily understand why they have wanted to bypass agents’ self-understandings and self-descriptions in “explaining” their motives and actions. For, as we have seen, “understanding” ourselves, and others, entails that we be able accurately to ascribe such terms as “charitable,” “generous,” “vindictive,” and so forth. And with regard to ways of life, we might add, it also entails competent usage of terms like “fulfilled,” “integrated,” “free from illusion,” or negative descriptions like “false,” “shallow,” “hollow,” and so forth. But such terms cannot be intersubjectively validated in an unproblematic way, as a verifiable science would hope; for whether or not a life is truly “fulfilled” or actually “shallow” is a matter of possibly interminable interpretive wrangling. What is more, we tend to hold that there are, or may be, certain pre-conditions of character for the successful discrimination of these qualities. Accordingly, if we are to employ such concepts, we cannot at the same time hope for replicable findings on the part of any “scientifically competent observer.” Or, against more stereotypical depictions of expertise, we might say that “scientific competence” depends here on certain developments of character and sensibility that are themselves only identifiable as such from the viewpoint of persons who have attained them. Hence the search for an approach to “explanation” that simply *doesn’t* make us of such “folk-psychological” predicates, and so leaves aside issues of “(empathetic) understanding.”

So, yes, it is open to the proponents of “value-freedom/neutrality” to suggest that we might just avoid thick ethical concepts altogether. However, the above considerations suggest that we could do so only at a considerable cost. For, as indicated, they seem to suggest that there is no way for everyday agents to make sense of the idea of competent “description” and “explanation” of humans’ motives and actions, or of meaningful “understanding” of themselves and others, *without* “thick ethical concepts.” For us (that is, for everyday agents), description, explanation, and understanding are context-dependent, imaginatively sensitive, and dependent upon the moral or ethical virtues of the narrator(s) in question. And they just *do* depend on thick ethical concepts. Hence if social scientists and/or philosophers did develop compelling reasons for avoiding thick ethical concepts altogether (and this is a possibility that I very much doubt will ever eventuate), I, for one, can see no reason for the participants to a democratic process to do so. Indeed, it seems to me that *they* in particular have especially good reasons for not doing. For, again, our own normative theory of the democratic process indicates that, ideally speaking, participants to the democratic process should try to understand relevant social situations and

activities from the perspectives of relevant persons. And if it is the case that *relevant persons themselves* make sense of “relevant situations and activities” largely through the use of thick ethical concepts, it would seem that the participants to a democratic process would surely need to do so as well.

Now consider what the editors of *Value Free Science?* refer to as the “more systematic strategy” for arguing that “fact and value are not independent,” namely, “arguments from the holism of meaning” offered by W.O. Quine.²⁴⁴

Quine argued that our beliefs constitute a web where every belief is at least indirectly tied to all others by logical and evidential connections. This means, on Quine’s view, that there is no sharp way to separate our beliefs into those that are truths of reason and those that are truth of fact. In science and elsewhere, belief revision is not dictated by algorithmic rules of reason but is a piecemeal process guided in part by pragmatic factors.... These Quinean ideas have a number of implications about facts and values. First is that it deepens the significance of the hybrid cases just discussed. Terms such as *dainty* and *dumpy* have semantic links to both evaluative claims (it’s better not to look dumpy) and factual claims (to be dumpy, one must be on the plump side). If the meaning of terms is at least in part determined by the various connections a sentence has to other sentences in the language, then we should expect meaning to be holistic – to depend on the term’s use in many different kinds of sentences. So it is quite unsurprising that a given term might have connections to both our factual and [our] value judgments, precisely what Austin is pointing to.... Quine’s doctrine also motivated much more careful looks at the actual practice of science. If revising the scientific web of belief is not a mechanical and purely logical process, then how actual scientists reason and pursue research becomes relevant for our understanding of how science works. Extralogical considerations must mediate scientific inference, thereby opening a wedge to value and pragmatic considerations.²⁴⁵

As before, however, the editors go on to raise critical questions about this strategy for critiquing the fact/value dichotomy. “Perhaps claims about the holism of meaning are just mistaken,” they write.²⁴⁶ “Or perhaps the holism is less dramatic than depicted, and we can partition meaning as suggested for the cases where holism is present.”²⁴⁷

Now, for my part, some version of semantic holism seems persuasive. But one need not go in for the kind of wholesale holism that the editors are ascribing to Quine here (the kind that says that “beliefs constitute a web where *every belief is at least indirectly tied to all others* by logical and evidential connections”) to appreciate that there are good reasons for at least leaving open the possibility that any given term “*might* have connections to both our factual and [our] value judgments.” To appreciate why we should leave this possibility open, it seems to me that we need only appeal to Quine’s compelling criticism of the logical positivists’ analytic/synthetic dichotomy. For what gave the logical positivists and their followers such confidence that they could defend the *fact/value* dichotomy in the first place was apparently the confidence they had that they could defend the *analytic/synthetic* (or *fact/convention*) dichotomy. “Ever since Quine’s

²⁴⁴ Kincaid et al. (2007: 14).

²⁴⁵ Ibid. 8.

²⁴⁶ Ibid. 16.

²⁴⁷ Ibid. 16.

critique of the analytic-synthetic dichotomy in 1951,” however, “this dichotomy has been discredited,” Bernstein observes.²⁴⁸ Likewise, Hilary Putnam writes that “Quine demolished the (metaphysically inflated) notion of the “analytic” to the satisfaction of most philosophers,”²⁴⁹ thereby suggesting that “the whole idea of classifying every statement including the statements of pure mathematics as ‘factual’ or ‘conventional’ (which the logical positivists equated with ‘analytic’) was a hopeless muddle.”²⁵⁰

In various works, Putnam has provided excellent summaries of how the logical positivists understood these dichotomies and how the fall of the analytic/synthetic dichotomy brought with it the fall of the fact/value dichotomy. In *The Collapse of the Fact/Value Dichotomy and Other Essays*, for instance, Putnam writes:

The logical positivists famously introduced a tripartite classification of all of our putative judgments into those that are “synthetic” (and hence, according to the logical positivists, empirically verifiable or falsifiable), those that are “analytic” (and hence, according to the logical positivists, “true [or false] on the basis of the [logical] rules alone”), and those – and this, notoriously, included all our ethical, metaphysical, and aesthetic judgments – that are “cognitively meaningless” (although they may have a practical function as disguised imperatives, ways of influencing one another’s attitudes, and so on).²⁵¹

And, he goes on to say,

...the confidence of the logical positivists that they could expel ethics [and aesthetics and metaphysics] from the domain of the rationally discussable was in part derived from the way in which the analytic-synthetic dualism and the fact/value dualism reinforced one another in their hands. According to the positivists, in order to be knowledge, ethical “sentences” would have either to be analytic, which they are manifestly not, or else would have to be “factual.” And their confidence that they could not be factual ...derived from their confidence that they knew exactly what a *fact* was. In the writings of the positivists, in the cases of both the dualism of analytic and factual statements and the dualism of ethical and factual judgments, it is the conception of the “factual” that does all the philosophical work.²⁵²

What exactly *was* their notion of a “fact,” however? The logical positivists’ original notion of a fact “was somewhat similar to Hume’s.”²⁵³ “The Humean notion of a ‘fact’ is simply something of which there can be a sensible ‘impression.’”²⁵⁴ And, “at bottom, the original logical positivist view was that a ‘fact’ was something that could be certified by mere observation or even a mere report of a sensory experience.”²⁵⁵ Science, however,

²⁴⁸ Bernstein (2010: 155).

²⁴⁹ Putnam (2002: 29).

²⁵⁰ Ibid. 30.

²⁵¹ Ibid. 10.

²⁵² Ibid. 20-21.

²⁵³ Ibid. 21.

²⁵⁴ Ibid.

²⁵⁵ Ibid. 22.

had changed radically since Hume's day, and the positivists found themselves pressed more and more to abandon their initial notion of a fact... In Hume's day, it was not unreasonable to maintain that there were no scientifically indispensable predicates that refer to entities not observable with the human senses.... At the time that the Vienna circle was formed, however, the situation was very different. Bacteria, which are not "observables" in the logical positivist sense, were known to exist (observed with the aid of a microscope), and although the reality of "atoms" was denied by some of the world's best physicists prior to Perrin's experiments on Brownian motion in 1909, after those experiments working physicists... were almost all prepared to regard them as perfectly real things.... The logical positivists themselves were deeply impressed by the successes of relativity theory, which speaks of "curved space-time," and quantum mechanics. The idea that a "fact" is just a sensible "impression" would hardly seem to be tenable any longer.²⁵⁶

The logical positivists, however, "held out against conceding this for more than a decade."²⁵⁷ Yet, by 1938, Rudolph Carnap had come to the conclusion that it would be necessary radically to revise the "criterion of significance."²⁵⁸ The liberalized logical positivist view of the criterion held that "as long as the system as a whole enables us to predict our experiences more successfully than we could without them," abstract theoretical terms (such as "electron" and "charge") are to be accepted as empirically meaningful."²⁵⁹ This turned out to raise a host of problems, however.²⁶⁰ For the logical positivists, to predict something means "to deduce observation sentences from a theory. And to deduce anything from a set of empirical postulates, we need not only those postulates but also the axioms of mathematics and logic."²⁶¹ Yet, "according to the logical positivists, these axioms... do not state 'facts' at all. They are *analytic* and thus 'empty of factual content.'"²⁶²

In short, 'belonging to the language of science' is (from the logical positivist point of view) a criterion of *scientific* significance, but not everything *scientifically* significant is a state of *fact*; within the scientifically significant there are, according to the logical positivists, *analytic* as well as *synthetic* (that is, factual) statements. Thus the search for a satisfactory demarcation of the "factual" became the search for a satisfactory way of drawing "the analytic-synthetic distinction..." In 1950, however, Quine demolished the (metaphysically inflated) notion of the "analytic" to the satisfaction of most philosophers.²⁶³

Once again, Quine's suggestion, briefly stated, was that "the whole idea of classifying every statement including the statements of pure mathematics as 'factual' or 'conventional' (which the logical positivists equated with 'analytic') was a hopeless muddle."²⁶⁴ Quine emphasized that

²⁵⁶ Ibid. 21-22.

²⁵⁷ Ibid. 22.

²⁵⁸ Ibid. 23.

²⁵⁹ Ibid. 23, 29.

²⁶⁰ Ibid. 23.

²⁶¹ Ibid. 29.

²⁶² Ibid. 29.

²⁶³ Ibid. 29.

²⁶⁴ Ibid. 30.

scientific statements meet the test of experience “as a corporate body.”²⁶⁵ If so, Putnam observes, “the idea that each scientific statement has its own range of confirming observations and its own range of disconfirming observations, independent of what other sentences it is conjoined to, is wrong.”²⁶⁶ Yet, “if the whole idea that there is a *clear* notion of fact collapsed with the hopelessly restrictive empiricist picture that gave rise to it,” Putnam asks, “*what happens to the fact/value dichotomy?*” Vivian Walsh, he observes,

made the point that after Carnap’s abandonment...of the picture of ‘factual’ sentences as individually capable of confrontation with sense experience...and Quine’s critique of the logical positivists’ picture of what they called the language of science as neatly divided into a ‘factual’ part and an ‘analytic’ part, *the whole argument for the classical fact/value dichotomy was in ruins*, and that, “as far as logical empiricism could tell,” science might presuppose values as well as experiences and conventions. Indeed, once we stop thinking of “value” as synonymous with “ethics,” it is quite clear that it *does* presuppose values – it presupposes *epistemic* values.”²⁶⁷

3.5.2 Two Forms of “Underdetermination”

Turn now to the second type of argument that the editors of *Value Free Science?* note has commonly be made for the value-laden character of science, namely, “arguments from underdetermination.”²⁶⁸ “A second set of arguments points to underdetermination of two sorts: *underdetermination of theory by data* and *underdetermination of theory choice by epistemic values*.”²⁶⁹ The first phrase refers to “the idea that once we have all the data, there may be multiple hypotheses compatible with the data.”²⁷⁰ Duhem and Quine, the editors observe, both “argued that this must be the case because of the holism of testing: We can always revise different parts of the web of belief in the face of new evidence. Intuitive examples of underdetermination come from ‘curve fitting’ problems: Given a set of data points, there are infinitely many ways to continue whatever trend you identify in the data.”²⁷¹ The “underdetermination of theory choice by epistemic values – such as scope or accuracy – was one of Kuhn’s main claims. If two scientists with different theories agree on what epistemic virtues a theory ought to have and on the data, they may nonetheless not agree on which theory is best supported, because they may rank epistemic values differently.”²⁷² For instance, “a theory that maximizes predictive accuracy might fare less well in terms of scope compared with another that did less well in terms of accuracy. Values can be traded off, resulting in a standoff.”²⁷³ Thus, both of these kinds of underdetermination seem to support the thesis of the value-ladenness of science. Each suggests that “the evidence or the evidence plus the epistemic values do not tell us

²⁶⁵ Quine (1951: 41).

²⁶⁶ Putnam (1990: 163).

²⁶⁷ *Ibid.* 30. But not *just* “epistemic values,” but other values too – including “ethical values.” See section 3.5.3 below.

²⁶⁸ Kincaid et al. (2010: 14).

²⁶⁹ *Ibid.* 15.

²⁷⁰ *Ibid.*

²⁷¹ *Ibid.*

²⁷² *Ibid.*

²⁷³ *Ibid.*

what to believe.”²⁷⁴ And indeed, “because these are supposed to be essential traits of science, we have an argument that nonepistemic values are essentially involved in good science.”²⁷⁵

Once again, however, the editors raise critical questions about these arguments. The underdetermination arguments obviously “go nowhere,” they write,

if the alleged underdetermination is suspect. Questions have indeed been raised whether these Quinean and Kuhnian doctrines are compelling. Further issues concern exactly how values gain entry if underdetermination does obtain. Why do moral [or, we might add, ethical or political or prudential or aesthetic...] rather than scientific values break the ties? If two theories are tied on the evidence, why not pick the one that seems to offer the greatest promise of fruitful future research, for example? Maybe the best response to equally warranted competitors is to withhold judgment.²⁷⁶

It seems to me, however, that the problems that the editors raise can quite easily be addressed, and that both types of underdetermination argument that they address do indeed provide substantial support for the thesis that science (and inquiry more broadly) is “value-laden,” as they say (or, as I would say, “value-guided” and “value-laden”).

With respect to the *underdetermination-of-theory-by-data thesis*, I put aside the reference to Quinean views about the holism of testing and take what I think is a quicker and less controversial route to defending the thesis. Consider this passage from the editors’ own Introduction:

In the actual practice of science, it is often not the case that experimental results definitively confirm or disconfirm a hypothesis. Instead, evidence piles up gradually in favor of some particular claim. Rudner pointed out that therefore the decision to accept a scientific result requires a sense of both how much evidence is at hand and how much certainty we need. If there are large costs from being wrong, then just having some evidence may not be enough. Deciding the relevant costs, however, invokes human values. So deciding when to accept a scientific hypothesis essentially involves values.²⁷⁷

Now, I, for one, cannot identify a flaw in this reasoning. The only qualification I have strengthens the thesis. The editors write that “it is *often* not the case that experimental results *definitively* confirm or disconfirm a hypothesis.” But, with pragmatists and other fallibilists, I think it preferable to say that “it is *never* the case that experimental results *definitively* confirm or disconfirm a hypothesis.” In the case of the editors’ way of putting the thesis, the conclusion, it seems, is that, where experimental results do not “definitively confirm or disconfirm a hypothesis,” we always make (more or less conscious) judgments about how much “certainty” (or, perhaps better, “assuredness”) we need or desire moving forward, hence always make (more or less conscious) value judgments about how to weigh the anticipated costs and benefits of pursuing further investigations against the expected costs and benefits of not doing so. “So deciding when to accept a scientific hypothesis essentially involves values [– and not just “epistemic values” – *in those cases*].” In the case of my proposed revision, however, the

²⁷⁴ Ibid.

²⁷⁵ Ibid.

²⁷⁶ Ibid. 16.

²⁷⁷ Ibid. 9.

conclusion is that we always make (more or less conscious) judgments about how much “certainty” (or, perhaps better, “assuredness”) we need or desire moving forward, hence always make (more or less conscious) value judgments about how to weigh the anticipated costs and benefits of pursuing further investigations against the expected costs and benefits of not doing so. So deciding when to accept a hypothesis essentially involves values – and not just “epistemic values” – *in all cases*.

With respect to the *underdetermination-of-theory-choice-by-epistemic-values thesis*, recall that the main issue that the editors signal is that even when scientists agree on what epistemic virtues a theory ought to exhibit and agree on “the data,” they nonetheless may not agree on which of various theories is best supported, perhaps because they rank epistemic values differently. Again, “values can be traded off, resulting in a standoff.”²⁷⁸ In addition, however, recall that they go on to raise the question, “Why do moral [or, we might add, ethical or political or prudential or aesthetic...] rather than scientific values break the ties? If [say] two theories are tied on the evidence, why not pick the one that seems to offer the greatest promise of fruitful future research, for example? Maybe the best response to equally warranted competitors is to withhold judgment.”²⁷⁹

In response, it seems to me that a version of the argument I invoked in relation to the *underdetermination-of-theory-by-data thesis* can be repeated here. Consider what is involved in a judgment to “withhold judgment.” When we render such a judgment, do we not (more or less consciously) render a judgment about how important it is that we do or do not make the judgment in question in the first place? In other words, it seems to me that whenever we do decide to “withhold judgment,” we do so in part because we believe that the costs and benefits of doing so are favorable in relation to the costs and benefits of not withholding judgment (i.e., of not rendering the judgment in question). So, deciding when to withhold judgment essentially involves values, and not just “epistemic values.” Now consider the idea that, in the editors’ form of speaking, we might simply go with the theory that “offer[s] the greatest promise of future fruitful research.” To offer this as a way of avoiding “value judgments,” *whether epistemic or otherwise*, is, it seems to me, simply to kick the can down the road. Research can only be regarded as “fruitful” in relation to the pursuit of this or that particular end or set of ends, whether it is the production of an “accurate” description of some particular phenomenon, the production of a “generalization” of broad scope which allows us to anticipate future happenings better than we otherwise might have, or whatever. And even when we reasonably conceive of the immediate “ends” of our research as *being* primarily or perhaps even exclusively “epistemic” in nature (the generation of “accurate representations,” let us say, or “generalizations of a broad scope,” or what have you), we nevertheless still weigh the costs and benefits of *pursuing* that research against the costs and benefits of not doing so (against the costs and benefits of pursuing some other research project or other practical aim). (“I want to be as sure as possible that I’ve gotten the facts right about what happened that day. It may take me a few more days of grueling interviews, and I could really use the rest, but it’s worth it.” “I *could* add another case study, but that would probably entail six more months of field research. It would be interesting to see whether the same pattern might be observed there as well, but I really don’t have the time or money to do it.”) In practice, that is, a choice to pursue this or that “epistemic value” is always a choice not to pursue some other value. Such choices do not take place *in vacuo*. It is easy to forget this in abstract discussions of what is “involved in research.” However, when we keep our

²⁷⁸ Ibid. 15.

²⁷⁹ Ibid. 16.

eyes on what is actually involved in *doing* research – and, likewise, on what is actually involved in judging what research would be “fruitful” *in the future* – we can easily see that our reasoning processes are shot through with considerations of a variety of values, again, even when we do reasonably regard the immediate “ends” of this or that particular research activity as being primarily or perhaps even exclusively “epistemic” in nature. Hence, to choose this or that particular theory *because* it offers “the greatest promise of fruitful future research” is still to render value judgments, including judgments of the value of pursuing this or that epistemic value *in relation to whatever other (kinds of) values we might have*. So, deciding which theory to adopt essentially involves value judgments, and not only in relation to “epistemic values.”

3.5.3 *The Social Construction of Science/Inquiry, Trust, and Judgments of Character*

Finally, we turn to the third type of argument that the editors of *Value Free Science?* note has commonly been made for the value-laden character of science, namely, arguments that see “value ladenness in the social process of science.”²⁸⁰

Here, a plethora of post-Kuhnian studies detail how individuals interact to produce scientific outcomes and how interests and values are involved in those processes. One simple but powerful example comes from the cognitive division of labor in science: Many particle physics experiments are so large and complex that no one individual can grasp and verify all the details, which makes trust an essential component. That raises the prospect, however, that in assessing the evidence, scientists have to make value judgments about character.²⁸¹

However, the editors go on to acknowledge the possibility that the “social constructionist” argument that interests and values are necessarily involved in the production of “scientific outcomes” may be mistaken. “Social constructionist arguments will fail to show significant conclusions if the role of values in any specific instance is just an instance of biased, bad science. Then values will have no inevitable connection to science.”²⁸² Of course, “arguments to the effect that science is in some sense essentially social,” they acknowledge, “deny that values are contingently involved, because social processes inevitably bring interests and decisions about how collective decisions are to be made.”²⁸³

Again, it seems to me that the issues raised by the “social constructionist arguments” that the editors are signaling are not as open as they suggest. To begin with, I agree with the argument that the editors ascribe to social constructionism, that “science is in some sense social” and that, in consequence, we should “deny that values are *contingently* involved.” However, the problem cuts deeper than the editors’ formulation would seem to suggest, for values are “involved in” science not just because social processes “inevitably bring interests and decisions about how collective decisions are to be made,” as they surely do, but also because scientists and other inquirers *always* have to make “value judgments about character” and because “trust” is *always* “an essential component” of research, not just when experiments or other research activities are aptly described as “so large and complex that no one individual can grasp and

²⁸⁰ Ibid. 15.

²⁸¹ Ibid. 15.

²⁸² Ibid. 16.

²⁸³ Ibid. 16-17.

verify all the details.” We can easily appreciate this, I think, once we recognize that ethical values like “trust” are presupposed by scientific as well as other forms of inquiry, *all the way down to the observational level*.

To see this, recall that, with Hilary Putnam, we earlier suggested that “knowledge of facts presupposes knowledge of values,” and illustrated this by briefly considering the way in which when we evaluate alternative explanatory hypotheses, we are guided by “epistemic values.”²⁸⁴ When we choose among hypotheses, Putnam again points out, we are guided by considerations of “simplicity,” “coherence,” “preservation of past doctrine,” “reasonableness,” and so forth. When scientists choose hypotheses they do not reflect on all the stories and myths about the past that are available to them; instead, they do so by reflecting on the records and testimonies that they have “good reason to trust *by these very criteria of ‘good reason.’*” But now notice that we are guided by epistemic values at the observational level as well, that is, by judgments of “reasonableness,” “coherence,” and “plausibility,” for instance. As Putnam also notes, “judgments of coherence are essential even at the observational level: we have to decide which observations to trust, which scientists to trust – sometimes even which of our memories to trust.”²⁸⁵ Putnam here speaks of trust being an essential component of judgments of “coherence,” but the same could be said of other epistemic values, e.g., of judgments of “reasonableness” and “plausibility” too. When we reflect on which factual accounts, eyewitness reports, testimonies, documentary records, and so forth to regard as “plausible” or as “reasonable,” we at least tacitly rely on judgments of trust, and so character too. And judgments of trustworthiness bring with them a range of other ethical values as well. For *human* (as opposed to, say, mechanical) “trustworthiness” is connected to such ethical values as “reliability,” “honesty,” “sincerity,” and so on. Hence, when the source of this or that observation is a human, “epistemic values” such as “coherence,” “reasonableness,” and “plausibility” are, we might say, *entangled with ethical values*. Thus, epistemic values *and* ethical values are presupposed by scientific as well as other forms of inquiry, even at the observational level. And what is presupposed at “the observational level” is also, in consequence, presupposed at the *descriptive, explanatory, and predictive* “levels” too. For neither description, nor explanation, nor prediction can take place *without* observation.

IV. The Moral or Ethical Significance and Implications of What We Say (and Do Not Say) in Our Inquiries

We turn now to the second claim-of-interest: again, the claim that, in light of the value-guidedness and value-ladenness of all of our inquiries, anything we say (and do not say) in any of our inquiries *could* have “moral or ethical significance and implications.” Much of what follows is, I think, fairly obvious, if not quite so. But, as the philosopher-novelist Iris Murdoch is said to have said, “philosophy is often a matter of finding occasions on which to say the obvious.”²⁸⁶ One reason for this is precisely that, as Richard Bernstein writes, “philosophers [and not just philosophers, but many social scientists too!] have a way of forgetting or neglecting the obvious.”²⁸⁷

²⁸⁴ Hilary Putnam (2002: 30).

²⁸⁵ Ibid. 145.

²⁸⁶ The quote is taken from the back cover of *The Sovereignty of Good* (2001). However, I have not been able to locate the original source for the quote.

²⁸⁷ Bernstein (1971: 203).

4.1 *The Necessary Selectivity of Our Inquiries*

This is the first point I made in connection with the idea that all of our inquiries are value-guided and value-laden, first in Chapter 5 and then again in section 3.1 of the present chapter. But let me now restate it, putting the point in a more explicitly pragmatic fashion that draws on material from various preceding sections and that helps us to reflect on the issue of “moral/ethical significance and implications.” For pragmatists, experience is viewed from a biological-anthropological perspective. As such, it is viewed as active, not passive. Correspondingly, it is viewed as always involving a transaction with a natural environment, and often, at least, as involving a transaction with a social environment. (Insofar as experience involves sign activity, we might even say that, from a pragmatic perspective, it *always* involves “a transaction with a social environment”: for signs are *themselves* social in character. So, we at least draw on social resources when we *think* [hence employ signs] in response to particular aspects of our environments.) Like other animals, however, we always respond *selectively* to our environments. And this is as true of our “inquiries” as it is of anything else we do.

One way in which we can appreciate this is by considering the “necessary selectivity” of all descriptions of human affairs. Any description of human affairs has to include implicit or explicit information about certain persons’ actions, motives, and intentions. But to be intelligible (“coherent,” “plausible,” “reasonable,” “relevant”...), the narrator(s) in question have to be selective about *all* of the (different kinds of) information they include, including the information about certain persons’ actions, motives, and intentions that they include. (What would it even mean to include “all of the information” about some “event”? Taken literally, that seems to me an incoherent aim. We only ever include what we think is “relevant” information.²⁸⁸) Hence, our epistemic values dictate that we be “selective” in this (and other) way(s). From this simple observation it follows that anything we say (and do not say) in some particular inquiry *could*

²⁸⁸ Notice how this observation already invalidates the view that any form of social inquiry could be “value-free” and/or “value-neutral.” For in deciding what *counts* as “relevant” information, there is no way to avoid value judgments. Information can only *be* “relevant” for this purpose or that. Notice also that this observation already invalidates the “traditional view” of moral or ethical reasoning discussed in section 3.2. As we saw in that section, much modern moral philosophy has assumed that “value judgments” are properly made only *after* one has an “adequate” description of the situation at hand. But the idea of having enough “relevant” information – that is, the idea of having an “adequate” description of the situation at hand – is itself a value judgment. And this judgment is made *before* we reason about how to act in light of the situation at hand. Hence, “rational decision-making” cannot consist in two clearly distinct and separable “moments,” as the traditional view would have it, where there is a “value-free” and/or “value-neutral” moment in which we first figure out what our situation is; and where there is (as we might put it) a “value-guided” and “value-laden” one in which we then decide how we would should (like to) act in light of that situation. For to decide that we already have an “adequate” description of what our situation is *already* to have rendered a “value judgment.” Yet, on the traditional view, such judgments are only to occur in the second “moment,” again, when we decide how to act in light of our situation. Furthermore, notice that the judgment that we do have enough “relevant” information and that we do have an “adequate” description of the situation at hand is a judgment that itself has “moral or ethical significance and implications.” To see this, we can offer a variant of the argument that was offered in section 3.5.2. In deciding that we do have enough “relevant” information and that we do have an “adequate” description of the situation at hand, we always make (more or less conscious) value judgments about how to weigh the anticipated costs and benefits of pursuing further investigations in the situation at hand against the expected costs and benefits of not doing so. So, deciding when to accept the information we have as being “adequate” essentially involves values – and not just “epistemic values” – in all cases. And these judgments *reveal what (some of our) ethical or even moral values are*, and hence what we say in conveying them itself has “moral or ethical significance and implications.”

have “moral or ethical significance and implications,” indeed, *regardless of the intentions of the narrator(s) in question.*

Take a hypothetical case in which a narrator’s intention really just is to provide an “accurate” description of some policy-related or -relevant event. Therefore, her motives, let us say, are simply “epistemic” in character; in the relevant moments, she only speaks for “epistemic reasons.” (I am dubious that this is ever literally the case, since I think that intentional activity, especially intentional social activity, typically, perhaps even always, involves a variety of different values: for instance, those related to “the presentation of self in everyday life.” But the point I am after can be made even if there are, indeed, cases where someone does literally speak “only for ‘epistemic reasons’” – whatever precisely that might be taken to mean.) Is it not the case that in selectively providing information about (what the interlocutor judges to be) certain (relevant) persons’ actions, motives, and intentions, something of moral-ethical “relevance” from the perspectives of the *listeners/readers* might be left out? Again, suppose, as we did in section 2.3, that the event in question is an attack on some rural village by an army unit. This time, however, suppose that the observer-narrator in question is as “disinterested” and “objective” a reporter as can be found. In observing and describing the event in question, she will nevertheless be “selective” in what she *sees* and in what she *says* (about certain persons’ actions, motives, and intentions) in response to what she sees; there is no meaningful sense in which we can say that her reporting will just “mirror” the “reality” or “truth” that is “presented to her.” From this simple observation it follows that there is always the possibility that she *might* leave out something of moral-ethical “relevance” to the listeners/readers: for instance, how many children were beaten by the attacking soldiers, how many soldiers were struck down by villagers, how precisely the attack was initiated, or what have you. Such information is obviously relevant to listeners/readers who want to evaluate the morality/ethics of the attack. And from this simple observation it follows that there is always the possibility that what the reporter (or anyone else) does say (or does not say) (about certain persons’ actions, motives, and intentions) in the inquiry in question *could* have “moral or ethical significance and implications.”

Now, this, too, is obviously true of examples where the narrator’s motives themselves do have moral or ethical relevance and/or the narrator’s motives themselves are moral or ethical in character. For instance, if the reporter intentionally downplays how many soldiers are struck down by the villagers (say, out of a desire to portray the villagers as “fully innocent of any wrongdoing”) or how many young boys are bludgeoned by the soldiers (say, out of a desire to “protect the soldiers from being brought to account”), we may then say that the narrator’s motives are “moral or ethical in character.” And we may also say that her motives themselves have “moral or ethical relevance.” (Among other reasons, this is because any time we reveal what a person’s moral or ethical motives are, we reveal something about their moral or ethical character. And such revelations have “moral or ethical relevance” in the sense that, for instance, they are often the basis for praising or sanctioning particular persons and behaviors.) If so, however, we may also say that what the reporter says (and does not say) (about certain persons’ actions, motives, and intentions) in the inquiry in question has “moral or ethical significance and implications.”

So, taking these considerations together, I am led to conclude that anything we say (and do not say) in some particular inquiry *could* have “moral or ethical significance and implications,” and indeed, regardless of the intentions of the narrator(s) in question. This, however, is not to say that the narrators’ intentions are irrelevant to assessing the moral or ethical significance and implications of what they say (and does not say). It is only to say that moral or

ethical significance and implications *can* arise, even if is the case (if it ever is the case) that the narrator(s) in question “speak(s) only for epistemic reasons.”

4.2 The Performative Character of Our Inquiries (I): How Our Inquiries (Sometimes) Change (and Not Only Describe, Explain, and/or Predict) the Social Realities That They Address

As discussed in section 3.3.2, Dewey held that, “in the orthodox view experience is regarded primarily as a knowledge affair. But to eyes not looking through ancient spectacles, it assuredly appears as an affair of the intercourse of a living being with its physical and social environment.”²⁸⁹ Furthermore, Dewey held that “according to tradition experience is (at least primarily) a psychological thing, infected throughout by ‘subjectivity.’ What experience suggests about itself is a genuinely objective world which enters into the actions and sufferings of men and undergoes modifications through their responses.”²⁹⁰ Accordingly, Dewey suggested that the esthetic analogy of the craftsman involved in doing and making is an appropriate one, not only for understanding human life in general but also our mental activities and cognitive processes in particular.

One way to appreciate how experience is “an affair of the intercourse of a living being with its physical and social environment,” one “which enters into the actions and sufferings of [humans] and undergoes modifications through their responses,” is to look closer at the relationship between *social inquiry and theory*, on the one hand, and *social practice* on the other.

Take social inquiry first. In section 2.4, I mentioned the Hawthorne Effect, briefly discussing how research participation can affect subjects’ activities and behaviors. As evidence of this, I cited a review of 19 relevant studies (18 of which were drawn from the health sciences) by McCambridge et al., who concluded their study by noting that “consequences of research participation for [the] behaviors being investigated” were “found to exist in most studies included within [the] review.”²⁹¹ To recall, the authors summarize one plausible hypothesis for this outcome as follows. “Awareness of being observed or having behavior assessed engenders beliefs about research expectations. Conformity and social desirability considerations then lead behavior to change in line with these expectations.”²⁹²

Now, in the present connection, the first point to emphasize is that the Hawthorne Effect is one way of making sense of the Deweyan idea that social inquiry involves not only “doing” but also “making,” or, better yet, that it involves not only “doing” but also “*re-making*.” If some social inquiry involves the act of directly observing other humans’ activities and behaviors, and the act of doing so itself gives those who are observed sufficient reason to alter their activities and behaviors, it is sensible to say that, in a sense, *the social inquiry in question itself “re-makes” the behavior of those who are observed.* Hence Dewey’s idea that experience (and, by implication, social inquiry) is “an affair of the intercourse of a living being with its physical and social environment,” an environment “which enters into the actions and sufferings of [humans] and undergoes modifications through their responses.”

Turn now to social theory, where, as Charles Taylor has emphasized, the relation of theory to practice is fundamentally different than in the natural sciences.²⁹³ In the natural

²⁸⁹ Dewey (1960: 23).

²⁹⁰ Dewey (1960: 23).

²⁹¹ McCambridge et al. (2014).

²⁹² Ibid.

²⁹³ This paragraph is closely based on, but slightly re-articulates, the arguments in Charles Taylor (1985: 101-102).

sciences, theories are about “independent” objects. Here the relationship of knowledge to practice is that one applies what one knows about causal powers to specific cases, but the truths about the powers that one counts on are believed to remain unaltered. Thus, while we may say that natural science theories can transform practice, the practice that is transformed is not what the theory is about. By contrast, social theories are not about “independent objects”; rather, they can shape the practices to which they are relevant, as we can see by recognizing that they are theories about practices, which are partly constituted by particular self-understandings; and in so far as our theories *transform* these self-understandings, they may undercut, bolster, or otherwise shape the constitutive features of our practices.²⁹⁴ Seeing this, we should also be able to appreciate that there is something potentially misleading about simply say that a theory is “right” when it “corresponds to the facts it is about,” because, put simply, our social theories are about our practices, and their rise and adoption can alter these practices. This makes it clear that our theoretical formulations can serve more than just descriptive, explanatory, and/or predictive purposes, as these are typically construed. For we may come to formulate a certain theory (self-understanding) – to employ certain self-descriptions or self-explanations – precisely so as to make it possible to continue a practice, or to reform it, or to rationalize it; and so on.

As before, this line of reasoning also provides one way of making sense of the Deweyan idea that *social theory*, like social research, involves not only “doing” but also “making,” or, better yet, “doing” and “re-making.” Where a theory is about some practice that is partly constituted by particular self-understandings, and that theory comes to transform these self-understandings, it is sensible to say that, in a sense, *the social theory in question “re-makes” the practice in question*. And again, this is one of making sense of Dewey’s idea that experience (and, by implication, social theory) is “an affair of the intercourse of a living being with its physical and social environment,” an environment “which enters into the actions and sufferings of [humans] and undergoes modifications through their responses.”

Now, once we appreciate how social inquiry can “re-make” the behavior of those who are observed by it and how social theory can “re-make” the practices it is about, we can then appreciate why it is sensible to say that *our inquiries and theories (sometimes) change the reality that they address*. For we can then recognize that our social inquiries and theories not only describe, explain, and predict our social realities (as “value-free/neutral” conceptions of social science have sometimes had us think about “properly conducted” inquiry), but also play a crucial role in producing or re-producing those realities in this way or that. And this provides another way of making sense of my claim that anything we say in some particular inquiry *could* have “moral or ethical significance and implications.”

Take the case of social theories that “re-make” our social practices. If some social theory does change our self-understandings in this way or that, and so does make it easier (say) to continue some practice, or to reform some practice, or to rationalize some practice, then, in that sense, the theory plays a role analogous to pro-typical “ethical statements” like exhortations, prescriptions, praises, and so on. And we do not question whether, in some sense, *those* (types of) statements *could* have “moral or ethical significance and implications.” If, for instance, our coming to formulate a theory makes it easier to rationalize some practice, then *that* theory makes it relatively easier for the practice to continue as it previously had, perhaps to the liking of group A but over the objections of group B. In such a case, the theory is playing an analogous role to

²⁹⁴ Compare Giddens (1983: 13): “The technical language and theoretical propositions of the natural sciences are insulated from the world with which they are concerned because that world does not answer back. But social theory cannot be insulated from its ‘object-world,’ which is a subject-world.”

that played by explicit exhortations, prescriptions, praises, and so on, that is, *whenever these speech acts also “make it easier for some practice to continue as it previously had”* (under analogous circumstances: to the liking of group A but over the objections of group B). And, in the latter case, we surely would say that those speech acts *could* have “moral or ethical significance and implications.” So, we should also recognize this to be so in the case of the speech acts that convey the theory in question, and indeed, regardless of the intentions of the inquirer(s)/narrator(s) in question.

Of course, not all theories will “re-make” the practices that they are about and not all social inquiries will re-make the behaviors they observe. But is there any way to tell in advance which ones definitely will or will not do so? It seems to me that there clearly isn’t. Hence it also seems to me advisable to conclude that anything we say in some particular inquiry *could* have “moral or ethical significance and implications,” and precisely because anything we then say *could* “re-make” one or more of our practices or behaviors.

4.3 The Performative Character of Our Inquiries (II), Or, How “Description” Always Involves “Prescription”

Recall from section 3.3.2 that another feature of Dewey’s critique of the “traditional” or “orthodox” view of experience relates to its focus on the present and past. Again, it is well to recall that, as Bernstein notes, “philosophers have frequently written as if our primary attitude toward the world is that of a spectator who passively observes and records what is happening and what has happened.”²⁹⁵ “Registration of what has taken place is believed to be the essence of experience,” Dewey says.²⁹⁶ Yet, when we view experience from a biological-anthropological perspective, we can easily appreciate that within experience, “anticipation is...more primary than recollection; projection than summoning of the past; the projective than the retrospective.”²⁹⁷ Indeed, “experience in its vital form is experimental, an effort to change the given; it is characterized by projection, by reaching forward into the unknown; connection with a future its salient trait.”²⁹⁸ And as with experience in general, so with language in particular: Dewey’s pragmatism, Hildebrand reminds us, “commits us to linking meaning-criteria with present *and* future experience.” Indeed, it might well be fair

to label pragmatism a *metaphilosophical* attitude or stance as a doctrine (or theory) of meaning. (By ‘stance’ I mean that it is more than an academic philosophical position, it is *vision*, a way of approaching philosophy *ab extra*.) Pragmatism’s status *qua* stance derives from its acute self-consciousness of the fact that a term’s meaning cannot be explicated innocently, that is, without implying specific and future consequences. And *those* implications – if one is completely forthright – evince some position about what *will and should* happen. As formulated and asserted, facts imply values; they are entangled.... From this stance knowing cannot be spectatorship but is rather a tool (or tactic) or dynamic agency.²⁹⁹

²⁹⁵ Bernstein (1971: 207).

²⁹⁶ Dewey (1960: 23). [Need for a Recovery of Philosophy]

²⁹⁷ Ibid. 27.

²⁹⁸ Ibid. 23.

²⁹⁹ Hildebrand (2013: 58)

How might we clarify the idea that we cannot explicate a term's meaning without evincing "some position about what *will and should* happen"? And if this view is defensible, shouldn't we therefore reject any sharp distinction between "description" and "prescription"? Moreover, don't we then have yet another perspective from which to maintain the implausibility of sharply separating "the language" (words, terms, phrase, vocabulary...) that expresses (express) our "moral" or "ethical" beliefs and viewpoints from "the language" (words, terms, phrase, vocabulary...) that expresses (express) our "scientific," or "factual," or "descriptive," or "explanatory," or "predictive" beliefs and viewpoints? (Recall our earlier discussion, in section 3.5.1, of the implausibility of factoring our language into its "factual" and its "evaluative" "components.") And – to add a point that we haven't yet taken up – don't we therefore have yet another perspective from which to defend the idea that anything we say in some particular inquiry *could* have "moral or ethical significance and implications"?

To address these questions, we should recall that it has sometimes been thought that there is a "language of science" (of observation, description, explanation, and prediction) that is or, in principle at least, could be, sharply separated from other languages which are considered to be "ethical," or "moral," or "aesthetic," or "evaluative," or "normative" in nature. J.S. Mill's suggestion that the respective languages of "science" and of "art" are to be sharply distinguished provides a representative example. "Science is a collection of truths; art, a body of rules, or directions for conduct. The language of art is, Do this; Avoid that. Science takes cognisance of a phenomenon, and endeavors to discover its law; art proposes to itself an end, and looks out for means to effect it."³⁰⁰ Here, Mill speaks of "art," but we could replace that term with, for instance, "ethics," "morality," and/or "value judgments," and the position he articulates would still be representative of the viewpoint of many of those who have wanted to distinguish "the language of science" from other languages which are regarded (in contrast to science) as being "intrinsically or inherently 'normative' and/or 'evaluative' and/or 'prescriptive.'" Now, one problem with Mill's characterization of the language of science is that it seems to presuppose that there is a vocabulary available to us for describing science's "collection of truths" that does not, at the same time, consist in, or presuppose, or function as "a body or rules" and as "directions for conduct." And it seems to me that this supposition is unwarranted. Based on the considerations adduced in previous sections of this chapter, there are a variety of ways to make this point. But for brevity, let us just appeal to our earlier idea that there is apparently no way of differentiating between the *describing use* of language and the *prescribing* (or *commending*) use of language *on the basis of vocabulary*. (This view was implicit in the discussion of the implausibility of factoring our language into its "factual" and its "evaluative" "components" in section 3.5.1). One reason for this, to clarify, is that, as Hilary Putnam has discussed (building on Ruth Anna Putnam's writings),

many descriptive predicates naturally *acquire* an emotive force. In our culture, 'slobbers his food all over his shirt' has strong negative emotive force although the phrase is literally a *description*. Any word that stands for something people in a culture *value* (or *disvalue*) will tend to acquire emotive force.³⁰¹

³⁰⁰ Quoted in Ryan (2014: 219)

³⁰¹ Putnam (1990: 209).

Putnam's suggestion is not that we cannot differentiate between (say) the "describing use" of language and the "prescribing (or commending) use" of language at all. To be clear, it is only that we cannot do so on the basis of vocabulary.

'Descriptive' words can be used to praise or blame ('He slobbers food all over his tie') and 'evaluative' words can be used to describe and explain. (Consider the following dialogue: 'John must have been an exceptionally good man to do such a thing.' 'No, he had never been a moral paragon, if anything the contrary; but he must have had a capacity for self-sacrifice we never suspected.' Here *moral* language is being used in an *explanatory* function.)³⁰²

Now, if these considerations suggest that there is no way sharply to differentiate between "description" and "prescription" on the basis of vocabulary, Dewey's suggestion is still more radical: again, that (in Hildebrand's summary) we cannot explicate a term's meaning without evincing "some position about what *will and should* happen." Indeed, Dewey's suggestion, I should now add, is actually that we cannot even *use* descriptive terms (not just that we cannot explicate their meanings) without evincing "some position about what *will and should* happen." And if this is a defensible position, as I believe it is, our position should not only be that "there is no way sharply to differentiate between 'description' and 'prescription' on the basis of *vocabulary*"; our position should be that "there is no way sharply to distinguish between 'description' and 'prescription' *at all*." Or, to put the point positively, our position should be that "'description' (and so 'explanation' and 'prediction' which depend on description) *always* involve(s) 'prescription.'" To be clear, this is not to say that we should endorse the idea that there is *no* reason to differentiate between the "descriptive use" of language and the "prescriptive" (or "commending") use of language, as if there were no difference between a "descriptive statement" like "Inflation has increased this quarter" and a prescriptive statement like "The government ought to rein in inflation." It is only to say that *even when we just make paradigmatic "descriptive statements" (like "Inflation has increased this quarter"), we are still engaged in one or another form of "prescription."*

To develop this viewpoint, consider Dewey's suggestion that "all judgments of fact have a reference to a determination of courses of action to be tried and to the discovery of means for their realization."³⁰³ To recall terminology that we earlier used in chapter 3, we are so accustomed to sharply separating reasoning that we regard as "directed toward belief" ("theoretical reasoning") from reasoning that we regard as "directed toward decision or action" that Dewey's suggestion here may seem quite odd. If, however, we maintain, as we did in chapter 3, that the dichotomy between theoretical reasoning and practical reasoning is untenable, Dewey's suggestion is easily understandable. That is, if we recognize that all reasoning is, in some sense, "directed toward decision or action" (which is one way of making sense of Dewey's claim that "experience in its vital form is experimental...connection with a future its salient trait"), the suggestion that "all judgments of fact have a reference to a determination of courses of action to be tried and to the discovery of means for their realization" should not strike us as odd. When an agent reasons about how to describe some "fact," she reasons not just about how accurately to "represent" it but about how one thinks one and others should *regard its rational justifiability*. To say that P is true is to assert P. And to assert P is (presumptively) to accept the

³⁰² Ibid. 210.

³⁰³ Dewey (1915: 20-21).

burden of *justifying* P. Furthermore, as Peirce would have us notice, to accept the burden of “justifying P” is to *accept responsibility for meeting certain social-normative-epistemic standards for demonstrating P*.³⁰⁴ And for some person to say, “I believe that I meet some social-normative-epistemic standard X,” is for that person to say: “If you perform some action A (e.g., if you check some document or speak with some witness), result Y *will* eventuate for you too (e.g., you will see that P is true).” Hence, you too *should* believe that P is true.” Hence why Hildebrand says that, according to Dewey’s pragmatism, “a term’s meaning [or, we may add, a descriptive statement’s meaning or factual claim’s meaning] cannot be explicated innocently, without implying specific and future consequences. And *those* implications – if one is completely forthright – evince some position about what *will and should* happen.” For in asserting that P is true, one evinces some position about what “will and should happen”: if you carry out, for instance, some action A, one *will* come to believe that P is true; and so one *should* believe that P is true. Hence also why Dewey himself says that “all judgments of fact have a reference to a determination of courses of action to be tried and to the discovery of means for their realization.” Hence also why I am suggesting even that “description always involves prescription.”

Now, if description always involves prescription, this implies that the decision to describe some particular fact or state of affairs some particular way just *is* a decision to “prescribe” some course of action to oneself and to others. Hence when we linguistically *convey* our decision to describe some particular fact or state of affairs some particular way we also linguistically *convey* our decision to prescribe some course of action to oneself and to others. And whenever we “prescribe some course of action to oneself and others,” aren’t we at least engaged in “ethical” discourse, even sometimes in “moral” discourse? If so, we are led once again to the conclusion that that anything we say in some particular descriptive (and therefore explanatory and predictive) inquiry *could* have “moral or ethical significance and implications.”

4.4 Value-Guidedness and Value-Ladeness as Involving Epistemic and Ethical Values at the Four “Levels”

Recall that, in section 3.4, I explained how all of our inquiries are “value-guided” and “value-laden” at the observational, descriptive, explanatory, and predictive levels, and that this is true not just in the original sense in which we defended that thesis in section 3.4 (in the sense that our inquiries at each of those “levels” are guided by, and so laden with, *epistemic values*) but also in the sense in which we later defended that thesis in section 3.5.3, that is, in the sense that our inquiries at each of those “levels” are guided by, and so laden with, *ethical values* too. In short, this is because various “epistemic values” *can* be “entangled with” “ethical values.” To recall, by this I mean to say that, at minimum, it is clear that certain “epistemic values” are at least sometimes “entangled with” certain “ethical values.” For instance, judgments with respect to epistemic values like “plausibility,” “coherence,” and “reasonableness” at least sometimes presuppose and depend on judgments with respect to the ethical value of “trust,” which brings with it a range of other ethical values like “honesty,” “sincerity,” and “reliability.” Character judgments of this kind are, therefore, presupposed and depended on at the observational level, hence also at the descriptive, explanatory, and predictive levels too.

³⁰⁴ Recall the discussion, in section 3.3.1, of the status of norms and of the social character of thought and inquiry in Peirce’s thought.

Now, this recognition provides yet another perspective from which to argue that anything we say in any of our inquiries *could* have “moral or ethical significance and implications.” For any time I judge someone (including myself) as being, at least for relevant purposes, “honest,” “sincere,” or “reliable,” I am rendering an ethical or even (depending on how one interprets this phrase) a moral judgment. And my doing so can surely have “moral or ethical significance and implications.” For one thing, in a culture in which “honesty” is generally a character trait that people value (and what culture doesn’t, as a general matter, “value honesty” as an “ethical value”?), do I not praise someone (someone’s character) when I say (or imply) that this or that report is “reliable” *because* “the source” is “honest”? Accordingly, wouldn’t we say that my statement that the source is “reliable” *could* have “moral or ethical significance”? Surely we would.

For another thing, wouldn’t we presume that, other things being equal, in such a culture, my praising him (or his character in this respect) is likely to be understood as *encouraging* “honesty”? Accordingly, wouldn’t we say that my statement that this or that report is “reliable” *because* “the source” is “honest” *could* have “moral or ethical implications”? Surely we would. Once again, these considerations suggest that anything we say in any of our inquiries *could* have “moral or ethical significance and implications.” For isn’t it safest to assume that, in advance of investigating whether or not something that someone says in some particular inquiry does or does not presuppose and depend on an epistemic value that is “entangled” with some (cluster of) ethical value(s), what they then say *could* presuppose and depend on some ethical value like “trustworthiness,” “honesty,” “sincerity,” or “reliability”? And isn’t it then safest to assume that what they then say *could* have “moral or ethical significance and implications”?

Conclusion

At the outset, I stated that the guiding aim of this chapter would be to develop the claim that the democratic process is best conceived of as a form of collective social inquiry, conducted as a “reflexive social practice”: as a practice in which participants recognize the potential need to inquire, and, as appropriate, actually do inquire, into the (potential or actual) moral or ethical significance and implications of whatever is said (and not said) in whatever inquiries are fed into, or invoked in the context of, the democratic process. This I referred to as “the main claim.” To conclude this chapter, I want to reiterate the principal arguments that were made in each of the chapter’s four main sections, and to indicate how I believe those arguments come together in support of the main claim.

In section I, we first considered the claim that the democratic process ought to be conceived of as a form of collective social inquiry. There, we recalled that this claim had previously been developed in chapter 4, *Normative Democratic Theory as a Tool for Practical Reasoning*. More specifically, we recalled that the specific claim that had been developed in chapter 4 was that informed reflection on paradigmatic moments of “free and equal treatment” in joint or collective decision-making reveals that, in those moments, participants recognize the need to inquire, and, as appropriate, actually do inquire, into the procedures, virtues, and cultural practices that, in the particular context in which they do (have to) act, are most apt to promote the effective granting of certain opportunities and the effective assumption of certain responsibilities. That is why, in chapter 4, I said that, ideally speaking, *democracy’s participants* should (think they should) conduct empirical inquiries that illuminate how, in some particular context, they might best uphold the norms and realize the values that the normative democratic theory

developed in chapter 5 helps them to articulate. And that, I also added, is one reason why I suggested that, ideally speaking, the democratic process ought to be conducted as a form of collective social inquiry. For brevity, we summarized this first argument for conducting the democratic process as a form of collective social inquiry as *The Presumed Need to Inquire into Procedures, Virtues, and Cultural Practices*.

We then turned to a second argument for conducting the democratic process as a form of collective social inquiry. Here we noted that the normative democratic theory from chapter 5, *Toward a Normative Theory of the Democratic Process*, itself suggests that there is reason to maintain that the democratic process ought to be conducted as a form of collective social inquiry. Here we referred to the fact that the Criterion of Effective Participation and the Criterion of Enlightened Understanding both say that participants should assume responsibility for seeking out mutually acceptable and generally accessible reasons for their expressed policy preferences (and so for trying to understand relevant social situations and activities from each other's perspectives), and that their doing so entails that they engage in various forms of inquiry: perhaps, for instance, questioning and even transforming their own self-understandings or self-perceptions; sympathetically projecting themselves into other relevant persons' 'heart and minds'; revisiting the history of their own policy positions and the way in which they have interpreted certain relevant social/economic/political ideals; developing a more sensitive and nuanced understanding of the emotional burdens suffered by those who are critically impacted by relevant policies; and so on. This second argument for conducting the democratic process as a form of collective social inquiry we summarized as *The Presumed Need to Inquire into What Could Count as Mutually Acceptable and Generally Accessible Reasons*.

Finally, we turned to a third argument for conducting the democratic process as a form of collective social inquiry. To develop this argument, I noted that in chapter 5, *Toward a Normative Theory of the Democratic Process*, I developed the idea that, ideally speaking, the participants to a democratic process ought to give equal consideration to, and show equal concern and respect for, the good or interests of relevant persons. This was summarized in The Principle of Equal Consideration of, and Concern and Respect for, the Good or Interests of Relevant Persons. In chapter 5, we then recalled, I also discussed and endorsed what Dahl calls the Presumption of Personal Autonomy. I then observed that our *joint* endorsement of The Principle of Equal Consideration of, and Concern and Respect for, the Good or Interests of Relevant Persons and (our extended version of) the Presumption of Personal Autonomy implies that the democratic process ought to be an occasion to inquire into how all relevant persons interpret the actual or potential consequences of past, present, and/or proposed actions of "relevant" agents and/or agencies *and* an occasion to inquire into how all relevant persons interpret how (if at all) those actions bore, bear, and/or might bear on their own good or their own respective interests. This third argument we summarized as *The Presumed Need to Inquire into Relevant Persons' Own Interpretations of Policy Consequences*.

So, these were the three arguments that I suggested stand in support of the idea, expressed in the main claim, that the democratic process is best conceived of as a form of collective social inquiry. What, though, of the idea of a "reflexive social practice" that is contained in the main claim? The rest of the chapter was dedicated to explicating what I *mean* by a reflexive social practice and why I think that the democratic process ought to be conducted as one.

In section II, I developed a "generic conception of reflexivity," which, I suggested, might benefit any interpretation of "informed," "intelligent," "reasonable," or "rational" decision-

making, not just our own conception of deliberative-democratic decision-making explicated in chapter 5. Beginning from “reflexivity” as it is defined in the Oxford English Dictionary, I suggested that, in the context of any conception of collective decision-making, a “reflexive social practice” might reasonably be construed as follows. A reflexive social practice is a practice in which participants are capable of, inclined to, and characterized by serious, reflective thought; turn or direct their mental processes back upon their own minds when they conduct their inquiries, always engaging in the kind of searching self-examination that would allow them to exhibit an intelligent self-awareness; take account of the effect of their personalities and their own presence on whatever is being investigated; and craft inquiries that consciously call attention to the process that went into producing those inquiries. Any normative democratic theory will presumably recognize the need for the democratic process to function as a form of collective social inquiry, at least in the minimal sense that it ought to be an occasion to pool participants’ knowledge, information, and/or judgments about the actual or potential consequences of past, present, and/or proposed actions of “relevant” agents and/or agencies. And, I suggested, a reflexive social practice (in the above sense), could help participants to pool “informed,” “intelligent,” “reasonable,” or “rational” knowledge, information, and/or judgments about these actions and agencies. One way to make sense of this claim, I suggested, is to notice that the abilities and dispositions that I associated with reflexivity in Section II can be useful to participants precisely insofar as they: first, help participants to *reveal* the various roles that norms, values, and interests do play in whatever inquiries are fed into, or invoked in the context of, the democratic process; and second, to help participants to the democratic process to mitigate or compensate for the various roles that some norms, values, and interests do play in those inquiries.

Now, as discussed, the idea that a reflexive social practice (in the above sense) can help the participants to a democratic process to reveal the various roles that norms, values, and interests do play in whatever inquiries are fed into, or invoked in the context of, the democratic process might give rise to the idea that it can help participants to *purge* their inquiries of the norms, values, and interests that it does help them to identify. However, it is a non sequitur, I immediately suggested, to conclude that our reflexive abilities and dispositions could allow us to purge our social inquiries of *all* norms, values, and/or interests. For, on my view, this is an impossible, indeed incoherent, aim in the first place. Very briefly, this, I suggested, is because all of our social inquiries *presuppose, depend on, and convey* norms, values, and interests, hence can reasonably be described as “value-guided” and “value-laden.” Hence, norms, values, and interests cannot be “purged” from our inquiries.

So, in Section III, I set out to defend the *all-inquiry-is-value-guided-and-value-laden thesis*. As background to that discussion, I began with two preliminary items.

First, I briefly set out the traditional view of moral or ethical reasoning that I am concerned to argue against, one which is bolstered by the idea that, properly conducted, social (-scientific) inquiry either is or could be “value-free” and/or “value-neutral.” Indeed, the reason that I am concerned to defend the *all-inquiry-is-value-guided-and-value-laden thesis* in the first place is precisely because the idea of “value-free” and/or “value-neutral” social (-scientific) inquiry) has served to bolster the traditional view of moral or ethical reasoning that I am concerned to criticize here. Hence, we briefly reviewed the traditional view in question and its relationship to the idea of “value-free” and/or “value-neutral” social (-scientific) inquiry. As we saw, “rational” decision-making, on the view in question, consists in two clearly distinct and separable “moments”: a “value-free” and/or “value-neutral” one, where we first figure out what

our situation is; and (as we might put) a “value-guided” and “value-laden” one, where we then decide how we would should (like to) act in light of that situation. So, the view has been that, insofar as the process is “rational,” participants to collective decision-making: first “gather the facts” about relevant circumstances, where this process is viewed as one of collecting and/or producing observational, descriptive, explanatory, and predictive information, data, and/or knowledge about the facts of those circumstances and where this process is viewed as not involving “value judgments”; and only subsequently decide together – through some form of collective decision-making – what (individual or collective) “ends” or “values” they would like to realize, and how they would like to do so, given those circumstances. What is more, this division of intellectual labor has been defended by reference to the possibility of creating (or due to the reality of our already having created) “value-free” and/or “value-neutral” sciences. Furthermore, it has been supported by a (tacit) dichotomy between “theoretical reasoning” (reasoning that is “directed toward belief”) and “practical reasoning” (reasoning that is “directed toward decision or action”), where the former has been regarded as “reasoning about the facts” and the latter has been regarded as “reasoning about values.”

The second preliminary task was to review what had previously been said in defense of the *all-inquiry-is-value-guided-and-value-laden-thesis*. Here we recalled that, in Chapter 5, *Toward a Normative Theory of the Democratic Process*, I had suggested that the Criterion of Enlightened Understanding gives us reason to prefer some philosophies of social inquiry to other such philosophies and illustrated this through a brief comparison between two philosophies of social inquiry: between a philosophy that begins from the supposition that all inquiry is “value-guided” and “value-laden” with one that explicitly rejects that claim, holding that “value-free” and “value-neutral” social inquiry is possible. In this context, we discussed the “necessary selectivity” of all of our inquiries, a feature that we related to our “epistemic values.” Here I discussed how, in virtue of the “necessary selectivity” of our inquiries, what we say (and do not say) in any particular inquiry *could* have “moral or ethical significance and implications.” This is a theme that we picked up again in section 4.1 above and that we’ll briefly return to below. So, I will not say anything more about it here.

We then looked to see what resources for critiquing the idea of “value-freedom/neutrality” (and so for critiquing the traditional view of moral/ethical reasoning outlined above) might be found in the pragmatist tradition, focusing particularly on the ways in which Peirce and Dewey sought to reconstruct experience and inquiry.

Very briefly, we saw that Peirce emphasized the following tightly related theses: experience is active, not passive, and is permeated by our conceptual capacities and funded with inference; thinking is itself a kind of action, activity, or conduct; thinking always proceeds against the background of (tacit) prejudgments (we cannot start from a position of having *no* prejudgments that we might later find reason to reject or modify – there is apparently no infallible starting point for reasoning about anything); and thinking always involves sign activity and so is essentially normative and social in character.

We then turned to John Dewey’s reconstruction of experience and inquiry, at which point I noted that Dewey, as I read him, would agree with each of the above Peircean theses. However, I did not endeavor to defend that claim directly; for our concern here is only to find resources for critiquing the idea of “value-freedom/neutrality,” and for that purpose the veracity of the above claim is irrelevant. (However, section 3.3.2 does contain material indicating the substantial degree of overlap between the aforementioned Peircean theses and Dewey’s reconstruction of experience and inquiry.) The discussion centered on five contrasts between the “traditional” or

“orthodox” view of experience and Dewey’s own view, with attention being paid to the implications of Dewey’s alternative view for how to conceive of “inquiry.” First, whereas in the orthodox view experience is “regarded primarily as a knowledge affair,” for Dewey “it assuredly appears as an affair of the intercourse of a living being with its physical and social environment.”³⁰⁵ Second, whereas in the orthodox experience “is (at least primarily) a psychical thing, infected throughout by ‘subjectivity,’ ‘what experience suggests about itself is a genuinely objective world which enters into the actions and sufferings of men and undergoes modifications through their responses.’”³⁰⁶ Third, whereas in the orthodox view “registration of what has taken place...is believed to be the essence of experience,” “experience in its vital form is experimental, an effort to change the given; it is characterized by projection...connection with a future its salient trait.”³⁰⁷ Fourth, whereas “the [orthodox] empirical tradition is committed to particularism” and views “connections and continuities” as “foreign to experience,” as “by products of dubious validity,” “experience that is an undergoing and a striving for control in new directions,” which is to say experience *as we experience it*, “is pregnant with connections”;³⁰⁸ “connections and relations are as much a part of experience as the particulars that *we* isolate within experience.”³⁰⁹ Finally, whereas in the orthodox view “experience and thought are anti-theoretical terms,” in Dewey’s view “there is, apparently, no conscious experience without inference; reflection is native and constant.”³¹⁰

In section 3.4, I then offered a brief statement of how the Peircean and Deweyan reflections on experience and inquiry reviewed in section 3.3 provide us with a perspective from which to argue that all of our inquiries presuppose, depend on, and convey norms, values, and interests, hence may be described as “value-guided” and “value-laden.”

We first considered the claim about norms, values, and interests in that argument (Section 3.4.1). To summarize very quickly, the key thought was that insofar as it is plausible to claim (as Peirce does) that *thought inevitably involves sign activity (including linguistic signs)* and that *signs get their very meaning from the role that they play in a social context of rules and norms*, it is plausible to claim that thought presupposes and depends on “norms,” hence values and interests too. And this suggests that *insofar as our inquiries presuppose and depend on language and thought (as they obviously do), they also presuppose and depend on norms, values, and interests too*. Furthermore, reflection on ordinary language suggests that any practice or activity that can be identified as “presupposing” and “depending on” norms, values, and interests may be described as “conveying” norms, values, and interests too. Hence, all of our inquiries not only “presuppose” and “depend on” norms, values, and interests but “convey” them too.

We then concluded that all of our inquiries are “value-guided” and “value-laden,” indeed, found this to be a feature of our inquiries at four different “levels”: the observational level, the descriptive level, the explanatory level, and the predictive level (Section 3.4.2). (This was a crucial finding, I stress, because these are precisely the forms of inquiry that some have thought capable of “value-freedom” and/or “value-neutrality.”) Here again we referred back to the Peircean claim that there is no thinking activity (hence inference) without sign activity. To interpret a percept as *being* this or that “percipuum” (in Peirce’s neologism) is to understand the

³⁰⁵ Dewey (1960: 23).

³⁰⁶ Ibid.

³⁰⁷ Ibid.

³⁰⁸ Ibid.

³⁰⁹ Bernstein (1971: 209); my emphasis.

³¹⁰ Ibid.

role that relevant signs play in a social context of rules and norms. And anytime we can say that “we understand certain rules or norms,” we can also say that “we have knowledge of certain values.” Without this knowledge, we simply *couldn't*, for instance, interpret a percept as being this percipuum or that. Hence our knowledge of certain values “guides” our inquiries at the observational level. Furthermore, description obviously involves sign activity, and so again, presupposes and depends on knowledge of certain values. Hence, we concluded that our knowledge of certain values “guides” our inquiries at the descriptive level too. Now, this argument could obviously be repeated at the explanatory level as well. Instead of simply doing that, however, the argument that I made in section 3.4.2 relied on the fact that our “epistemic values” (like “coherence,” “plausibility,” and “reasonableness”) “guide us” as we evaluate alternative explanatory hypotheses. When scientists and others choose hypotheses, they do not reflect on all the stories and myths about the past that are available to them; instead, they do so by reflecting on the records and testimonies that they have “good reason to trust *by these very criteria of 'good reason.'*” Hence, these values “guide us” at the explanatory level. With respect to the predictive level, the argument here was a straightforward implication of the respective arguments about the observational level and the descriptive level. Prediction *relies on* observation and description (which both involve sign activity), and so presupposes and depends on knowledge of certain values, just as observation and description do too. Hence, our knowledge of certain values “guides” our inquiries at the predictive level too. Finally, we again noted that any practice or activity that is “guided by” values also “conveys” values. Hence the content of what is produced by it is “value-laden” too.

So, beginning from a number of premises associated with pragmatist philosophy, we arrived at the conclusion that all of our inquiries presuppose, depend on, and convey norms, values, and interests, hence may be described as “value-guided” and “value-laden,” including, of course, all of our observations, descriptions, explanations, and predictions. Finally, I noted that this is why I had earlier said that the idea that a reflexive social practice could allow us to “purge” our social inquiries of all values, norms, and/or interests is not only an impossible aim but also an incoherent one.

At this point we could have paused to offer a statement of the profound problems plaguing the above-considered traditional view of moral/ethical reasoning, which, I think it should be clear by now, stands or falls with the plausibility or implausibility of the idea of “value-free/neutral” social (-scientific) inquiry. However, in the contemporary literature that discusses the various conceptions, defenses, and criticisms of such inquiry, various controversies are still said to remain open, and my own judgment was that by taking a position on some of these controversies we could subsequently offer a still stronger critique of the traditional view in question. So, in section 3.5, we went on to consider some of these controversies, and to offer a number of further pragmatist (-type) considerations that would help us to offer that critique.

The editors of *Value-Free Science?* highlight three types of arguments that have commonly been made “for the value-laden nature of science” since at least the 1950s.³¹¹ As we saw, however, in each case the authors raise critical questions about the cogency of these arguments. The first type is “arguments from denying the distinction between fact and value.”³¹² Ordinary language philosophers have noted that much ordinary language is not neatly divided into “the straightforwardly factual or evaluative.”³¹³ However, the authors raise the possibility

³¹¹ Kincaid et al. (2007: 14).

³¹² Ibid.

³¹³ Ibid. 7.

that we indeed might be able to divide our language into its “factual” and its “evaluative” “components.” We then reviewed a number of criticisms of the idea that this is possible. Here I suggested that, in light of these criticisms, there are good reasons for denying there are indeed cases where a word (or phrase or sentence) can be unproblematically or unambiguously categorized as a “factual” word (or phrase or sentence-type) *or* as an “evaluative” word (or phrase or sentence-type). The considerations we reviewed seem to support Hanna Pitkin’s (Wittgensteinian) suggestion that “what matters [in figuring how to “categorize” speech] is not the character or meaning of a particular word [or phrase or sentence], but how the word [or phrase or sentence] is used in particular utterances, whether to express emotion, assert fact, command, recommend, describe, explain, or in other ways.” Hence it seems untenable to suggest that there is a way of unproblematically or unambiguously categorizing words, phrases, and/or sentences *as* “factual” (or “descriptive”) words, phrases, or sentence-types *in advance of an investigation into how the word, phrase, or sentence in question was actually used in some particular socio-linguistic context.*

After discussing ordinary language philosophy, the editors move on to a second major way to challenge the fact/value dichotomy, namely, by appealing to the holism of meaning. If, as Quine suggested, the meaning of a term or phrase is at least partly determined by the various connections a sentence has to other sentences in the language, then meaning is holistic: it depends on the word or phrase’s use in various different kinds of sentences. From this perspective, the editors write, “it is quite unsurprising that a given term might have connections to both our factual and [our] value judgments.”³¹⁴ However, as we saw, the editors then say: “Perhaps claims about the holism of meaning are just mistaken” or “perhaps the holism is less dramatic than depicted, and we can partition meaning as suggested for the cases where holism is present.”³¹⁵ In response, I noted that we need not go in for the kind of holism that says (in the editors’ summary) that beliefs constitute a web where *every belief is at least indirectly tied to all others* by logical and evidential connections” to appreciate that there are good reasons for at least leaving open the possibility that any given term “*might* have connections to both our factual and [our] value judgments.” We need only appeal to Quine’s compelling criticism of the logical positivists’ analytic/synthetic dichotomy and to see how, as that dichotomy falls, so does the classical fact/value dichotomy that the logical positivists defended by reference to it. So, we briefly considered Putnam’s excellent summary of the demise of these two dichotomies in tandem, the details of which I won’t repeat. (See section 3.5.1.)

We then moved on to consider the editors’ discussion of “arguments from underdetermination,” of which there were two varieties.

First, there is *underdetermination of theory by data*. The main idea here was that “once we have all the data, there may [still] be multiple hypotheses compatible with the data”;³¹⁶ regardless of how much data we have, our “results” are never, I said, absolutely “definitive.” Therefore, as Rudner pointed out, deciding which hypothesis to accept is at least partly about deciding how much evidence is at hand and how much “certainty” we need, a process which invokes human values that go beyond our “epistemic” ones. Indeed, my own suggestion was that we always make (more or less conscious) judgments about how much “certainty” (or, better, “assuredness”) we need or desire moving forward, hence always make (more or less conscious) value judgments about how to weigh the anticipated costs and benefits of pursuing further

³¹⁴ Ibid. 8.

³¹⁵ Kincaid et al. (2007: 16).

³¹⁶ Ibid. 15.

investigations against the expected costs and benefits of not doing so. So, I said, deciding when to accept a hypothesis (like deciding when to “accept” anything else, I might add) *essentially involves values in all cases – and not just “epistemic” values*. For the process of weighing the costs and benefits of moving forward or not moving forward with an investigation in this way or that will always implicitly invoke other types of value judgment too.

Second, there is *underdetermination of theory choice by epistemic values*. The main idea here was that “even if two scientists with different theories agree on what epistemic virtues a theory ought to have and on the data, they may nonetheless not agree on which theory is best supported, because they may rank epistemic values differently.”³¹⁷ So, to break the tie, the editors note, we might have to invoke values other than epistemic ones. Yet, the authors also consider the possibility that we might just appeal to judgments about what is most likely to lead to “future fruitful research” to break such ties; in that way, it is, perhaps, possible to avoid appealing to values *other than epistemic ones*. Or, they say, we might just withhold judgment altogether. In response, I noted that whenever we do decide to “withhold judgment,” we do so in part because we believe that the costs and benefits of doing so are favorable in relation to the costs and benefits of not withholding judgment (i.e., of not rendering the judgment in question), where these judgments necessarily go beyond judgments of “the epistemic value” of withholding or not withholding judgment. So, deciding when to withhold judgment essentially involves non-epistemic values. As for the issue of breaking ties, I likewise noted that there is no way to judge what is to be regarded as “fruitful research” simply by making appeals to values that are exclusively “epistemic” in nature. A choice to pursue this or that (cluster of) “epistemic value(s)” is always a choice not to pursue some other value. And whatever we may come to think would constitute “fruitful future research” will partly emerge out of how we weigh our “epistemic values” against our other values.

Finally, the editors considered arguments that see “value ladenness in the social process of science.”³¹⁸ Some authors, they noted, suggest that values are involved in science because the social processes involved in producing scientific outcomes (e.g., large lab experiments) raise “the prospect” that, “in assessing the evidence, scientists have to make value judgments about character.”³¹⁹ Yet, as we saw, the editors go on to say that the argument that values are *necessarily* “involved in” the production of “scientific outcomes” may be mistaken. In response, I suggested that observation itself presupposes and depends on “epistemic values,” which in turn are “entangled” with “ethical values” like trust (and “reliability,” “honesty,” “sincerity,” and so on as well). And, I noted, what is presupposed at “the observational level” is also, in consequence, presupposed at the “descriptive,” “explanatory,” and “predictive” “levels” too. Hence, epistemic values *and* ethical values are presupposed by scientific as well as other forms of inquiry – at the observational level, the descriptive level, the explanatory level, and the predictive level as well.

With these arguments in place, we then turned, in the final section (Section IV), to the claim that anything we say (and do not say) in any of our inquiries *could* have “moral or ethical significance and implications.” To develop this perspective, we drew on various arguments that had first been developed in sections II and III.

The first argument concerned the necessary selectivity of our inquiries. Pragmatists view experience from a biological-anthropological perspective. Thus, they interpret experience, and so

³¹⁷ Ibid.

³¹⁸ Ibid.

³¹⁹ Ibid.

inquiry, as active, not passive, and as always involving a *transaction* with a natural and perhaps also social environment. However, these transactions are always selective, and one way we can see this is by looking at the “necessary selectivity” of our descriptions of human affairs. Among other things, our epistemic values dictate that we be selective in, for instance, the information we provide about certain persons’ actions, motives, and intentions. But, as we saw, from this simple observation it follows that there is always the possibility that an inquirer might leave out something of moral-ethical “relevance” to the *listeners/readers* of the inquiry in question. Hence we concluded that anything we say (and do not say) in some particular inquiry *could* have “moral or ethical significance and implications,” and indeed, regardless of the intentions of the narrator(s) in question.

We then turned to two kinds of performativity in our inquiries. First, we considered how our inquiries sometimes *change* the social realities that they address; they do not just observe, describe, explain, and predict them. Against the orthodox view of experience, Dewey emphasized that experience is “an affair of the intercourse of a living being with its physical and social environment,” one “which enters into the actions and sufferings of [humans] and undergoes modifications through their responses.” One way to see this, we said, was to look closer at how our social *theories*, for instance, sometimes “re-make” the social *practices* that they are about. Where a theory is about some practice that is partly constituted by particular self-understandings, and the theory comes to transform these self-understandings, it is sensible to say that, in a sense, *the social theory in question “re-makes” the practice in question*. And this provides another way of making sense of my claim that anything we say in some particular inquiry *could* have “moral or ethical significance and implications.” If some social theory does change our self-understandings in this way or that, and so does make it easier (say) to continue some practice, or to reform some practice, or to rationalize some practice, then, in that sense, the theory plays a role analogous to pro-typical “ethical statements” like exhortations, prescriptions, praises, and so on. And we do not question whether, in some sense, *those* (types of) statements *could* have “moral or ethical significance and implications.”

The second sense of performativity that we considered relates to my claim that “description” always involves “prescription.” Philosophers, we have seen, have often written as though our primary attitude toward the world is that of a spectator, passively observing and recording what is now happening and what has happened. Pragmatists, however, counsel that we view ourselves as engaged, dynamic agents, whose experience of the world is characterized by projection. From this perspective, language is viewed as a tool (or tactic) of dynamic agency, and when we use it we are seen as always *implying* views about *future* experience. One way to make sense of this claim, we saw, was to consider the claim that we cannot explicate a factual claim’s meaning without evincing some position about what *will* and *should* happen. For in asserting that P is true, one evinces some position about what “will and should happen”: if you carry out (for instance) some action A, one *will* come to believe that P is true; and so one *should* believe that P is true. Hence also why I am suggesting that “description always involves prescription.” We then noticed that whenever we prescribe some course of action to ourselves or to others, we seem to be engaged in “ethical” discourse, sometimes even in “moral discourse.” Hence we concluded that if description always involves prescription, anything we say when we describe something *could* have “moral or ethical significance and implications,” and precisely because we then are engaged in “prescription” too.

Finally, we discussed how our inquiries are value-guided, and so value-laden, at the observational, descriptive, explanatory, and predictive levels, *and saw that this value-ladenness*

not only involves “epistemic values” but “ethical values” too. For instance, judgments with respect to epistemic values like “plausibility,” “coherence,” and “reasonableness” at least sometimes presuppose and depend on judgments with respect to the ethical value of “trust,” which brings with it a range of other ethical values like “honesty,” “sincerity,” and “reliability.” Hence, because our inquiries are “guided by” epistemic values, and so “laden with” epistemic values at all four of the aforementioned levels, and because epistemic values are at least sometimes “entangled with” ethical values, ethical values are at least sometimes presupposed and depended upon at all four of those levels too. And this recognition provides yet another perspective from which to argue that anything we say in any of our inquiries *could* have “moral or ethical significance and implications.”

Now, taken together, these considerations provide us with a clear perspective from which to argue against the traditional view of moral/ethical reasoning previously discussed in section 3.2 and briefly reviewed toward the beginning of this conclusion. Briefly stated, the argument is that “rational” decision-making simply cannot consist in two clearly distinct and separable “moments”: a “value-free” and/or “value-neutral” one, where we first figure out what our situation is; and (as we might put it) a “value-guided” and “value-laden” one, where we then decide how we would should (like to) act in light of that situation. For the above considerations give us good reason to doubt, I think, whether there is much sense in saying that there ever *is* a “moment” in our conscious reasoning processes that *is* “value-free” and/or “value-neutral.” Correspondingly, they give us good reason for doubting the view of collective decision-making that holds that, insofar as the process is “rational,” participants: first “gather the facts” about relevant circumstances, where this process is viewed as one of collecting and/or producing observational, descriptive, explanatory, and predictive information, data, and/or knowledge about the facts of those circumstances and where this process is viewed as not involving “value judgments”; and only subsequently decide together – through some form of collective decision-making – what (individual or collective) “ends” or “values” they would like to realize, and how they would like to do so, given those circumstances. For the above considerations suggest that there can be no “gathering of the facts” – indeed, that there can be no “facts” at all – *apart from a process in which we make a least some value judgments, including ethical ones.* (In light of the foregoing, can we even conceive of a social inquiry that doesn’t presuppose, depend on, and so convey epistemic values *and* ethical ones?)

Finally, we turn to the main claim of this chapter: that the democratic process is best conceived of as a form of collective social inquiry, conducted as a “reflexive social practice”: as a practice in which participants recognize the potential need to inquire, and, as appropriate, actually do inquire, into the (potential or actual) moral or ethical significance and implications of whatever is said (and not said) in whatever inquiries are fed into, or invoked in the context of, the democratic process. Let me now provide a fuller description of what I mean by a reflexive social practice and indicate how we might think of this characterization of it as an extension of the “generic conception of reflexivity” that was developed in section II.

Again, a reflexive social practice, I there said, is a practice in which participants are capable of, inclined to, and characterized by serious, reflective thought; turn or direct their mental processes back upon their own minds when they conduct their inquiries, always engaging in the kind of searching self-examination that would allow them to exhibit an intelligent self-awareness; take account of the effect of their personalities and their own presence on whatever they investigate; and craft inquiries that consciously call attention to the process that went into producing those inquiries. Construed in this way, I suggested, there are reasons to think that such

a practice could benefit any conception of “informed,” “intelligent,” “reasonable,” or “rational” collective decision-making. In light of what was subsequently said in Sections III and IV, however, we can now state more directly what purposes a reflexive social practice could serve for our own specific conception of deliberative-democratic decision-making (as described in chapter 5), with its stress on moral-ethical dialogue and deliberation.

The first purpose is to reveal the various roles that norms, values, and interests inevitably just do play in whatever inquiries are fed into, or invoked of the context of, the democratic process, recalling now that, as discussed in Section I, the “inquiries” I refer to include, but are not limited to: participants’ inquiries into the procedures, virtues, and cultural practices that, in the particular context in which they do (have to) act, are most apt to promote the effective granting of the ideal opportunities, and the effective assumption of the ideal responsibilities, that our normative democratic theory helps them to specify (recall *The Presumed Need to Inquire into Procedures, Virtues, and Cultural Practices* discussed in Section I and again mentioned at the beginning of this Conclusion); participants’ inquiries into what could count as mutually acceptable and generally accessible reasons for their expressed policy preferences (recall *The Presumed Need to Inquire into What Could Count as Mutually Acceptable and Generally Accessible Reasons*); participants’ inquiries into how all relevant persons interpret the actual or potential consequences of past, present, and/or proposed actions on the part of “relevant” agents and/or agencies *and* into how all relevant persons interpret how (if at all) those actions bore, bear, and/or might bear on their own good or their own respective interests (recall *The Presumed Need to Inquire into Relevant Persons’ Own Interpretations of Policy Consequences*). As we have seen, our inquiries are guided by, and so laden with, not just our *epistemic* values but our ethical values too – and, indeed, at the four levels previously discussed. Hence, a reflexive social practice can help participants to reveal whatever epistemic *and* ethical values are at play in all of the above types of inquiries and at all of the four levels we have considered (observation, description, explanation, and prediction) – and can help them to do so with respect to any other inquiries that might also feature in some democratic process.

The second, closely related purpose of a reflexive social practice is to help participants to the democratic process to mitigate, or to compensate for, the various roles that some norms, values, and interests do play in whatever inquiries are fed into, or invoked in the context of, the democratic process. My analysis has suggested that it is impossible to “purge” values from our inquiries (indeed, that it would be self-defeating and counter-productive even to try to do so), but nothing I have said should be taken to suggest that there are not good reasons for sometimes trying to “purge” some of the “values” (and norms and interests) that are at play in our inquiries, either in the sense of helping us to look back at some inquiry and to “pull out” the values that we retrospectively think shouldn’t have been there in the first place *or* in the sense of helping us to mitigate, or to compensate for, the values that *were* at play there by indicating how we might better conduct *future* inquiries. Indeed, our discussion of the generic conception of reflexivity was partly intended to indicate why doing so can be useful for any conception of “informed,” “intelligent,” “reasonable,” or “rational” decision-making, including our own conception of deliberative-democratic decision-making as presented in chapter 5. To recall, in Section 2.5, for instance, we discussed how the general “reflexive disposition and ability” to “turn our mental processes back on our own minds” can help participants to identify, and so prospectively compensate for, systematic biases in news coverage that can undermine their own ability to pursue their own interpretations of their own best interests as a political community. Hence the disposition and ability in question can help them to engage in “informed,” “intelligent,”

“reasonable,” or “rational” collective decision-making. In Section 2.5, I also briefly indicated how participants’ reflexive abilities and dispositions can help them to take account of inquirers’ personalities on whatever is being investigated, and so can help participants to reveal what norms, values, and/or interests are at play in some particular inquiry. For instance, we considered a hypothetical – but not implausible – scenario in which two observers, from different social backgrounds (hence with different norms, values, and interests), are literally positioned to, and capable of, seeing “all of the same aspects of the same event,” but in fact see “different aspects of the same event” (the attack of an army unit on a village). What I would just stress here is that participants’ reflexive abilities and dispositions to identify how the observers’ personalities or characters (hence norms, values, and/or interests) can not only potentially help them to *identify* the outcome in question but also perhaps to find ways of compensating for it: for example, by searching out other witnesses who have different norms, values, and interests, and so for that reason perhaps perceived the event in question in a more comprehensive, and so accurate, fashion. This could potentially not only help them better to “assign responsibility” for what happened; it might help them to get a more accurate sense of (say) how village communities and army units interact with one another, and so provide them with information that is relevant to future policy-making. If, in this way, participants’ reflexive abilities and dispositions could allow them to reveal *cultural patterns* with respect to how different groups observe and so report (say) village-army interactions, the implications for policy-making might be even more noteworthy.

The third, closely related purpose of a reflexive social practice is to help participants to reveal the (potential or actual) “moral or ethical significance and implications” of whatever inquirers say (and do not say) in whatever inquiries are fed into, or invoked in the context of, the democratic process. As discussed in Section IV, we seem to have a variety of angles from which to argue that anything we say (and do not say) in any of our inquiries *could* have “moral or ethical significance and implications.” A few of these – but, I stress, only a few of these – were discussed in that section. Surely there are other angles from which to argue this as well, but four were there discussed for illustrative purposes. To clarify this third purpose of a reflexive social practice, let me just comment on two of them.

To repeat, one of these referred to the “necessary selectivity” of our inquiries, a feature that is tied to (among other things) our epistemic values. (See section 4.1.) From the simple observation that all of our descriptions are necessarily selective about, for instance, what information they provide about certain persons’ actions, motives, and intentions, it follows that we always *could* offer a description that “leaves something out” that is of “moral or ethical significance” to the audience. Moreover, the fact of the inquirer(s) in question having left some such thing out could itself have “moral or ethical implications”: it might mean, for instance, that some crime perpetrated by an army official goes unrecognized, contributing, as some “audience member” might put it, to “the perpetuation of a legacy of unaccountable state repression of the indigenous population.” As we saw, this is so *regardless of the intentions* of the inquirer(s) in question: one might genuinely try to “speak only for epistemic reasons,” as I earlier put it, but still leave something out that is of “moral or ethical significance” to the audience, and so say something that has “moral or ethical implications” too. Notice, moreover, that the potential importance of inquiring into the selective character of any given inquiry becomes still clearer when we take note of the obvious fact that inquirers may speak “selectively” (in whatever way they do) for a vast range of reasons: perhaps to “save face,” or to “avoid trouble at work,” or “to obscure their own responsibility for what happened,” or “to make it easier to rationalize their own government’s participation in the crimes in question”; or perhaps because “they aren’t

sufficiently sensitive to recognize ‘cruelty’ when they see it,” or because “there’s no direct analogue to that kind of behavior in the inquirers’ own culture.” And clearly when we do speak for such reasons, what we say (and do not say) *could* have “moral or ethical significance and implications”: perhaps because it “reproduces a history of repression (where, say, the inquirer speaks as he does “to make it easier to rationalize his own government’s participation in the crimes in question”) or because “it fails to convey how truly ‘cruel’ the action was” (where, say, the inquirer speaks as he does because he “isn’t sufficiently sensitive to recognize ‘cruelty’ when he sees it”).

Second, recall that one of the other angles from which I argued that anything we say (and do not say) in any of our inquiries *could* have “moral or ethical significance and implications” concerned the claim that “description” always involves “prescription.” To recall, the claim was that we cannot explicate a factual claim’s meaning without evincing some position about what *will* and *should* happen. For, again, in asserting that P is true, one evinces some position about what “will and should happen”: if you carry out, for instance, some action A, one *will* come to believe that P is true; and so one *should* believe that P is true.” Hence, at a minimum, we should recognize that in offering the description in question, we are also *prescribing* some action (or cluster of actions) – in the sense that we are at least prescribing that one should *believe* that P is true. I say that this is to “prescribe some action or actions” because, as Peirce says, beliefs are habits, and thinking is itself a kind of action, activity, or conduct; hence, to prescribe a belief just *is* to prescribe that one “act in a particular way.” So, to prescribe a believe just *is* to render an “ethical judgment,” where this is understood as a judgment about “how one ought to act.”

Now, this may seem innocent enough. For even if one accepts that thinking *is* a kind of conduct and even that to assert that “P is true” therefore *is* to prescribe a certain kind of conduct, one still might think that, “from a political perspective,” this kind of “ethical judgment” is an innocent one. For beyond asking you to think (and so, in that limited sense, to “act”) in a particular way, it does not ask you to *act* on that belief (in any given way).

However, this, I think, is too facile a response. For it seems to me to miss *the moral or ethical import of the argument*; it seems to me to miss the whole point of saying that beliefs *are* habits, and the whole point of saying that thinking *is* a kind of action, activity, or conduct. For, on the Peircean view (as I understand it), one doesn’t actually “believe something” unless one *is* prepared to act in this way or that (and not just in the narrow sense in which we might construe “thinking” in this way or that). Hence, a suggestion that you ought “to think in a particular way” really *is* a suggestion that you ought “to act in a particular way.” (This is one reason that pragmatists reject the dichotomy between “doing” and “cognizing.”) For instance, consider the claim: “The government is powerful enough to suppress the rebellion.” Surely this should count as a descriptive/factual statement. But just as surely, it should also be understood as *prescribing that one act in particular ways* – that is, insofar as it is not conjoined with other statements that override those “prescriptive implications.” To begin with, the statement in question may be said to have “prescriptive implications” at least in the minimal sense already indicated: to assert its truth is to evince a view about what *will* happen and what *should* happen: if you perform some action A (say, consult the empirical analysis that I have just read), you *will* come to believe that “the government is powerful enough to suppress the rebellion”; and so you *should* believe that “the government is powerful enough to suppress the rebellion.” However, notice that in ordinary language, the statement “the government is powerful enough to suppress the rebellion” will typically carry with it certain implications about *how one should act in relation to the government*. For instance, depending on what else precisely is said, it might well carry such

prescriptive implications as “Don’t join the rebellion unless you want to die!” or “Don’t join the rebellion unless you want to be a martyr!” or “Wait a bit more to see if the government starts to weaken!” Furthermore, we typically wouldn’t know what to make of someone who said, “I believe that the government is strong enough to repress the rebellion” but saw no need to offer a justification when he follows that statement with one like: “I am going to join the rebellion anyway.” And one reason for this is that we just do understand statements like the first of these two statements as implying further beliefs about how one should act if one does believe what that statement claims. In ordinary language, to believe the statement in question just *is* to have certain beliefs about how one should act, given the kinds of language games in which that statement is typically employed.

Of course, such implications can be over-ridden by other considerations: one like, “I don’t care if I die in the rebellion; I have a duty to defend my people” or “Be that as it may, I want to get revenge on the soldiers who ransacked my town.” In any case, however, the point I wish to emphasize with this example is that descriptive statements always have prescriptive implications in the first sense explicated; but they typically have prescriptive implications in further senses as well. As such, the default assumption should be that anything we say in some particular inquiry *could* have “moral or ethical significance and implications,” since, in one or another sense, even our paradigmatic descriptive statements will always have prescriptive implications. Accordingly, one way to characterize the third purpose of a reflexive social practice is to say that it can help us to *reveal* that “significance” and to *reveal* those “implications.” Doing so, we should notice, is especially important for our own normative democratic theory, which stresses the importance of participants entering into a moral dialogue and deliberation with one another. As we have seen, the responsibility they have for doing so implies that, ideally speaking, they seek out mutually acceptable and generally accessible reasons for their expressed policy preferences, which in turn entails that they sincerely try to understand relevant social situations and activities from relevant persons’ perspectives. And, *ceteris paribus*, surely they will be better able to assume this responsibility *if they try to understand the moral or ethical significance of what relevant persons say (and do not say) about those situations and activities*. Hence my defense of the main claim of this chapter: that the democratic process is best conceived of as a form of collective social inquiry, conducted as a “reflexive social practice”: as a practice in which participants recognize the potential need to inquire, and, as appropriate, actually do inquire, into the (potential or actual) moral or ethical significance and implications of whatever is said (and not said) in whatever inquiries are fed into, or invoked in the context of, the democratic process.

Conclusion: Deliberative Democracy as Reflexive Social Inquiry

Introduction

In this conclusion, we pursue two main tasks. The first is to provide a brief overview of the main arguments that were presented in each of the preceding chapters. Taking these arguments together, a certain conception of the democratic process emerges, which I refer to as “Deliberative Democracy as Reflexive Social Inquiry.” The second task is then to illustrate what the logic of that conception might look like in action, that is, how – in whatever unique, problematic context in which they do (have to) act – engaged, situated actors might *actually reason* about how to craft a democratic practice that resembles that conception. Accordingly, the chapter is divided in two main parts, corresponding to the two tasks just indicated.

I. Retracing the Main Steps in the Argument

The first chapter was entitled “Problems in/with Normative Democratic Theory.” Here, I suggested that one problematic aspect of the literature on normative democratic theory is that there is sometimes a tendency to focus either on (ideal) procedures/procedural criteria, *or* on civic virtues, *or* on cultural practices that would arguably facilitate a more inclusive democratic process. And, I noted, this tendency is sometimes apparent in the literature on deliberative democracy in particular: indeed, deliberative theorists have sometimes focused either on (ideal) deliberative procedures/procedural criteria, *or* on deliberative/civic virtues, *or* on cultural practices that would arguably facilitate more inclusive deliberative-democratic processes. Thus, in a variety of ways, I suggested, discussions of procedures, virtues, and cultural practices *have proceeded in relative isolation from one another*. And yet, reflection on lived experience seems to reveal that to think intelligently about how actually to craft a democratic process, it is useful to reason about procedures, virtues, and cultural practices “in conjunction.” (This idea was only briefly discussed in that chapter; it was developed at greater length in chapter 4 and recurrently discussed in subsequent chapters.) So, in chapter 1, I critically discussed one variant of the tendency in question at length: the tendency to focus on (ideal) procedures/procedural criteria *without* at the same time explicitly discussing deliberative/civic virtues and cultural practices. As we saw, the various kinds of “proceduralism” that often characterize liberal theories can lead to precisely this tendency, as we found to be the case with the normative democratic theories of Dahl, Habermas, and Cohen, each of whom has described his own theory as offering a “deliberative” conception of democracy. A main conclusion that emerged from the discussion was that when an author develops and presents his normative democratic theory, it is sometimes unclear what, if any, links that author sees between his theory, on the one hand, and empirical inquiry on the other. In consequence, the “*proper*” *function of normative democratic theory in democratic practice is either unclear or is presented in a way that is less desirable than it otherwise might be*. (Or both.) Accordingly, I suggested that, in developing a normative democratic theory, it is useful to clarify what, if any, links we think our theory has to empirical inquiry, and in two broad senses. First, it is valuable to indicate how, if at all, we think that *the theory emerged out of empirical inquiry*. Among other things, this should help to clarify what, if any, relationship there is between, on the one hand, the norms and values that the theory articulates and, on the other hand, the norms and values that may or may not already exist in this

or that particular community. Second, it is valuable to indicate how, if at all, the theory might relate to *future* empirical inquiries. This should help to clarify what, if any, role the theory might play in guiding actual democratic practices.

So, in the next chapter, we began to take up these tasks. Chapter 2 was entitled “Re-engaging Normative and Empirical Democratic Theory, or, Why ‘Normative’ Democratic Theory is ‘Empirical’ All the Way Down.” As we saw in chapter 1, normative democratic theory, like other forms of moral or ethical theory, is sometimes conducted without making clear references to empirical inquiry. One consequence is that it is not clear how the participants to some democratic process might use the theory to improve that process. In part, this is because where an author doesn’t make clear references to empirical inquiry, what relation, if any, the theory has to lived experience is unclear, and consequently it is unclear how, if at all, democracy’s participants might relate the theory to their own existing democratic norms, values, and practices. Therefore, in chapter 2 I began to offer a strategy for “re-engaging” so-called “normative democratic theory” and so-called “empirical democratic theory,” initiating – though, I stress, only “initiating” – the tasks of clarifying where our democratic norms and values come from and of indicating how normative democratic theory might actually be used to improve democratic practice. I say that I only “initiated” these tasks in chapter 2 because, as indicated below, I continued to return to the challenge of addressing them throughout subsequent chapters.

Briefly, the strategy for re-engagement in chapter 2 looked like this. As the classical pragmatists sought to teach us, all reasoning is, in some sense, “practical,” which obviously implies that whatever reasoning is involved in “normative democratic theory” is so too. Correspondingly, I argued that normative democratic theory is a form of “practical reasoning,” and so, like any form of practical reasoning, inevitably just *does* “involve” empirical inquiry (in an extended sense of “involvement” that I specified.¹) Indeed, because normative democratic theory just *is* a form of practical reasoning and because practical reasoning inevitably *does* involve empirical inquiry, it follows that normative democratic theory just *is* an “empirical enterprise.” Hence, when we reason about what we think a democratic process should look like – that is, when we engage in “normative democratic theory” – we should avoid any sharp distinction between “normative” and “empirical” forms of reasoning, just as we should avoid any such distinction between “theoretical” and “practical” forms of reasoning.

The call for a re-engagement of normative and empirical democratic theory consisted, then, in two main injunctions – one, so to speak, about how we should “look backward,” the other about how we should “look forward.” Looking backward, the injunction was to be aware of how our *existing* democratic norms and values – hence normative democratic theories – *have* been “empirically generated.” By following this first injunction, I suggested, we may enhance our ability to articulate, and so interrogate, our existing democratic norms, values, and theories. Looking forward, the injunction was to be aware of how our future democratic norms and values – hence normative democratic theories – just *will* be “empirically generated.” By following this second injunction, I suggested, we are encouraged to engage in normative democratic theory – to

¹ To recall, a person’s reasoning can be said to “involve” empirical inquiry, I said, *if* it is the case that her *ability* to reason about something is tied to, in some way depends on, her own or others’ empirical inquiries. In chapter 2, I also used the term “influenced” in an extended sense: I said that a person’s reasoning is “influenced” by empirical inquiries *if* it is the case that her *ability* to reason about something is tied to, in some way depends on, her own or others’ empirical inquiries. Hence, when I talk of “normative democratic theory” being a form of “practical reasoning,” one which inevitably “involves” empirical inquiry or which inevitably is “influenced” by it, I mean that our ability to reason about our democratic norms, values, and practices is tied to, in some way depends on, our own or others’ empirical inquiries.

formulate and re-formulate our *future* democratic norms and values – in a more self-consciously and deliberately “empirical” manner.

Now, if chapter 2 indicated why it is the case that normative democratic theory just *is* an empirical enterprise, chapter 3 sought to give greater clarity the *character* of that empirical enterprise. The central claim from chapter 2, briefly stated, was that when we *actually* carry out certain tasks that are indispensable to any “reasonable” conception of normative democratic theory, we are then engaged in a form of “practical reasoning,” one that inevitably “involves” empirical inquiry. So, more specifically, chapter 3, “Practical Reasoning is About a Unique Context,” then aimed to give further clarity to *the nature of the practical reasoning that is involved in that empirical enterprise*. In doing so, we arrived at an extended version of “the central claim” from chapter 2, just mentioned, which looked like this: When we *actually* carry out certain tasks that are indispensable to any “reasonable” conception of normative democratic theory, we are then engaged in a situated form of practical reasoning, one that inevitably “involves” empirical inquiry; and this reasoning is always about a unique context, one in which our norms and values may come into conflict and in which those norms and values always need “contextual interpretation ‘in their application.’”

Having clarified the nature of the practical reasoning that is inevitably involved in any “reasonable” conception of normative democratic theory, we then, in chapter 4 (“Normative Democratic Theory as a Tool for Practical Reasoning”), went on to clarify *the “proper” status and function of normative democratic theory in this “practical reasoning.”* As suggested by the title, chapter 3 therefore described how normative democratic theory might function as a “tool” for practical reasoning, one that can assist democracy’s participants in carrying out two principal tasks. First, it can help them to clarify what their own democratic norms and values are. And second, it can help them to conduct empirical inquiries that clarify how they might best uphold those norms and realize those values.

To develop these ideas, Section I of chapter 4 discussed John Dewey’s “empirical-instrumentalist” approach to moral theory, juxtaposing it with two more familiar approaches: the “generalist” approach and the “particularist” approach. To recall, the “generalist” approach is to articulate moral principles that are purportedly universal in scope and that purportedly “tell us” how we are to act in cases of a particular kind. The “particularist” approach, by contrast, rejects the idea of moral principles altogether or, at a minimum, holds that, in moral reasoning, there need be no attempt to bring such principles to bear on particular situations. Sound moral judgment is non-codifiable, and can only be found as one decides particular cases. The chapter then suggested that normative democratic theory is a kind of moral theory, and that a Dewey-inspired approach to it is more appropriate than either a generalist *or* a particularist one. As we saw, Dewey’s empirical-instrumentalist approach recognizes the need for moral principles that are broad in scope. It also recognizes, however, that sound moral judgment responds to the exigencies of particular situations and is, therefore, non-codifiable. Hence, a Dewey-inspired approach to normative democratic theory is sensitive to the need for such theory to balance a *kind* of generalism with a *kind* of particularism. Section II then illustrated the logic of how normative democratic theory, construed in this way, can assist democracy’s participants in carrying out the two principal tasks mentioned above: first, clarifying what their own democratic norms and values are; and second, helping them to conduct empirical inquiries that illuminate how they might best uphold those norms and realize those values.

Here, let us recall a bit more about the Dewey-inspired approach to normative democratic theory that I developed in chapter 4. In addition, let us recall a bit more about why I said that

such an approach to normative democratic theory can assist democracy's participants in carrying out the two aforementioned tasks. As we saw in chapter 4, Dewey's empirical-instrumentalist approach to moral theory gives rise to two main injunctions that are relevant for our purposes. Very briefly, the first injunction is to develop moral theory out of anthropological-interpretive inquiry into moral experience itself. The second injunction is to view such theory as a "tool" for practical reasoning about how best to act in unique, problematic situations.

Following these two injunctions, I characterized my Dewey-inspired approach to normative democratic theory (*qua* one kind of "moral theory") like this. The first question to ask is: What kind of "moral experience" is (or what "aspects of moral experience" are) relevant here? Following Dahl, I began by observing that the twin values that arguably justify the adoption of a democratic process in the first place are the values of treating persons as "moral equals" and as "autonomous."² Thus, when I referred to a particular kind of "moral experience," or to particular aspects of "moral experience," as laying the basis for my theory, these two values are what I had in mind: I had in mind those moments in which we are most likely to *think* and to *feel* that we *are* being treated as "moral equals" and as "autonomous" in joint or collective decision-making. Accordingly, the normative democratic theory I later developed in chapter 5 (see below) was said to emerge out of anthropological-interpretive inquiry into those moments that are paradigmatic of when we are most likely to think and to feel that we are being treated as moral equals and as autonomous in joint or collective decision-making, or, in the standard terminology, as "free and equal" in such decision-making. In short, the theory was characterized as emerging out of inquiry into *certain paradigmatic moments of "free and equal treatment" in joint or collective decision-making*, e.g. in certain such decisions among genuine friends.

What was my suggestion about what close interpretation of such moments in moral experience reveals? First off, I suggested that, at a very general level, our everyday view seems to be that people who are (or who we think ought to be regarded as) "free and equal" ought to be treated with "equal consideration, concern, and respect." More specifically, the suggestion was that, in the context of a collective decision that is reasonably presumed to affect the good or interests of the persons in question, "the process" for making that decision ought to give equal consideration to, and ought to show equal concern and respect for, the good or interests of each of them. I then suggested that we seem to think that, in those moments in which we are most likely to think and to feel that the process is doing this, it is *because* the participants to that process grant certain (equal and adequate) opportunities to one another and *because* they assume certain (corollary negative and positive responsibilities) in relation to one another. Correspondingly, I suggested that once we have articulated what these opportunities and responsibilities are, we have arrived at a "normative theory of the democratic process." *In this way we build up our normative democratic theory out of moral experience itself.* And this is the sense in which, as I earlier said, my Dewey-inspired approach to normative democratic theory "can help participants to clarify what their own democratic norms and values are."

Following Dewey (and Nelson Goodman and Hilary Putnam), however, I pointed out that any such theory, like any theory at all, ought to be viewed as articulating *standards* that emerge out of our inquiries into how our practices have fared under various circumstances, which we in turn use to judge the rightness or wrongness, or adequacy or inadequacy, of the practices out of which the standards themselves emerge. Adapting this idea, I suggested that we think of our

² Dahl (1989: chapters 6 and 7). Also, recall the discussion in chapter 5. As we saw, Dahl (1989) speaks of the Idea of Intrinsic Equality, a phrase I also employed in chapter 5. Throughout this dissertation, however, I also employ the term "moral equals" in referring to persons who are regarded as somehow being "intrinsically equal."

normative theory of the democratic process as articulating “ideal procedural criteria,” that is, as articulating descriptions of the ideal, defining features of a process for binding, collective decision-making process that treats persons as equal and autonomous – or, that treats them in a way that is consistent with the twin values that arguably justify the adoption of a “democratic process” in the first place: again, the values of treating persons as “moral equals” and as “autonomous.” And I suggested that these ideal procedural criteria should “guide” democracy’s participants as they move forward into new, problematic situations: *that the criteria can and should help them to conduct empirical inquiries that illuminate how they might best realize the values and uphold the norms that the ideal procedural criteria themselves articulate.*

This brings us to Dewey’s second injunction: that we should view such theory as a “tool” for practical reasoning about how best to act in unique, problematic situations – about how best to realize the moral (or ethical) goods that are diffused in moral (or ethical) *experience*. I just noted that in chapter 4 my suggestion was that the participants to a democratic process should view normative democratic theory in precisely this way. But we should now recall my suggestion about *why* they should do so. Relatedly, we should now recall what reasons I think they have for conducting empirical inquiries that illuminate how they might best realize the values and uphold the norms that a normative democratic theory itself helps them to articulate. As before, my reasoning here appeals to moral experience itself. Close interpretation of paradigmatic moments of “free and equal treatment” in joint or collective decision-making reveals, I maintained, that participants not only recognize the need to grant certain (equal and adequate) opportunities to one another and to assume certain (corollary negative and positive) responsibilities in relation to one another; it also reveals that they recognize *the need to inquire*, and that, as appropriate, *they actually do inquire*, into the procedures, virtues, and cultural practices that, in the particular context in which they do (have to) act, are most to promote the effective granting of those opportunities and the effective assumption of those responsibilities. Furthermore, it reveals that they do not regard their norms and values as “telling them” precisely what to do *in advance of an assessment of (what they regard as the relevant features of) the context in which they do (have to) act*. Rather, they regard their own understandings of the opportunities and responsibilities in question as simply giving them relatively stable expectations about the conditions under which they might be able to give equal consideration to, and to show equal concern and respect for, the good or interests of each of them. So, by analogy, my suggestion was that democracy’s participants should use normative democratic theory as “tool” for practical reasoning, one that helps them to think through what (they reflectively think) their democratic norms and values should *mean* in the particular context in which they do (have to) act. And, by analogy, my suggestion was that they should recognize that this entails that there is a need to inquire and that, as appropriate, they actually do inquire into the procedures, virtues, and cultural practices that, in the particular context in which they do (have to) act, are most apt to promote the effective granting of the opportunities that are specified by the ideal procedural criteria and that are most apt to promote the effective assumption of the responsibilities that are specified (or entailed) by those criteria.

Now, having developed this Dewey-inspired *approach* to normative democratic theory, I then, in chapter 5 (“Toward a Normative Theory of the Democratic Process”), *developed* my own normative democratic theory, or as I preferred to call it, my own “normative theory of the democratic process.” I did so by critically engaging with Robert Dahl’s theory, as presented in *Democracy and Its Critics*. Let me now reiterate the main points of similarity between our respective approaches, which highlight why I chose to engage with his theory in the first place.

Along the way, I'll also highlight how my theory differs from Dahl's theory, and so how it can be read as an improvement on it. (Often, the best way to make progress in theory is to differentiate one's own theory from whatever theory is, in relevant respects at least, the theory that is "closest" to one's own theory. This helps to make it clear how one's own theory offers an improvement on what, in relevant respects at least, is "the best theory" currently on offer.)

To begin with, Dahl's theory is based on two major premises (which refer us back to what I described above as "the twin values that arguably justify the adoption of a democratic process in the first place," namely, the values of treating persons as "moral equals" and as "autonomous"). First, if we regard persons as somehow being "intrinsically equal" (or, as I also say, as "moral equals"), it follows that the process by which a political association governs itself ought to give "equal consideration" to the good or interests of each of its members. Second, if we presume that the adult members of an association are "autonomous" – that they are the best judges, promoters, and defenders of their own good or interests – we should assume that they are adequately qualified to participate in that process. Based on these premises, Dahl offers four "criteria for a democratic process."³ These are meant as descriptions of the ideal, defining features of a process for "binding," collective decision-making that treats persons as intrinsically equal and autonomous. Dahl's criteria specify the equal and adequate *opportunities* for participation that citizens should ideally have in such a process. The criteria are "standards – ideal standards, if you like – against which procedures proposed ought to be evaluated in any association to which the assumptions ["justifying a *democratic* political order" may be said to] apply."⁴ More specifically, the criteria, he says, ought to be used for assessing how well alternative *procedures* furnish citizens with the equal and adequate opportunities that the criteria articulate.

Now, in chapter 5, I suggested that, in qualified form, we should endorse Dahl's two premises, but reconsider the implications of our doing so. First off, I agreed with Dahl that a process for "binding," collective decision-making should treat persons as equal and autonomous. However, I proposed an amendment to Dahl's first premise. Again, Dahl says that if we regard persons as somehow being "intrinsically equal," it follows that the process by which a political association governs itself ought to give "equal consideration" to the good or interests of each of its members. By contrast, I offered reasons for preferring to say that if we regard persons as somehow being "intrinsically equal," it follows that the process by which a political association governs itself ought to give "equal consideration to, and show equal concern and respect for, the good or interests of all relevant persons." The second premise I did not amend: if we presume that the adult members of an association are "autonomous" – that they are the best judges,

³ In chapter 8 of *Democracy and Its Critics*, "A Theory of the Democratic Process," Dahl does indeed offer four "criteria for a democratic process." Recall, however, that, in the broader presentation of his theory in that book, Dahl actually offers *five* such criteria. (The fifth criterion is offered in chapter 9, "The Problem of Inclusion.") But the fifth criterion concerns the constitution of the demos itself, a matter which I did not take up here, mainly because I intend my normative democratic theory as a tool for practical reasoning about how to create a "democratic process" in a *variety of associations*, not just in "the state." And different such institutions will and should be constituted according to different criteria. So, for this reason (and for reasons on scope), I just considered Dahl's four criteria, and set aside the issue of what specific criterion we should invoke regarding "inclusion" in state decision-making in particular.

⁴ Ibid. 108-9. Again, these assumptions refer to, or are derived from, what Dahl calls the "Idea of Intrinsic Equality" and the "Presumption of Personal Autonomy." See pp. 107-108. Also, on the former notion, see Dahl (1989: chapter 6); on the latter notion, Dahl (1989: chapter 7). See also my discussion of these assumptions in chapter 5.

promoters, and defenders of their own good or interests – we should, indeed, assume that they are adequately qualified to participate in that process.⁵

Now, moving on to the criteria themselves, I agreed with Dahl that we should think of the criteria for a democratic process as “ideal standards” (though I chose to use the terminology “ideal procedural criteria” instead.) However, I disagreed with Dahl on two major substantive issues with respect to the criteria.

First, I disagreed on how to characterize the *ideal procedural criteria themselves* and I disagreed on how to characterize *their function (that is to say, the function of normative democratic theory) in democratic practice*. On the first issue, I argued, the ideal procedural criteria should specify not only the (equal and adequate) opportunities that the process (and that participants) should ideally grant each other; they should also specify the responsibilities that participants should ideally assume in relation to one another (and, indeed, those they [ought to] represent). Anthropological-interpretive inquiry into paradigmatic moments of “free and equal treatment” reveals, I suggested, that persons who view each other as intrinsically equal and autonomous recognize that they owe each other justifications for their expressed policy preferences. Therefore, the ideal procedural criteria should not just articulate certain (equal and adequate) *opportunities* but also a number of *responsibilities* related to such justification. In this way, we are led from Dahl’s own premises to a deliberative conception of the democratic process.

On the second issue, I argued, the function of normative democratic theory in democratic practice should not be what Dahl suggests it should be. Again, Dahl suggests that normative democratic theory ought to be used for assessing how well alternative *procedures* furnish citizens or the members of an association with the equal and adequate opportunities that the criteria articulate; he mentions *no* other role for it. By contrast, my view (as already suggested in chapter 4) is that the participants to a democratic process ought to use the ideal procedural criteria as a tool for inquiring into the *procedures, virtues, and cultural practices* that, in the particular context in which they do (have to) act, are most apt to promote the effective granting of the (equal and adequate) opportunities that are specified by those criteria and are most apt to promote the effective assumption of the (corollary negative and positive) responsibilities that are specified (or entailed) by them.

Next, in chapter 6 (“Why the Democratic Process Ought to Be Conducted as a Reflexive Social Practice”), I returned to, and further elaborated on, the claim that the democratic process ought to be conceived of as a form of “collective social inquiry.” As reviewed above, chapter 4 had already briefly discussed how a normative theory of the democratic process could help to guide such inquiry, and it had already discussed how the participants to a democratic process have reason to think that they *should* engage in such inquiry. And, as we just saw, chapter 5 then developed the specific normative democratic theory that I think should guide that inquiry. In chapter 6, I then returned to the idea that the “democratic process” ought to be conceived of as a form of “collective social inquiry,” but now added a qualification to that claim. The revised and extended claim was that the democratic process is best conceived of as a form of “collective social inquiry,” but one that, more specifically, is conducted as a “reflexive social practice”: as a practice in which participants recognize the potential need to inquire, and, as appropriate,

⁵ I did, however, add the comment that this presumption – The Presumption of Personal Autonomy – should be interpreted so as to include the implication that “autonomous persons” should be presumed to be the best judges of how the actions of “relevant” agents and agencies *bear* on their respective goods or interests, a point that we returned to in chapter 6.

actually do inquire, into the (potential or actual) moral or ethical significance and implications of whatever is said (and not said) in whatever inquiries are fed into, or invoked in the context of, that process.

To summarize very quickly, the main motivation for this argument was as follows. There is a traditional view of “rational” moral or ethical reasoning that views it as a process that consists in two clearly distinct and separable “moments”: a “value-free” and/or “value-neutral” one, where we first figure out what our situation is; and (as we might put it) a “value-guided” and “value-laden” one, where we then decide how we would should (like to) act in light of that situation. The problem with this view, as I described in chapter 6, is that all inquiry is “value-guided” and “value-laden,” and so there apparently *is* no form of inquiry that is “value-free” and/or “value-neutral.” From this it follows, I argued, that anything we say (and do not say) in any of our inquiries *could* have “moral or ethical significance and implications.” Hence, insofar as it is “rational,” the democratic process will not be divided into two stages (as the traditional view would have it), one in which participants: first “gather the facts” about relevant circumstances, where this process is viewed as one of collecting and/or producing observational, descriptive, explanatory, and predictive information, data, and/or knowledge about the facts of those circumstances and where this process is viewed as not involving “value judgments”; and one in which they subsequently decide together – through some form of collective decision-making – what (individual or collective) “ends” or “values” they would like to realize, and how they would like to do so, given those circumstances. Rather, insofar as it is “rational,” I suggested it is sensible to say, the democratic process will be conducted as a “reflexive social practice”: again, as a practice in which participants recognize the potential need to inquire, and, as appropriate, actually do inquire, into the (potential or actual) moral or ethical significance and implications of whatever is said (and not said) in whatever inquiries are fed into, or invoked in the context of, that process. This is not only because the aforementioned “traditional view of moral or ethical reasoning” fails on its own terms; it is also because the normative democratic theory developed in chapter 5 suggests its own view of “rationality” that is relevant here. According to that theory, participants to the democratic process ought ideally to seek out mutually acceptable and generally accessible reasons for their expressed policy preferences. And this entails that they try to *understand* relevant social situations and activities from relevant persons’ perspectives, which in turn entails that they try to understand *the moral or ethical significance of what is said (and is not said) in relation to those situations and activities in whatever inquiries are fed into, or invoked in the context of, the democratic process.* (This, I suggested, is an aim that the idea of “value-free/neutral” social [-scientific] inquiry can undermine.) Hence, a reflexive social practice can help the participants to the democratic process to assume certain of the “ideal responsibilities” specified (or entailed) by the normative democratic theory developed in chapter 5.

Now, as I stated at the outset, a certain conception of the democratic process emerges from the preceding arguments. To state that conception as succinctly as possible, we might say the following. When we take the arguments developed across the preceding chapters together, we can then see the reasonableness of a conception of democracy which regards it as a process in which, ideally speaking, the free and equal citizens or members of the pertinent association: enter into a moral dialogue and deliberation with one another; view that dialogue and deliberation as a process of inclusive, collective social inquiry; and conduct that inquiry as what I call a “reflexive social practice.” Hence the title of this dissertation: *Deliberative Democracy as Reflexive Social Inquiry.*

Let me now provide a more detailed summary statement of that conception, focusing on the positive or reconstructive aspects of the preceding arguments. As indicated, I'll then, in the rest of Section II, provide a sketch of how our normative theory of the democratic process might play a productive role in that process, assisting engaged, situated actors to reason about how they might craft a democratic process that resembles the above conception.

II. Deliberative Democracy as Reflexive Social Inquiry

As indicated, reasoning about how to craft a democratic process (hereafter “democratic practical reasoning”) has the following main features.

2.1 *Democratic Practical Reasoning for a Deliberative Democracy*

First, democratic practical reasoning begins with the recognition that the task of crafting each democratic process is a form of practical reasoning, one that inevitably “involves” empirical inquiry and that is always about a unique context, where relevant persons’ norms and values may come into conflict and in which those norms and values always need “contextual interpretation ‘in their application.’”

Second, democratic practical reasoning appeals to our normative democratic theory as kind of “map” that indicates, at least in broad strokes, a good deal of what (we think) would ideally occur were the process-to-be-crafted to instantiate the basic values that arguably justify the adoption of a democratic process in the first place: the values of treating persons as moral equals and as autonomous. More specifically, it appeals to normative democratic theory as a kind of “map” that indicates, at least in broad strokes, the (equal and adequate) opportunities that the democratic process in question ought ideally to grant the members of the pertinent association (and that participants ought ideally to grant one another) *and* the (corollary) responsibilities that participants ought ideally to assume in order for “the process” to give equal consideration to, and show equal concern and respect for, the good or interests of relevant persons.

Third, democratic practical reasoning recognizes that the “ideal procedural criteria” articulated by our normative democratic theory need “contextual interpretation ‘in their application’”; it recognizes that we always need to ask the questions: What might it mean, in *this* particular context, for the process-to-be-crafted to grant the members of the pertinent association (and for the participants themselves to grant one another) the equal and adequate opportunities specified by our theory (map)? And what, in that context, might it mean for them to assume the (corollary negative and positive) responsibilities specified (or entailed) by it?

Fourth, democratic practical reasoning recognizes that these questions cannot be answered through abstract reasoning alone – that addressing these questions requires context-sensitive (anthropological-interpretive) empirical inquiry. Such inquiry, it recognizes, is both backward looking and forward looking. Broadly speaking, the *backward-looking inquiry* focuses on two main issues: first, the origins and histories of our democratic norms, values, practices, and so theories themselves; and second, how, if at all, various groups have (allegedly) attempted to uphold those norms and to realize those values in practice and how well, if at all, those attempts have arguably succeeded. As previously indicated, the main purpose of this backward-looking inquiry is to articulate, and so interrogate, our existing democratic norms, values, practices, and theories, which can help participants to craft a process that more closely approximates our ideal procedural criteria in the future. Broadly speaking, the *forward-looking*

inquiry involves inquiry into the unique context in which participants to the democratic-process-to-be-crafted will (have to) act. This reasoning focuses on three main issues. First, it investigates the specific *procedural requirements* (e.g., formal agenda-setting procedures, voting systems, rules for governing policy implementation) might, in the unique context in question, help the participants to the democratic process to grant one another the (equal and adequate) opportunities specified by our ideal procedural criteria and/or help them to assume the (corollary negative and positive) responsibilities that are specified (or entailed) by them. Second, it investigates the specific *virtues* that, in that context, would assist participants in assuming (or that would dispose them to assume) those responsibilities, and that participants would necessarily exhibit were they to do so. Third, it investigates the *cultural practices* that, in the unique context in question, can arguably promote a social environment that is conducive to the effective granting of such opportunities and to the effective assumption of the (positive and negative) responsibilities that they should ideally assume. (Each of these types of investigations can obviously benefit from the backward-looking inquiries discussed above). As previously indicated, the main purpose of this backward-looking inquiry is to encourage participants to formulate and to reformulate their present and future democratic norms, values, practices, and theories in a more self-consciously and deliberately “empirical manner,” which should help them to act with (what John Dewey sometimes called) greater “moral intelligence” in whatever unique, problematic contexts they do (have to) act.

Finally, democratic practical reasoning recognizes the need to craft a democratic process that allows and encourages participants to inquire into the (potential or actual) “moral or ethical significance and implications” of whatever is said (and not said) in whatever inquiries are fed into, or invoked in the context of, the democratic-process-to-be-crafted.

2.2 Democratic Practical Reasoning in Action: Two Examples to Illustrate the Logic

To illustrate what this construal of democratic practical reasoning might look like in practice, we now consider two illustrative examples. Among other things, the examples will indicate that when institutional crafters engage in democratic practical reasoning, they will not, and need not, necessarily do so in such a way that *all* of the main features of “democratic practical reasoning” outlined above are actually on display. For instance, there may be circumstances in which, for instance, there is little need to engage in backward-looking inquiry into how various groups have (allegedly) attempted to uphold some norm or to realize some value, perhaps because there aren’t cases in which (or there isn’t easily obtainable information about cases in which) groups have attempted to uphold some relevant norm or realize some relevant value in a comparable or relevant way. Suppose, say, that there are individuals who work for some international organization who are interested in crafting, and are empowered (to try) to craft, a decision-making process in their organization that provides members with “equal and adequate opportunities to place questions on the agenda” when the organization initiates a process of rendering a binding decision (as the Criterion of Effective Participation suggests that they ideally should have equal and adequate opportunities to do). We can easily imagine that, without expending a considerable amount of energy looking for relevant cases to investigate, the individuals may not be able to find cases from which to learn lessons. Hence it might make sense to give little or no attention to (at least this kind of) backward-looking inquiry here. Instead, they might just “spin ideas out of their heads,” as it were. Or (as I generally think would be more advisable) they might invest some amount of energy in reviewing and drawing lessons from

robust agenda-setting procedures in smaller-scale organizations (cases that would surely be easier to encounter), and *then* “spin ideas out of their heads,” generating ideas about how best to scale up and adapt practices that are already employed at smaller scales. In any case, the point is that the above list of the main features of “democratic practical reasoning” is meant to be an ideal scheme: it is meant to indicate the main features of how institutional crafters *would* reason about how to craft a democratic process that approximates the ideal procedural criteria as closely as possible, *independent of considerations related to time and other resource constraints*. It is obviously the case, however, that institutional crafters can’t so reason. But, like other ideal schemes and criteria, this one too can generate useful guidelines.

2.2.1 Participatory Public-Opinion Formation and Agenda-Setting (Cum Decision-making) in the EU

Now, as our first example, let us suppose that we are European policymakers, interested in coming up with a novel way of addressing urgent environmental problems in the European Union (EU). We are committed, let us say, to crafting a process for addressing these problems that is as “democratic” as possible. We begin with the thought that there is much public awareness of a variety of urgent environmental problems (say, carbon emissions; air, water, and soil pollution; destruction of biodiversity; and resource-use inefficiency on a large scale), but little public agreement on how best to address such problems. Indeed, we begin, let us say, by recognizing that the EU-public is deeply divided over how to address these issues. In point of fact, let us suppose that available empirical studies of a variety of kinds (public opinion studies, focus groups, ethnographic accounts of particular conflicts over the aforementioned urgent environmental problems in diverse EU-member-state contexts, and so on) overwhelmingly give this impression. This, loosely speaking, is the unique context in which we are to reason about the democratic-process-to-be-crafted.

Suppose we now turn to our ideal procedural criteria for broad guidance about how to address these urgent environmental problems in the EU in a democratic fashion, bearing in mind the context just briefly outlined. How might we productively invoke the criteria? To begin with, suppose we think as follows. The Criterion of Voting Equality at the Decisive Stage indicates that

At the decisive stage of collective decisions, each citizen or member must be ensured an equal opportunity to express a choice that will be counted as equal in weight to the choice expressed by any other citizen or member. In determining outcomes at the decisive stage, these choices, and only these choices, must be taken into account.

Furthermore, the Criterion of Final Control of the Agenda says:

The demos must have the exclusive opportunity to decide how matters are to be placed on the agenda of matters to be decided by means of the democratic process.

Additionally, the Criterion of Effective Participation says:

Throughout the process of making binding decisions, citizens or members ought to have an adequate opportunity, and an equal opportunity: to place questions on the agenda; to

express reasons for endorsing one outcome rather than another; and to express their preferences as to the final outcome. In expressing the reasons for which they endorse one outcome rather than another, participants should assume responsibility for seeking out mutually acceptable and generally accessible reasons for their expressed preferences. Hence, before expressing their final choices, each participant should also have an equal and adequate opportunity to listen and respond to the reasons offered by each of the other participants. In doing so, they should try to understand relevant social situations and activities from relevant persons' perspectives.

Accordingly, we begin, let us suppose, with the idea that a series of referenda might be our best option for trying to craft a process that is as "democratic" as possible and that will address the type of urgent environmental problems that we mentioned. More specifically, the Criterion of Effective Participation and the Criterion of Final Control of the Agenda both suggest, we think, that the citizens of EU member states ought to have the opportunity directly to "set the agenda" in terms of what environmental problems get addressed through EU-level action (or through EU-level action in coordination with individual-member-state action) in the first place. (The former criterion says, notice, that citizens or members ought to have an "adequate opportunity" and an "equal opportunity" "*to place questions on the agenda,*" while the latter criterion says that the demos must have the exclusive opportunity *to decide how matters are to be placed on the agenda for matters to be decided* by means of the democratic process.") Moreover, the Criterion of Effective Participation and the Criterion of Voting Equality both suggest, we also think, that the citizens of EU member states ought to have the opportunity directly to vote on specific legislation to address the issues that make it onto the agenda. (The former says that citizens or members ought to have an "adequate opportunity" and an "equal opportunity" to "*express their preferences as to the final outcome,*" while the latter says that that, "*at the decisive stage, each citizen or member must be ensured an equal opportunity to express a choice that will be counted as equal in weight to the choice expressed by any other citizen or member.*") Hence, a series of referenda might indeed be our best option for trying to craft a process that is as "democratic" as possible and that will address the type of urgent environmental problems that we mentioned.

Yet, well before we enter into the details of how we might go about conceptualizing these referenda and the details of their actual implementation, we come to think that, in the unique context in which we are to enact the democratic process in question, this line of reasoning is perhaps too literal and instrumental than is advisable. For instance, it seems to interpret the idea of "equal and adequate opportunities to place questions on the agenda" more literally than is perhaps advisable for a geographic setting as expansive as the EU. Relatedly, it seems to interpret the envisioned referenda (perhaps rightly) as the most direct instruments for granting citizens those opportunities, but perhaps at the expense of adopting a more nuanced strategy that would arguably bring us closer to the effective granting of *various* "ideal procedural opportunities" and that would arguably allow the process better to promote the assumption of *various* "ideal procedural responsibilities."⁶ For instance, the Criterion of Effective Participation not only says that citizens or members ought to have an "adequate opportunity" and an "equal opportunity" to "place questions on the agenda"; it also says (inter alia) that they ought to have an "adequate opportunity" and an "equal opportunity" "*to express reasons for endorsing one outcome rather than another.*" And, based on the existing research on the use of referenda in

⁶ These terms refer, respectively, to the equal and adequate opportunities that our ideal procedural criteria specify and to the responsibilities that they specify.

various settings, there is some reason to be skeptical that the referenda we have begun to envision would bring us closer to the ideal of giving EU citizens equal and adequate opportunities “to express reasons for endorsing one outcome rather than another.” Furthermore, the Criterion of Effective Participation also says that “participants should assume responsibility for seeking out mutually acceptable and generally accessible reasons for their expressed preferences” and that, in seeking out such reasons, they should “try to understand relevant social situations and activities from relevant person’s perspectives.” And again, based on the existing research, there is some reason to be skeptical that the referenda that we have begun to envision would bring us closer to a situation in which participants (can even try to) assume these responsibilities. So, it’s back to the drawing board, we conclude.

Now, at this point, we realize that we should think more about the context in which we are going to craft the democratic process in question and that we should think more about what existing empirical inquiries might tell us about how best to respond to that context. Here we step back and ask: What, if any, existing or previously existing practices might conceivably allow us better to approximate the granting of the aforementioned equal and adequate opportunities and might conceivably allow us to craft a process that encourages participants to assume the aforementioned responsibilities better than they otherwise would have done had they (say) not participated at all or had we (say) just implemented the aforementioned referenda and had they (say) just voted in them?

First off, we come across academic research on what have been called “mini-publics,” fora that convene a segment of the population in self-consciously organized public deliberations.⁷ These include 21st Century Town Meetings, consensus conferences, and deliberative polls.⁸ Here, we notice, the scale of participation ranges from a dozen citizens to several thousand, and we begin to think that there might be a way of employing mini-publics in our democratic-process-to-be-crafted – that doing so might *both* allow us better to approximate the granting of the aforementioned equal and adequate opportunities *and* allow us to craft a process that encourages participants to assume the aforementioned responsibilities better than they otherwise would have, had they (say) not participated at all or had we (say) just implemented the aforementioned referenda and had they (say) just voted in them. Before thinking through this possibility in greater detail, however, we should probably think more about how the context for our democratic-process-to-be-crafted might pose certain challenges to the participants being able or disposed to assume the *responsibilities* in question. If mini-publics might be used, for instance, to gather thousands of individuals in public dialogues and deliberations throughout the EU, thereby giving many more citizens the opportunity to “place questions on the agenda” and “to express reasons for endorsing one outcome rather than another,” how might they allow us better to craft a process that encourages participants to assume responsibility for “seeking out mutually acceptable and generally accessible reasons for their expressed preferences” and for “trying to understand relevant social situations and activities from relevant other’s perspectives”?

Well, we began with the assessment that the EU public is deeply divided over how to address such urgent environmental problems as, say: carbon emissions; air, water, and soil pollution; the destruction of biodiversity; and resource-use inefficiency on a large scale. And so we now puzzle over the question: Why is the public so divided? Very likely, there are, we recognize, multiple explanations for this state of affairs. But, whatever these are, we think it is

⁷ See Fung (2003).

⁸ Bevir and Bowman (2011).

clear that we are dealing here with, inter alia, deep religious, spiritual, and philosophical differences – differences, let us simply say, in “deep-seated ideologies.” These different ideologies provide varying, sometimes even contradictory, perspectives from which to view our place in the universe, how we should relate to other animals and other living beings, what duties, if any, we humans have to “care” for our natural surroundings, and so on. Suppose, however, that we come to believe that while some of the disagreement is connected to these deep-seated ideological differences, *the bulk of the disagreement about how to address urgent environmental problems that are expressed in relevant public arenas proceeds within certain “narrow” parameters and so against the background of certain (typically tacit) premises, which only a minority of environmentalist and ecologists challenge.* What might these features of our unique context imply about the assumption of the ideal responsibilities in question, we now ask?

Let us look closer at what is involved here. After closely reviewing relevant scholarship, we come to believe that we are dealing here with a case of a “hegemonic discourse,” which we follow Iris Marion Young in understanding in this way.

By a “discourse,” I mean a system of stories and expert knowledge diffused through the society, which convey the widely accepted generalizations about how the society operates that are theorized in these terms, as well as the social norms and cultural values to which most of the people appeal when discussing their social and political problems and proposed solutions. In a society with longstanding and multiple structural inequalities, some such discourses are, in the terms derived from Gramsci, “hegemonic”: most of the people in the society think about their social relations in these terms, whatever their location in the structural inequalities.... When such hegemonic discourse operates, parties to deliberation may agree on premises, they may accept a theory of their situation and give reasons for proposals that the others accept, but yet the premises and terms of the account mask the reproduction of power and injustice.⁹

Furthermore, we follow Young in observing that hegemonic discourses sometimes operate in debates on the future of environmental policy in particular:

International debates about greenhouse gas emissions [for instance]...contain fierce disagreement about whether and how such emissions should be reduced, and how the burdens or reductions should be distributed across the globe. Should richer, more advanced industrial states be required to reduce emissions in greater proportion to less developed countries? Are markets in pollution rights useful policy tools? Should governments subsidize “green” technologies for industrial production and private transportation? *These debates take place within terms of discussion that only marginalized environmentalists question. The discussions assume that the economies of any developed society must rely on the burning of fossil fuels, and that a high standard of living involves airconditioned buildings and lots of consumer goods, including a private automobile for every household. The social imaginaries of both “developed” and “less developed” countries have few ideas for alternative forms of living that would not produce large carbon emissions.*¹⁰

⁹ Young (2001: 685).

¹⁰ Young (2001: 687).

In short, our democratic-process-to-be-crafted, we conclude, is going to take place in something very much like the ideological context that Young describes here. Thus, invoking the Criterion of Effective Participation, we notice that participants therefore have the responsibility to try to understand (among other things) the marginalized environmentalists' perspectives, including why many of them think that the usual debates over the future of environmental policy in the EU are (let us say) "limited," "ideologically restricted," even "irrational," since the bulk of the proposed solutions are cast in terms that reproduce the "hegemonic discourse." More specifically, we notice that many of the marginalized environmentalists think that the assumption that "development," if it is to be successful, *must* rely on the burning of fossil fuels is a "limited," "ideologically restricted" notion of "development," one that, for instance, sets up as a model for all groups and nations to follow the historically specific experience of early industrializers. It ignores, or, as the case may be, tacitly denigrates, other conceptions of "development," "productive resource use," "rational resource allocations," and so on. Correspondingly, we come to realize that many of them think (with Ernst Schumacher, for instance) that the way in which a "high standard of living" is conceived is mistaken, even "irrational," and that they prefer to think in the alternative concepts of "Buddhist economics." They are not "mainly interested in goods," but rather in "liberation."¹¹ Hence, many of them agree with Schumacher's observation that "the modern economist"

is used to measuring the 'standard of living' by the amount of annual consumption, assuming all the time that a man [sic] who consumes more is 'better off' than a man who consumes less. *A Buddhist economist would consider this approach excessively irrational: since consumption is merely a means to human well-being, the aim should be to obtain the maximum of well-being with the minimum of consumption.* Thus, if the purpose of clothing is a certain amount of temperature comfort and an attractive appearance, the task is to obtain this purpose with the smallest possible effort, that is, with the smallest annual destruction of cloth and with the help of designs that involve the smallest possible input of toil.... The ownership and the consumption of goods is a means to an end, and Buddhist economics is the systematic study of how to attain ends with the minimum means.¹²

Furthermore, many of them agree, we notice, with the Buddhist economist that another source of "irrationality" conveyed by many of the (implicit or explicit) subscribers to the "hegemonic discourse" in question is that they follow "modern economics" in not distinguishing between "renewable and non-renewable materials." Its very method, many of our marginalized environmentalists observe,

is to equalise and quantify everything by means of a money price. Thus, taking various alternative fuels, like coal, oil, wood, or water-power: the only difference between them recognised by modern economics is relative cost per equivalent unit. The cheapest is automatically the one to be preferred, and to do otherwise would be irrational and 'uneconomic'. From a Buddhist point of view, of course this will not do; the essential difference between non-renewable fuels like coal and oil on the one hand and renewable fuels like wood and water-power on the other cannot be simply overlooked. Non-

¹¹ Schumacher (2005: 335).

¹² Ibid. 335-36.

renewable goods must be used only if they are indispensable, and then only with the greatest care and the most meticulous concern for conservation. *To use them heedlessly or extravagantly is an act of violence, and while complete non-violence may not be attainable on this earth, there is nonetheless an ineluctable duty on man [sic] to aim at the ideal of non-violence in all he does.*¹³

Hence, we notice that to assume the responsibilities in question – to seek out mutually acceptable and generally accessible reasons for their expressed policy preferences and to make a sincere effort to understand relevant social situations and activities from relevant persons’ perspectives – part of the task would be for those who (explicitly or implicitly) subscribe to the basic tenants of the “hegemonic discourse” in question to try to understand *why* the very terms of the debate strike our marginalized environmentalists as “limited,” “ideologically restricted,” even “irrational.”

Now, at this point we notice that, in thinking about what is involved in the *assumption* of these ideal procedural responsibilities, it is useful to think about what “virtues” would arguably assist the participants in assuming (or that would arguably dispose them to assume) them, and that they would necessarily assume were they to assume them. Thinking through – and naming these – virtues can help us to give content to the claim that participants ought to assume this or that “more specific responsibility” in this or that context. This, in turn, can help us to reason through what, if any, *cultural practices* might arguably assist the participants in assuming (or dispose them to assume) the responsibilities in question.

We now think, for instance, about what it would mean for a member of the group that (implicitly or explicitly) subscribes to the basic tenants of the “hegemonic discourse” in question to try to understand why the very terms of the debate strike our marginalized environmentalists as “limited,” “ideologically restricted,” even “irrational.” And we notice that this effort might well involve a great deal of searching self-scrutiny: “Why do I (tacitly) accept the notion that a society with a higher GDP is, ipso facto, a more ‘developed’ society? Why do I presume that a higher GDP is positively associated with greater well-being and that greater consumption is so too? *Would* my life indeed be more ‘fulfilling’ if I were ‘less attached to material goods,’ and if I were, as my Buddhist (-inspired) interlocutor is trying to impress upon me, more concerned with ‘liberation’? Is it, indeed, ‘irrational’ to equalize and quantify everything by means of a money price, regardless of whether the resource in question is renewable or non-renewable? And is it, indeed, ‘an act of violence’ to use a non-renewable resource in a ‘heedless’ or ‘extravagant’ fashion?”

To genuinely take up the task of asking oneself such questions is, we therefore notice, surely to exhibit a variety of virtues. For instance, assuming one’s starting point *is* an explicit or implicit subscription to the basic tenants of the “hegemonic discourse” in question, one is surely to exhibit some degree of *patience* and *open-mindedness* in opening oneself up to the possibility of radically revising one’s views *in light of the perspectives offered by our marginalized environmentalists here*. For persons in the former group genuinely to consider the possibility, for instance, that their very conception of “rational” resource use is in fact “irrational,” or that some of their routine activities (like “filling up” at the local gas station) are in fact “acts of violence,” or that their very notions of “development” and “well-being” are deeply misguided is surely for those persons to exhibit a considerable amount of *open-mindedness*, at least *while* they do so. Likewise, particularly in light of the amount and kind of factual evidence that would be needed

¹³ Ibid. 337.

to alter one's opinions in these matters, such persons are surely likely to exhibit a good deal of *patience* as well. Furthermore, to open oneself up to the possibility of radically revising one's views in light of perspectives that are not only radically different from but also, to a considerable degree, hostile to one's own views and actual life practices is to exhibit a good deal of *charitableness* as well. Finally, to come to recognize, for instance, that one's way of comparing the relative "costs" of alternative resources (e.g. renewable versus non-renewable ones) presupposes a set of value judgments beyond those that one had previously recognized is, at least in that instance, to come to exhibit a greater degree of *self-awareness* in certain respects.

Thinking through these virtues, we then consider what, if any, *cultural practices* would arguably assist the participants in assuming the responsibilities in question and in cultivating the virtues in question, were they somehow incorporated into the democratic-process-to-be-crafted. We begin with the observation that no procedural requirement (or cluster of procedural requirements) can ensure that participants assume those responsibilities, hence ensure that participants do exhibit such virtues as they necessarily would exhibit were they to assume them. And neither can any procedural requirement (or cluster of such requirements) ensure the cultivation of such virtues as would arguably assist participants in assuming (or dispose them to assume) them in the first place. This is precisely *why* is it useful to consider what, if any, *cultural practices* would arguably assist the participants in assuming the responsibility or responsibilities in question and in cultivating the virtues in question, were those practices somehow incorporated into the democratic-process-to-be-crafted.

So, aware of the usefulness of reasoning through *procedures, virtues, and cultural practices in conjunction*, we then reason about the democratic-process-to-be-crafted itself.

We want to craft a deliberative, dialogical process for how to address urgent environmental problems, where this is understood to imply that participants assume responsibility for, inter alia, searching out mutually acceptable and generally accessible reasons for their expressed policy preferences, hence for trying to understand relevant social situations and activities from relevant persons' perspectives. (Here we recall that the Criterion of Effective Participation and the Criterion of Enlightened Understanding both specify these "ideal procedural responsibilities.") Hence, for the reasons previously indicated, the "ideal expectation," so to speak, is that participants exhibit certain corollary virtues, for instance the virtue of "open-mindedness," and we have reason to want the democratic process itself to cultivate those virtues. But, we recognize, no procedural requirement (e.g. that each participant to whatever specific deliberations occur in this process is permitted to place an item on the agenda for discussion) can guarantee that deliberation will be "reasoned," and, taken by themselves, some procedural requirements arguably won't even make it plausible that this is so. Perhaps, however, there are practices that can be found in many (or all of) the diverse cultures from which participants will come – that can be found in the EU member states – that would arguably assist the participants in assuming (or dispose them to assume) the responsibility in question (and perhaps other responsibilities), and so to exhibit certain corollary virtues (e.g. open-mindedness, patience, charitableness, and self-awareness).

One thing that comes to mind is *the practice of storytelling*. Indeed, there is evidence from a range of country contexts that beginning a discussion with storytelling can be an apt way to promote openness to subsequent deliberation involving explicit reason-giving and proposal-making; it can provide one plausible way for perspectives and proposals that would otherwise not get a (sympathetic) hearing to get one.¹⁴ So, to make the process as "reasoned" as possible

¹⁴ Steiner (2012) and Polletta and Lee (2006).

and to deal with certain problems that might impede it from being so (for instance, “hegemonic discourses” in the area of environmental-ecological problems and proposals), let us try to build a “chain of stories” into the process. The overarching purpose is to generate proposals for action to address urgent environmental-ecological problems, proposals which will be submitted to policy-makers in each of the respective states as well as at the EU-level. The idea is to formulate proposals for action at the EU-level that include descriptions of how these policies will bear on, and can be supported by, environmental governance policies in each of the member states. The process, in short, will be an extended exercise in *participatory public-opinion formation and agenda-setting*.

In crafting the process, it doesn’t make much sense to start from scratch, we observe. Why don’t we take inspiration from existing practices that have broadly similar aims and that have had some success in pursuing them? Take, again, what we earlier referred to as “mini-publics,” forums that convene a small segment of the population (between about a dozen individuals and several thousand) in self-consciously organized public dialogues and deliberations.¹⁵ Again, three examples are 21st Century Town Meetings, consensus conferences, and deliberative polls.¹⁶ Borrowing specific practices from each of these types of mini-public, we can envision a process that would arguably move us closer to the goal of providing equal and adequate opportunities for citizens to “place questions on the agenda” and for citizens to “express reasons for endorsing one outcome rather than another.”

In each region or province of each EU member state, we’ll convene an initial forum for residents of that region or province. As with 21st Century Town Meetings (THMs), each of these might involve the participation of approximately 3,000 individuals. To select participants, we might follow the method sometimes used in deliberative polling. First, a warm-up letter will be sent to a random sample of phone listings and then a follow-up call will be made. Using this method, we are likely to generate a participant pool that is demographically representative of the larger target population. At the event itself, each participant will spend the day at a table composed of 10 to 12 demographically diverse individuals. A trained facilitator will help the table to deliberate the relevant issue. The facilitators will be trained to remain neutral, not to impart information, to support broad participation, and to refrain from promoting consensus among the participants. There will be no restriction on what participants can say or on the kind of speech they can use. Participants will not be instructed to refrain from storytelling or to rely exclusively on arguments. They will also not be asked to restrict their speech to appeals to the common good.

Before the event, participants will be sent background materials that will provide an array of information and perspectives on the issues in question. At the event itself, the participants will begin with a broad dialogue about visions and values in order to clarify what is important to them about the relevant issue. Here, they will be encouraged to tell whatever stories and personal anecdotes they think might convey information and experiences relevant to the issue of environmental governance (broadly conceived) and to their own personal visions and values in this area. The participants will then spend four to five hours discussing whatever key issues and initial policy options emerge out of the initial free-floating discussion about visions and values.

At each table, a volunteer will record the main points of the discussion on a laptop computer. The computers will be networked together. A “theme team” will thus be able to read

¹⁵ Fung (2003).

¹⁶ On 21st Century Town Meetings, see Lukensmeyer et al. (2005) and Fung (2003). On consensus conferences, see Hendriks (2005). On deliberative polling, see Fishkin and Farrar (2005) and Fishkin (2009).

participants' comments from every table in real time and to distill these comments into key messages or themes. The key messages and themes will then be presented back to the whole room. The facilitators will solicit rapid reactions, collect demographic surveys, and conduct straw polls throughout the meeting. Each participant will have a polling keypad with which to respond to the facilitators. Issue experts will also be available to answer specific questions that might arise at the tables. The organizers will attempt to provide balance in selecting the experts, just as they will do so in training the facilitators and preparing the initial briefing materials. A vote will be held at the end of the day to determine (say) the two most popular proposals for action at the EU level.

These proposals will be fed into a national Town Meeting in each of the 28 member states, run using the same format as the initial regional/provincial forums. Instead of meeting just once, however, participants will meet over three weekends. Over those weekends, participants at each of these events (perhaps between 50 and 75 participants at each, yielding a total of between 1,400 and 2,100 people) will work to generate (say) 2 proposals for action at the EU level, starting from the proposals drawn from the earlier regional/ provincial events.

Then, in each EU member-state, a smaller mini-public, modeled on the Danish Consensus Conference, will be held to whittle down the number of proposals generated by each country's respective regional or provincial forums, combining similar proposals that were generated at that level and perhaps discarding some proposals that no longer seem actionable or desirable. Here, the forum will run roughly as follows. 10 to 12 citizens will come together for eight days of deliberation over a period of roughly two months. The participants will attempt to translate the regional/provincial proposals into (say) two actionable policy recommendations. The organizers will use stratified random sampling to match the participants to the desired characteristics of the larger population. The meetings will involve two stages.

The first stage will consist of two preparatory weekends in which the participants convene to learn about one another, the subject, and the process. Based on the regional/provincial proposals, the participants will here develop a series of questions that the conference will discuss. As before, participants will begin with a broad dialogue about visions and values in order to clarify what is important to them about the relevant issue. Subsequently, they will choose people to make presentations to the conference from a list of potential interest group representatives and experts. The second stage will be a four-day conference. The first two days will consist in a plenary session at which the presenters respond to the questions set for the conference. Throughout these days, the citizens' panel will occasionally retreat into closed sessions to articulate further questions for the presenters and to clarify points of contention or misunderstanding. In the final two days, the participants will collaborate on writing a report that outlines their (say) two main policy recommendations, elaborating on how to make them as actionable as possible. They will then present the report to the experts and interest-group representatives who had earlier presented, alongside national policymakers, the media, and interested members of the public who will have assembled to receive the report. The expert and interest-group presenters will then be given the opportunity to reply, and the citizens' panel will then be free to revise their report.

The organizers will include professionally trained facilitators throughout the process, but these facilitators, like the citizen-participants, will not be experts on the relevant topic. An external advisory body will oversee the whole process. This body will maintain the integrity of the procedure, compile the list of presenters, develop the briefing materials, manage contact with the media and the public, and select the facilitators and participants. As with the

regional/provincial and national THMs, the organizers will attempt to provide balance throughout, including when they compile the list of potential expert and interest-group presenters. The external advisory body will generally include academics, practitioners of public participation, and a diverse group of experts on environmental-ecologic issues and problems.

The next stage will be a transnational THM, which will employ the same format as the regional/provincial and national THMs.¹⁷ Here the aim will be to generate (say) 15 proposals for action at the EU level, based on the (say) two detailed, actionable proposals that each of the 28 national consensus conferences generated. The transnational THM will involve (say) 350-400 participants drawn from all 28 member states, and will have simultaneous translations in some 22 languages. Again, they will combine proposals that are similar to one another, and from there generate (say) 15 proposals for action at the EU level.

The participants in the previously held national THMs in the each of the member states will then have the opportunity to vote on the 15 policy proposals: they will have the opportunity to rank the proposals in order of priority and also to register an overall approval or disapproval of each proposal. A randomly selected group of the participants from the transnational THM (say, 100) will then travel to Brussels to submit the recommendations and the vote tallies to EU-level policymakers and to discuss them.

Now, as presented, the above process has been conceived of as way of creating what we might call “participatory public-opinion formation” and “participatory agenda-setting.” It is not hard to envisage, however, various ways in which something very much like the above process might morph into a form of “participatory *decision-making*.” Suppose, for instance, that after running this process a first time – conducting it as a pilot project, if you like – we then decide that we would like to make greater progress toward granting a third equal and adequate opportunity specified by the Criterion of Effective Participation: the equal and adequate opportunity to express one’s preferences as to the final outcome. The process, we have judged, did help the EU *move toward* a state of affairs in which EU citizens have equal and adequate opportunities “to place questions on the agenda” and “to express reasons for endorsing one outcome rather than another”; and it also helped the EU *move toward* a state of affairs in which the participants to “the democratic process” in the EU assume responsibility for “seeking out mutually acceptable and generally accessible reasons for their expressed policy preferences” and for “trying to understand relevant social situations and activities from relevant persons’ perspectives.” We are far from *fully* achieving these outcomes (Is that even possible? How could we know?); but given the research we have conducted on the process as it was implemented and as citizens engaged in it, we think that, relative to the status quo ex ante, we have made improvements on these dimensions of the Criterion of Effective Participation. But we want to make progress on granting EU citizens equal and adequate opportunities to “express their preferences as to the final outcome,” as the Criterion of Effective Participation also asks us to do. Likewise, we want to make progress on better approximating the goal set out by the Criterion of Voting Equality at the Decisive Stage, which again says:

At the decisive stage of collective decisions, each citizen or member must be ensured an equal opportunity to express a choice that will be counted as equal in weight to the choice

¹⁷ The inspiration here comes from two sources: the first international deliberative poll as described by Fishkin (2009) and the European Citizens’ Consultations as presented here: See <http://www.european-citizens-consultations.eu/> (last accessed on April 14, 2010).

expressed by any other citizen or member. In determining outcomes at the decisive stage, these choices, and only these choices, must be taken into account.

Furthermore, we want to make greater progress on meeting the Criterion of Final Control of the Agenda by the Demos, which again says:

The demos must have the exclusive opportunity to decide how matters are to be placed on the agenda of matters to be decided by means of the democratic process.

So, instead of sending a randomly selected group of the participants from the transnational THM to Brussels just to *discuss* the 15 proposals for action at the EU-level with EU policymakers, suppose we instead did the following. As indicated, the last time we ran this process the participants to the national THMs in each of the member states had the opportunity to vote on the final 15 policy proposals generated by the international THM: they had the opportunity to rank the 15 proposals in order of priority and to register an overall approval or disapproval of each proposal. This time, instead of just having a randomly selected group of the participants from the transnational THM bring these 15 proposals and these two vote tallies to Brussels to discuss them, *we'll instead submit 5 of these 15 proposals to a public referendum.*

Very quickly, here's how we'll choose the 5. Any proposal for which a simple majority of participants from the national THMs voted "No" will not be included in the referendum. Let us say that 8 of the original 15 proposals receive a simple majority of "Yes" votes. We'll then use the rank-order priority votes to weigh the remaining 8 proposals, generating a list that indicates which is the most popular proposal, the second most popular proposal, the third most popular proposal, and so on, all the way down to the eighth most popular proposal. The five most popular proposals will then be included in the public referendum, which will allow the general public to approve or disapprove of each of the five proposals.

Arguably, this process would allow us to make greater progress on meeting the Criterion of Effective Participation *and* the Criterion of Final Control of the Agenda by the Demos.

2.2.1 Participatory Public-Opinion Formation and Agenda-Setting in U.S. Foreign Policy Debates

For our second illustrative example, suppose we are a small group of legislators (say there are 10 of us) in the United States Congress. Above all, what brings us together is a commitment to creating a more "democratic process" for formulating US foreign policy. More specifically, we would like to contribute to the emergence of a more open, deliberative, and dialogical way of formulating US foreign policy than we think currently exists in Congress. We are particularly interested in the question of US interventionism abroad. Broadly speaking, we think that, too often, Congress "debates" foreign policy in such a way that those with highly critical perspectives on US foreign interventions do not get a fair hearing – indeed, quite often, are not heard at all. We also think that, on the whole, the way in which foreign policy is "debated" in the American media is inadequate, that it leaves the public woefully uninformed about the motives, character, and consequences of US interventionism. Ideally, we would like to see Congress itself change, so that Congresspersons are more capable of, and interested in, engaging in an open, deliberative, and dialogical way of formulating US foreign policy, one which takes account of how US foreign policy significantly affects various constituencies

throughout the world. Relatedly, we share the longer-term hope of making it so that Congress is much less likely to support US military interventions abroad. But, recognizing the truly ambitious nature of these aims, *we start with the thought that we might simply help to create venues for discussing and debating US foreign policy-making that run parallel to formal Congressional proceedings.*

Again, broadly speaking, our thinking is that given that we are a very small group of legislators; that our resources are limited; that there are deeply entrenched interests in Congress that would move to block a more open and transparent dialogue about the motives for, and the character and consequences of, US interventions abroad; and that formal-legal changes to how Congress itself operates are not only very unlikely to occur in the short-term but also unlikely to address the main sources of US interventionism abroad, we therefore believe that our energies are initially best spent in helping to facilitate the creation of venues for open, deliberative, and dialogical engagements on US interventionism *in the informal public sphere outside the state.* Broadly speaking, our hope in the short run is that these engagements might simply make US public opinion regarding US military interventions abroad more informed. In the long run, our hope is to bring informed opinion to bear on the actual exercise of public power in this area – to bring the public into decision-making about (potential or proposed) US interventions abroad in a more meaningful and democratic way. And we think that one way to make a step toward that latter aim is to craft a process for participatory public-opinion formation “outside the state,” which might subsequently be “brought into the state.” (Even then, we recognize, such a process might also continue to exist “outside of the state” and run *parallel to* a participatory public-opinion formation process that is somehow “conducted through the state.” We might, then, think of the parallel process as a kind of “shadow” public-opinion formation process.)

Very broadly speaking, this is our own understanding of our project and of the unique context in which we hope to pursue it. (We’ll fill in more details as we proceed.) So, we now start to think about the democratic-process-to-be-crafted. What guidance might our ideal procedural criteria provide us here? Well, first off, we notice that the Criterion of Enlightened Understanding is relevant for assessing our initial project of making US public opinion regarding (potential or proposed) military interventions “more informed.” The criterion says, we recall, that

Each citizen or member ought to have adequate and equal opportunities for discovering and validating (within the time permitted by the need for a decision) the choice on the matter to be decided that would best serve the citizen’s or member’s good or interests. In considering that choice, each participant should have an equal and adequate opportunity to offer his or her reasons for preferring one outcome to another, and to listen and respond to the reasons offered by each of the other participants. In doing so, participants should assume responsibility for seeking out mutually acceptable and generally accessible reasons for their expressed preferences, hence for trying to understand relevant social situations and activities from relevant persons’ perspectives.

We then note that while not all aspects of this criterion are entirely familiar from common, everyday “American” understandings of “democracy” at the national level, the idea that “each citizen ought to have adequate and equal opportunities for discovering and validating (within the time permitted by the need for a decision) the choice on the matter to be decided that would best serve the citizen’s good or interests” can easily be related to a viewpoint that *is* familiar: the viewpoint that, in Dahl’s words, democracy should be “conceived as a system in which ‘rule by

the people’ makes it more likely that the ‘people’ will get what it wants, or what it believes is best, than alternative systems like guardianship in which an elite determines what is best.”¹⁸ And “to know what it wants, or what is best, the people must be enlightened [or, for our immediate purposes, we might just say “informed,” about the past, present, and proposed actions of “relevant” agents and agencies], at least to some degree.”¹⁹

So, let us take this familiar understanding as a point of departure for trying to persuade others of the reasonableness of our overall project. But to find additional resources for that purpose, let us look closer at how people in our culture often *think* citizens can become “enlightened,” or, to some degree at least, “informed,” about the past, present, and proposed actions of “relevant” agents and agencies in the area of (say) US foreign policymaking. We’ll then look to see if there are any major *shortcomings* in how people in our culture often do think that citizens can become so enlightened or informed. For this will provide us with an opening for arguing for the merits of our own proposed participatory approach to public-opinion formation in this area.

First off, we observe that there is a long-standing tradition of interpreting the press’s role as being that of informing the public of the American government’s policies and actions. So, we begin by looking closely at how the role of the press has often been characterized in American constitutional interpretation and political commentary more generally. “Under the First Amendment,” we observe media scholar Jonathan Mermin writing, “the press is free to report criticism of the government, and it is often taken for granted that the United States therefore has a press that *is* independent of the government.”²⁰ We then notice that this conception of a “free press” (which, so it is thought, serves to promote “the public interest” by investigating and, where it believes necessary, openly criticizing government policy) has been articulated by, among others, a number of Supreme Court Justices. As Justice Potter Stewart has remarked, for instance, the First Amendment creates “a fourth institution outside the government as an additional check on the three official branches.”²¹ Similarly, Justice Hugo Black has remarked that, with the First Amendment, “the Government’s power to censor the press was abolished so that the press would remain forever free to censure the Government.”²² “Although this interpretation of the First Amendment goes well beyond what the founders appear to have intended,” Mermin comments, “*the principles Stewart and Black expound are essentially*

¹⁸ Dahl (1989: 111-112).

¹⁹ Ibid. 111-112.

²⁰ Mermin (1999).

²¹ Quoted in Bollinger (1991: 177, n. 44).

²² Quoted in Hentoff (1980: 206). As we say below, the important point, in the present connection, is not that these “principles” are *actualized* – not, that is, that the press or the media more generally “*is* independent from the government” (in the relevant senses). In quoting the passages we do in this paragraph, we do not mean to suggest *that*. Rather, the point is that these principles are “essentially uncontested” *as* “principles,” or desirable aims, at least when given a sufficiently broad and defensible interpretation (and at least, as we say below, in the dominant political culture of the United States). On our view, such an interpretation would include the claim that *some* form of media should operate as an “independent observer of political power, having the right and the responsibility to maintain its independence of government”; but it would leave open what more precisely *defines* “independence,” apart from the minimal criterion of “not controlled (or managed or censored. . .) by the government.” And, likewise, it would again leave open the extent to which these principles are realized. That being so, however, it would also have to leave open, as we mention below, the (we think reasonable) acceptability of *some* government “oversight,” in order, for instance, to protect individuals from libel.

uncontested in the modern era. The press is seen as an independent observer of political power, having the right and the responsibility to maintain its independence of government.”²³

Similar comments may be found in the press itself, we notice. Consider, for instance, Anthony Lewis of the *New York Times*, who writes: “The press is protected [by the First Amendment] not for its own sake *but to enable a free political system to operate.* In the end, the concern is not for the reporter or the editor but for the citizen-critic of government.”²⁴ Freedom of the press is something worth struggling to protect, for it is “the freedom to perform a function on behalf of the polity.”²⁵ In describing that function, Lewis cites Justice Powell, who observes that, “no individual can obtain for himself the information needed for the intelligent discharge of his political responsibilities.... By enabling the public to assert meaningful control over the political process, the press performs a crucial function in effecting the societal purpose of the First Amendment.”²⁶ Indeed, as Judge Gurfein has said, “a cantankerous press, an obstinate press, a ubiquitous press must be suffered by those in authority *in order to preserve the even greater values of freedom of expression and the right of the people to know.*”²⁷

Many Americans, of course, may not accept the view that a “free press” ought to be defended, or defended primarily, on *instrumental* grounds: on the grounds that it ought to be protected “in order to preserve [say] the even greater values of freedom of expression and the right of the people to know,” or “to enable a free political system to operate.” Instead, they might defend it, as in fact we would, as also being a value in its own right. Likewise, some might dispute, as again we would, the extent to which the press, in practice, actually serves their putative role *as* “independent observers of political power.” And, of course, the question of what itself constitutes a “free” or “independent” press is deeply contested, just as the question of what constitutes a “free political system” is too.

These issues aside, however, the above comments nevertheless serve to express a view that is, we emphasize, both familiar and widely held in American political culture: the press, or, better yet, (elements of) the media more broadly, ought to seek out “the information needed for the intelligent discharge of [the citizen’s] political responsibilities,” thereby “*enabling the public to assert meaningful control over the political process.*” To the extent that the media act as an “independent observer of political power,” and are free to “censure” the government as they see fit, the media (may) perform a crucial function on behalf of the polity: they (may) allow the citizen more effectively to act as an informed “citizen-critic,” or at least enhance her ability so to act. Presumably, the media thereby allow the public as a whole to play a more meaningful role in the political process; political participation, of whatever kind, can lose (much of) its meaning if those participating do not have adequate opportunities to inform themselves about the past, present, and/or proposed actions of “relevant” agents or agencies, including, of course, “public” ones. Insofar as the media play this role – or insofar as they allow *citizens* so to act – they therefore serve an important societal or political function, acting, in effect, as an institution outside the government that serves as an additional “check” on those inside it. Consequently, it is imperative that the press, and (elements of) the media more generally, remain critical and “independent” observers of political power.²⁸ Accordingly, it is imperative that the media have

²³ Ibid; my emphasis.

²⁴ Lewis (1987: 13-15); my emphasis.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Cited in Abrams (2014: 213); my emphasis.

²⁸ Of course, not all elements of the media need be so independent or serve such a function, we would observe. Even on the viewpoint that we are sketching, state-supported media (such as television programming) might have a

the right (within some limits, of course²⁹) to publish their inquiries freely, without sanction or fear of reprisal on the part of public authorities. Indeed, at least on some variants of the view we are sketching, the press and (elements of) the media more broadly have the *responsibility* to remain so “independent”; not to do so would be to abdicate one of the basic functions they allegedly exist to perform, and to abandon one of the reasons for which many citizens, in one form or another, support them. And these principles, it would seem, are “essentially uncontested in the modern era” – at least, we would clarify, in the dominant culture of the United States.

Now, this overview serves to indicate why we think that, indeed, it is widely thought in the dominant political culture of the United States that the press’s role is to inform the public of the policies of the United States government, including, we may add, its foreign policies. And the same may be said of certain other forms of media. To make sure we are all on the same page, let us re-state the logic that leads so many of us to this conclusion, listing the major presumptions that are at work in that logic.

We begin with the presumption that in a democratic political system, citizens need “relevant” information in order intelligently to discharge their political responsibilities and/or to realize the aim of meaningfully participating in the democratic process (to the extent that they may wish to do so). More specifically, we assume that, to do so, citizens need an “adequate level” of information about the past, present, and/or proposed actions of “relevant” agents or agencies, including “public” ones. Without it, participation, of whatever kind, may become (largely) meaningless. Let us call this *The Presumed Requirement of Relevant Information for Meaningful Participation*. (This presumption follows, in turn, from the viewpoint that one of the reasons we believe that a “democratic system” is preferable to the other [feasible] systems that we might adopt [or that we might be made to endure!] is that such a system is the most likely to make it so that, as we earlier put it, the respective demos, in some sense, “gets what it wants [or thinks best].” And, evidently, the ability of the demos to “gets what it wants [or thinks best]” is dependent on, among other things, the possession of information about the past, present, and/or proposed actions of “relevant” agents or agencies, including “public” ones.)

We then presume that in order to obtain such information, no citizen can act alone; no one *may* conceivably obtain such information alone.³⁰ Let us call this *The Presumption of Dependence on Public Information*.

legitimate role to play in the broader media environment. And, of course, elements of the media need not play the role of “observing” political power at all.

²⁹ Few, we think, would reflectively endorse the notion that the press, or the media more broadly, should have an “absolute right” to publish just *anything*, or at least *anything* under the name, say, of “news” or “reporting.” Controversies, of course, will no doubt continue to rage over how to conceptualize “freedom of expression.” Here, however, the important points are: first, that some view of “freedom of expression” is widely defended, *in part because it is viewed as instrumental or integral to the democratic process itself*; and second, that any such view should include the right of the media (admittedly, within in some limits) to investigate and openly criticize governmental actions.

³⁰ Indeed, it is not even clear what it would mean, at least in a literal sense, for a citizen to obtain such information by “acting alone.” For one thing, any such inquiry will involve (depend on) language (even if only in thought), which is clearly a *social* resource. Furthermore, any such inquiry is likely to, perhaps inevitably will, use other historically evolved (social and intellectual) artifacts, such as computers, calculators, binoculars, navigational tools, and so forth, not to speak of such “artifacts” as culturally-transmitted “narrative frames.” Accordingly, *all* practically conceivable forms of inquiry would seem to involve, or depend on, social resources.

Still, some might want to say that there are senses in which an inquiry might be (best described as being) conducted “individually”: for instance, if an individual goes out by herself to establish the “relevant facts” regarding some event. Notice, however, that if the event in question has already passed, she will have to rely on the testimony of others. So, even if we agree to say that she conducts an inquiry “by herself,” or “individually,” this will only be

Furthermore, we presume that in order to obtain such information, citizens cannot, and should not, rely solely on information provided by the public authorities themselves. For we presume that, in doing so, they will not obtain the (kind or quality of) information that is needed intelligently to discharge their political responsibilities, or to realize the aim of meaningfully participating in the democratic process, or the aim of making it so that the demos “gets what it wants (or thinks best).” Or, short of that, we presume that even if they do sometimes obtain it, they are generally much less likely to obtain it. So, we believe that citizens should have access to “independent” sources of (relevant) information. Let us call this train of thought *The Presumed Requirement of Independence from Government Information*.

Taking these thoughts together, we then presume that we have good reason to believe that information should be generated and dispersed *socially*, or *publically*, but in a sense other than “by the government,” and that the press and (elements of) the media more broadly are to play this role. We’ll call this *The Presumed Requirement of Independent and Critical Public Information*.

Next, we notice that the latter part of our last presumption (“and that [elements of] the media more broadly are to play this role”) follows from the view that the media, by definition, constitute a mechanism for the “social” or “public” generation and dispersal of information of various kinds. That, in part, is what the media are, we tend to think; for the media not to do so would be to render their function *as* “media” obsolete – or at least seriously bring into question their *status* as “media.” Hence, some form of “media,” we presume, should seek to generate, and then disperse, the kinds of information that are specifically relevant to *political participation* – for example, factual information about current affairs, including governmental actions, as well as critical, independent commentary and analyses thereof. Where they do not provide such information, commentary, and analysis, the thinking goes, the respective demos is unlikely to obtain it. And to the extent that they play this role, the media potentially may be said to constitute “independent observers” of political power, and so to serve a crucial function on behalf of the respective democratic process or system. For, in so acting, they presumably afford (prospective) citizen-critics with access to the kinds of knowledge and information that they (might) need, or that might bring them to want, to “censure” government actors and actions or to otherwise evaluate those actors’ actions, thereby allowing the public as a whole to play a more

partly accurate; for equally, we might say that while she perhaps instigated or directed it, she did not *conduct* it, or, what is perhaps clearer, *carry it out*, “entirely on her own.” It also involved, for instance, the effort of others who tried to remember, to sort out their memories about, what happened. Hence, if the inquiry is an historical one, in the broad sense of being about something that already happened (however recently), it will, for that very reason, also be a social one. What, though, of a case in which an individual plans to inquire about something yet-to-come, and then herself directly observes it when it does come about? Here, we believe, is the type of case in which the idea of inquiry-by-oneself, or individual inquiry, is most plausible, the type of case in which either of those phrases might be apt. In this case, it is conceivable at least that our inquirer would not need to rely on the testimony of others – that she might only need to rely on her own “observations” (but only, as we’re about to indicate, on her own “observations” in a very particular sense of that word). Notice, however, that this could conceivably be the case in only a very limited range of cases. Most “observational studies” involve interaction with others: for instance, ethnography, participant observation, and survey research. In that sense, they are *social* forms of inquiry. Nevertheless, one might, reasonably enough, still choose to say that, all things considered, it is best to describe the inquiry as conducted “by a single person,” or “individually.” The important point, then, is that *if* one refers to (and so thinks of) such an inquiry in this way, one does not lose track of the social resources that inevitably will enter into it – of that fact that, at a minimum, language, as a social resource, *will* necessarily enter into it. (We say “necessarily” here because, to our minds, the idea of an “inquiry” that does not at least involve *thought in language* is inconceivable.)

meaningful role in the political process. Let us call this *The Presumed Contribution of Independent and Critical Media to Meaningful Participation*.

This contribution to meaningful participation, some would therefore say, is necessary to the realization of (at least certain of) the fundamental aims of the democratic process itself; for instance, allowing the respective demos, in some sense, “to get what it wants (or thinks best).” Or, short of that, it surely should be regarded as an important contributing factor to our ability to realize those aims, including the one just mentioned. (Hence, if we were to invoke our own ideal procedural criteria and not just appeal to ideas that are already familiar in our public political culture, it could also be regarded as a contributing factor to our ability more closely to approximate the Criterion of Enlightened Understanding. But, for now, we’re sticking with an interpretation of ideas already widely available in the public political culture.) So, we presume that, “from a democratic perspective,” it is necessary to defend freedom of expression, and, more particularly, the freedom of the media to investigate and openly criticize governmental actions. This we’ll call *The Presumed Need to Protect Independent and Critical Media*.

So, to summarize in a more succinct fashion: We first presume that, in the context of a democratic process, citizens need some (adequate) level of relevant information to make political participation (at least reasonably) meaningful (*The Presumed Requirement of Relevant Information for Meaningful Participation*). Second, we presume that in order to obtain such information, no single individual may conceivably act alone (*The Presumption of Dependence on Public Information*). Third, we presume that in order to obtain such information, citizens cannot, and should not, rely solely on information provided by the public authorities themselves, but rather should have access to “independent” and “critical” sources of such information. What is more, we presume that such information is best generated, and then dispersed, socially or publically, but not in the sense of “by the government,” and that the press and (elements of) the media are to play this role (*The Presumed Requirement of Independent and Critical Public Information*). To the extent that they do so, the press and (elements of) the media, we believe, therefore serve a crucial function on behalf of the respective democratic system or process, presumably allowing the relevant demos to play a more meaningful role in it (*The Presumed Contribution of Independent Media to Meaningful Participation*). Accordingly, an independent press/media is viewed as a necessary element of our capacity to realize (at least certain of) the basic aims of the democratic process (or is at least seen as an important contributing factor to it), and we therefore presume that, “from a democratic point of view,” we have good reason to want to protect the right and to guard or enhance the ability of the press/the media to be so critical and independent (*The Presumed Need to Protect Independent and Critical Media*).³¹ (Again, if we were to invoke our own ideal procedural criterion and not just appeal to ideas that are already familiar in our public political culture, we could say that, from the point of view provided by

³¹ We say here “the right *and* ability of the media to be so critical and independent” on the supposition that, here as elsewhere, we are never merely concerned with an abstract “right.” Rather, we defend “rights” to protect individuals’ (and sometimes groups’) abilities to do things. This, we believe, is even the case when we speak of “negative liberties”: a liberty which entails being *protected* from some form of harm or coercion is still a liberty to act (say, to move about or speak) in particular ways, without being, say, tortured or arbitrarily thrown in jail. Hence why we suggest here that our concern is not just with “the right” of the media “to be so critical and independent,” but also with their “ability” to be so. Of course, one can aim to protect that right without thereby committing oneself to trying to enhance *all* of the conditions that (some might think) are indispensable to their ability to be so critical and independent. That said, in light of what we’ve just said, a commitment to the “right” in question would seem to entail a commitment to guarding or enhancing *some* of the conditions that are necessary or indispensable to be the press’s (and the media’s) being so critical and independent.

those criteria, we have good reason to want to protect the right and to guard or enhance the ability of the media to be so critical and independent.)

At this point, however, it is important that we assess if there are any major shortcomings in how people *apply* this line of reasoning in interpreting how the press or other elements of the media *actually function in our society*. For, again, this will provide us with an opening for arguing for the merits of our own participatory approach to public-opinion formation in this area.

Our reflections on this issue have brought our attention to four closely related claims that are worth signaling here. We'll momentarily see the importance of these claims when we look more closely at how the actual role of "the free press" is often interpreted in American society.

Broadly speaking, the first claim is that there is apparently no "procedural" way of guaranteeing that the press or the media operate in the way that the above line of reasoning suggests they should. That is, to generate an "adequate" level of "independent" and "critical" public information, and, in particular, to do so about the past, present, and/or proposed actions of "relevant" agents or agencies, including "public" ones, no "procedure," however complex or sophisticated, may simply be followed in order to do so.³² Indeed, *no* form of "inquiry" can successfully be executed *simply by "applying" a "procedure"*; doing so never provides a guarantee of producing the "intended results," such as they are, and no "procedure" can specify what tasks will even be needed to "complete" any given inquiry. All inquiry involves the exercise of contextual judgment, and competence in making such judgments is something that is acquired and developed through practice with the relevant activities. Within the Western philosophical tradition, the point has been recognized at least since Aristotle, and was often made by the classical pragmatists. Here, we do not attempt to argue for it, but merely refer to it, and just observe that the practitioners of any trade or craft invariably seem to recognize its veracity.

The second, closely related claim is that no formal-legal "guarantee" can secure the production of an "adequate" level of "independent" and "critical" public information (in the above sense) either. Instead, those tasked with the responsibility of producing, and then distributing, such information obviously have to have the requisite abilities and dispositions to do so, as well as the requisite willingness to do so.

Taken together (and this is the third claim), the first and second claims seem to imply that in order to generate an "adequate" level of "independent" and "critical" public information (in the above sense), we must rely, *in some significant measure, on the virtues of those who are tasked with the responsibility of producing, and then distributing, that information, and on their willingness to do so.*

Fourth, this implies (inter alia) that in order to guard or enhance the ability of the media to be critical and independent in the way that we have suggested they should be, struggling to protect their *right* to be so (by implementing certain formal-legal protections, following certain procedures, or otherwise) is not sufficient. If the relevant agents do not themselves develop and evince the appropriate dispositions for producing the kinds of information in question, and do not have the requisite willingness to do so, no procedure or formal-legal protections will make it so that citizens have an "adequate" level of "independent" and "critical" public information.

An example will be useful in indicating the import of these claims for our present purposes. There are a number of reasons why we cannot simply follow a procedure in order to produce the information in question, and a number of reasons why we cannot simply rely on

³² This is not to say that no "procedure" can assist us in doing so. There are, of course, procedures that can assist us in this way. The point, rather, is that, on our view, no procedure, however complex or sophisticated, has much, if any, chance of doing so "by itself."

formal-legal protections for those who are tasked with the responsibility of doing so. One of those reasons is that the referents for the terms that I am placing in quotes in the phrase “‘adequate’ level of ‘independent’ and ‘critical’ public information” are not only vague and contested, but also, in part because they are so, more or less continuously shifting. Therefore, *each requires contextual interpretation and justification*. Consequently, we need to assess: first, how, in practice and in some particular context, these terms are actually applied, what their actual referents are; and second, whether, in light of those reflections, the term is therefore actually warranted.

Take the notion of “independent” information or news production as it is sometimes interpreted by defenders of (something at least very much like) the line of reasoning we outlined above regarding the proper role of “the free press” in a “democratic society.” For simplicity, we have so far spoken as if this term were unproblematic, even though it is actually not. We did this because, as we earlier said, in the dominant political culture of the United States at least, there is widespread agreement on the claim that, at a minimum, the press as well as (elements of) the media more broadly ought to be “independent” observers of political power. They ought to be free to investigate and openly criticize governmental actions, without sanction or fear of reprisal on the part of public authorities.³³ If so, “freedom of the press” in *that* sense is, indeed, essentially uncontroversial, and we are warranted in speaking of widespread agreement on the importance of protecting the media from infringements on their right and ability to act “independently” to produce such information and inquiries. Nevertheless, when we move away from this sense of, or criterion for the application of, “freedom” or “independence” to other senses of, or criteria for the application of, these words, we do not meet with such agreement. And for the purposes of explaining how we would like to craft our participatory approach to public opinion-formation and agenda-setting in the area of foreign policy-making, it is important that we see how this is so.

Consider, in this connection, Jonathan Mermin’s work on U.S. foreign-policy coverage and debate in the American media, presented in *Debating War and Peace*.³⁴ Mermin writes: “It is clear that the media are players in the construction of foreign-policy debate in the United States.”³⁵ “But,” he asks, “what part do they play? Do journalists function as independent, critical observers of U.S. foreign policy?”³⁶ Mermin is not concerned to challenge the “First Amendment ideal of a press independent of government”; rather, he is concerned to evaluate the relationship of “American journalistic practice *to* that ideal.”³⁷ “It is often just assumed,” he writes, “that the First Amendment ideal is fulfilled in the United States. In formal legal terms, the American media *are* independent of government, free to report the news without official interference.”³⁸ “Under one model of an independent press,” basically the one which we considered above, “the press is independent of government *if journalists are free to report criticism of public officials and their policies*. American journalists have this freedom. But what has been done with it in practice? In assessing the independence of the American media, this is the fundamental question that must be addressed.”³⁹

³³ To be clear, I again stress the qualification that, in adopting this view, we may still endorse *some* government “oversight,” in order, for instance, to protect individuals from libel.

³⁴ Mermin (1999).

³⁵ *Ibid.* 4.

³⁶ *Ibid.*

³⁷ *Ibid.* 5-6; my emphasis.

³⁸ *Ibid.* 7.

³⁹ *Ibid.* 143; my emphasis.

When we address it, what does empirical investigation show? If, as some critics have suggested, “the evidence shows that journalists are letting actors inside the government set the terms and boundaries of foreign-policy debate in the news, then the free press is *voluntarily surrendering to the government an essential element of its power under the First Amendment*.”⁴⁰ “The towering example of Vietnam,” he continues, “might seem to indicate that presidents are unable to set the terms and boundaries of foreign-policy debate in the news.”⁴¹ Indeed, “some observers concluded that the media had emerged as independent critics of U.S. foreign policy in the 1960s, reporting the Vietnam War in terms that contradicted the official declarations of the Johnson and Nixon administrations.”⁴² Journalists, in fact, “were said to have generated public opposition to the war with stories that encouraged Americans to question the wisdom and the credibility of their government.”⁴³ Yet this interpretation has been challenged by empirical research. In the 1980s, Daniel C. Hallin, for instance, found that (in Mermin’s summary):

newspaper and television coverage of U.S. intervention in Vietnam had been very supportive in the early and mid-1960s, when a consensus in Washington supported U.S. policy. Not until 1967–68, when high officials in Washington had spoken out against the war, does the news turn critical. Hallin offered a simple explanation for the emergence of critical coverage of the Vietnam War: mounting opposition to American policy inside the U.S. government. *Until critical perspectives on the war had been expressed in Washington, no alternative to the White House position on the nature of the conflict in Vietnam and the need for U.S. intervention could be found (except at the margins) in the news.*⁴⁴

And in 1990,

W. Lance Bennett offered a general formulation of what Hallin described in the Vietnam case. The mainstream media, Bennett argues, “‘index’ the range of voices and viewpoints in both news and editorials according to the range of views expressed in mainstream government debate about a given topic.” *The spectrum of debate in the news, the indexing hypothesis asserts, is a function of the spectrum of debate in official Washington. If there is debate inside the American government over U.S. policy, critical perspectives appear in the news. If government policy has bipartisan support in Washington, however, critical perspectives expressed outside the government are not well reported.* Bennett found that coverage of U.S. aid to the Nicaraguan Contras in the 1980s fit this pattern, with critical coverage of American policy rising and falling in the news as Democratic opposition to Contra aid waxed and waned.⁴⁵

These are important findings, Mermin notes, and they illuminate the two cases in question. But the findings reported with respect to these two cases “do not [suffice to] demonstrate a general pattern”; two cases do not a “general pattern” make. To see whether the pattern *is* more general, a broader investigation is needed, which Mermin carries out.

⁴⁰ Ibid. 7; my emphasis.

⁴¹ Ibid. 4.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid. See Hallin (1986).

⁴⁵ Ibid. 4-5. See Bennett (1990).

To offer more “systematic evidence of the impact of foreign-policy debate in Washington on the spectrum of foreign-policy debate in the news,” Mermin examines “coverage of eight military interventions in the post-Vietnam era — the invasions of Grenada and Panama, the bombing of Libya, the buildup to the Gulf War (divided into its August and November phases), the Gulf War itself, and U.S. intervention in Somalia and Haiti.”⁴⁶ In doing so, Mermin follows Bennett “in using the term *indexing* to describe journalism that lets the spectrum of debate in Washington determine the spectrum of debate in the news.”⁴⁷ However, Mermin observes that

it would be no great surprise to find that the spectrum of debate in the news was *to some degree* indexed to the spectrum of debate inside the government. Conflict inside the government is newsworthy, and one would expect it to be reported. The words of government officials, moreover, often constitute diplomatic events that demand coverage. Evidence that there is a correlation between debate in Washington and the spectrum of viewpoints reported in the news is not, therefore, of such great interest. What would be of great interest is evidence showing that critical perspectives do not just increase from a reasonable baseline in the news when there is debate in Washington, but instead *are ignored or marginalized in the news if not first expressed in Washington*.⁴⁸

Accordingly, Mermin’s inquiry seeks to test “the marginalization version of the indexing hypothesis, not just the correlation version.”⁴⁹ Bennett claims that, “evidence supporting the indexing hypothesis would suggest that the news industry has ceded to government the tasks of policing itself and striking the democratic balance.”⁵⁰ But, Mermin says, “this conclusion [instead] requires [that we find] evidence to support the *marginalization* version of the indexing hypothesis, not just the correlation version.”⁵¹ (Or, as we ourselves would rather say, this conclusion would at least be *more* warranted if the evidence were to support “the *marginalization* version of the indexing hypothesis.”)

As Mermin elaborates the difference between these two versions of the indexing hypothesis:

If critical perspectives on policies that win bipartisan support in Washington are *simply outweighed* or *overshadowed* in the news by the official perspective – what might be called the *correlation* version of the indexing hypothesis – then indexing is not a matter of much significance. [Recall what was said above: “Conflict inside the government is newsworthy, and one would expect it to be reported. The words of government officials, moreover, often constitute diplomatic events that demand coverage. Evidence that there is a correlation between debate in Washington and the spectrum of viewpoints reported in the news is not, therefore, of such great interest.”⁵²] But if critical viewpoints not articulated in Washington are *ignored* or *relegated to the margins of the news*—the *marginalization* version of the indexing hypothesis—then this tells us something quite striking about the relationship of American journalistic practice to the First Amendment

⁴⁶ Mermin (1999: 5).

⁴⁷ *Ibid.* 5.

⁴⁸ *Ibid.* 5.

⁴⁹ *Ibid.* 14.

⁵⁰ Quoted in Mermin (1999: 14).

⁵¹ *Ibid.* 14.

⁵² *Ibid.* 5.

ideal of a press independent of government.⁵³

What, however, is meant here by the phrase “the government”? “In the context of foreign policy,” Mermin observes, “it must include—at a minimum—the president and Congress, the executive and legislative branches. This, one might imagine, is what the press is expected to be independent of.”⁵⁴ Yet “if the indexing hypothesis is correct,” or (as we ourselves would prefer to say) if it may be significantly substantiated, “one must conclude [one would seem to have reason to conclude] that American journalists report the news, in practice, as if the *president* were the government, and critics of U.S. policy inside the government—in Congress or within the administration itself—constituted an independent vantage point. When spelled out in these terms the premise sounds absurd. *But this is how journalists in effect operate under the indexing rule.*”⁵⁵

Hence, “what makes the indexing of debate in the news to the spectrum of debate in the Washington an interesting phenomenon, [particularly] if the evidence supports the marginalization version of the indexing hypothesis, is that it would appear to contradict the [purpose behind the] First Amendment ideal of a press independent of government.”⁵⁶ For “under the indexing rule, the press is independent [that is, acts independently] of the *president*, but not the *government*, as it does not offer critical analysis of White House policy decisions unless actors inside the government (most often in Congress) have done so first.”⁵⁷ This is a politically important observation. Indeed, it “means [that] *the media act, for the most part, as a vehicle for government officials to criticize each other, reporting criticism of U.S. policy that has been expressed inside the government, but declining to report critical perspectives expressed outside of Washington.*”⁵⁸

Here, it is not necessary fully to describe how Mermin goes about testing this hypothesis, nor all the details of his results. But we do want to say enough, for purposes of illustration, to make clear the general approach, to indicate his broad findings, and to understand what he recommends in response to them.

To test the marginalization version of the indexing hypothesis, Mermin needs to compare cases in which there *is* (significant) conflict within the government over policy with cases in which there is not. For recall that the marginalization version of this hypothesis says that “critical perspectives do not just increase from a reasonable baseline in the news when there is debate [i.e., conflict over policy] in Washington [i.e., within the government itself], but instead are ignored or marginalized in the news if not first expressed in Washington [i.e., within the government itself].”⁵⁹ Accordingly, Mermin examines news coverage of the eight previously mentioned cases of U.S. military intervention in the post-Vietnam era.

In four of the cases U.S. intervention won bipartisan support; in the other four cases U.S. intervention generated conflict in Washington. The four *Washington consensus* cases are the bombing of Libya in April 1986; the invasion of Panama in December 1989; the deployment of U.S. troops to Saudi Arabia in August 1990; and the Gulf War in January

⁵³ Ibid. 5-6.

⁵⁴ Ibid. 6.

⁵⁵ Ibid. 6; my emphasis.

⁵⁶ Ibid.

⁵⁷ Ibid. 7.

⁵⁸ Ibid.

⁵⁹ Ibid. 5.

1991. The four *Washington conflict* cases are the invasion of Grenada in 1983; the doubling of the American deployment in Saudi Arabia in November 1990; the raid on a faction hostile to U.S. forces in Somalia in October 1993 that constituted the decisive turning point in the U.S. intervention in Somalia; and U.S. intervention in Haiti in September 1994.⁶⁰

The news media Mermin examines are “the *New York Times* (news and opinion sections), the most influential newspaper in the United States; ABC’s *World News Tonight*, a leading evening newscast; and the *MacNeil/Lehrer Newshour*, the program generally thought to offer the most in-depth coverage and the greatest diversity of viewpoints on television.”⁶¹ Mermin examines “the coverage in two mutually reinforcing ways. One form of evidence is quantitative, the results of a simple content analysis,” “designed to measure critical perspectives on U.S. policy in the news.”⁶² And “a second form of evidence is based on a close reading of the coverage, designed to offer a tangible sense of the volume and character of critical reporting.”⁶³

What does he find? Summarizing his results, Mermin writes:

In their coverage of U.S. intervention in the post-Vietnam era, the *New York Times*, *World News Tonight*, and the *MacNeil/Lehrer Newshour* have made no independent contribution (except at the margins) to foreign-policy debate in the United States. The spectrum of debate in Washington, instead, has determined the spectrum of debate in the news. *The evidence supports not just the correlation version of the indexing hypothesis, but the marginalization version.*⁶⁴

And commenting on the implications of these findings:

Journalism that indexes debate in the news to debate in Washington violates not just the watchdog ideal, but also the mirror ideal. For under the indexing rule the journalistic mirror is help up not to reality, but to official interpretations of reality. Not just the watchdog idea[I], but the mirror ideal too is unfulfilled if the news is reported from the vantage point of the government – even a government of two parties and three branches – for this grants to government the power to determine not just the spectrum of debate on its policies in Washington, but also the basic information made available to the public in the news. Issues and alternatives that are on the Washington agenda are clearly visible in the mirror that indexing constructs, as are the clusters of facts connected to them. Issues and alternatives and related facts under discussion outside of Washington, however, go unreflected or are relegated to the mirror’s edge. *If the media are acting neither as a watchdog over government, nor as a mirror independent of government, then it is hard to argue that the First Amendment ideal is being fulfilled.*⁶⁵

Hence, “independence [of the press] exists in principle,” he concludes, “but does not manifest

⁶⁰ Ibid. 12.

⁶¹ Ibid. 12.

⁶² Ibid. 14.

⁶³ Ibid. 14.

⁶⁴ Ibid. 143; my emphasis.

⁶⁵ Ibid. 145; my emphasis.

itself in practice.”⁶⁶

Now, recall that our immediate point in reviewing these empirical findings has been to bring attention to how the notion of “independence” is obviously contested and contestable, and then to make a number of further points that follow on that basic observation. If Mermin is broadly correct in saying that “independence [of the press] exists in principle, but does not manifest itself in practice,” it seems to follow that in order to make it so that those tasked with producing the information in question actually do so, we cannot simply rely on formal-legal protections. For if the press essentially *is* “free” (in our formal-legal sense) to act independently, but nevertheless doesn’t do so (to the extent that, or in the manner in which, our earlier review of the First Amendment ideal suggests it should), the conclusion follows: we cannot rely on formal-legal protections to secure the *effective exercise* of “independence” in the sense in which the First Amendment ideal suggests that we should care about. The point is obvious, but bears mention: for again, “it is often just *assumed* that the First Amendment ideal is fulfilled in the United States.”⁶⁷ Consequently, much commentary suffers from the defect of taking for granted what should rather be demonstrated, if the application of the *predicate* “independent” is adequately to be justified. It is not enough to observe that the press has certain formal-legal protections, and then simply call it – or assume that we are warranted in calling it – “independent.” The use of that term should be continually justified, through appropriate forms of empirical investigation into the relevant journalistic practices themselves.

What now of the related claim that neither can we simply follow a “procedure” to generate the kinds of information in question? In the present connection, the point is crucial because in assuming – as opposed to investigating and demonstrating – that the First Amendment ideal is meaningfully “fulfilled” in the United States, those who do so appear not to recognize that by the standards internal to the journalism profession itself, journalists, at the collective level, appear to be failing (to a considerable extent) to *make* the competent contextual judgments that would allow this ideal to be (more approximately) “fulfilled.” (By “contextual judgments” we include a whole range of value judgments that arise in the activities that are actually involved in journalistic practice: for instance, judgments about whose opinions to consult in reporting the news, about when to include criticisms of government policies, and about how to include such criticisms.) This conclusion would seem to follow from Mermin’s findings, which, for purposes of illustration, we take to be broadly compelling.

To see this more clearly, three further observations should be made. First, journalists tasked with covering foreign policy ought to, by the standards of their own profession (and the First Amendment ideal), report in such a way that they show “independence” from the government by, among other things, not “letting the government set the news agenda and the spectrum of debate in the news,” thereby letting “issues and alternatives and related facts under discussion outside of Washington” go “unreflected” in the “mirror” that they are supposed to hold up to those in power.⁶⁸

Second, to the extent that those journalists are sincerely trying to maintain such “independence,” there is a failure, at least at the collective level, in how they are conducting the pertinent journalistic activities in their efforts to do so. This conclusion would seem plausible from the results of Mermin’s investigation (assuming the pattern he identifies has not changed since he carried out his investigation); it is not clear, in this regard, what other conclusion we

⁶⁶ Ibid. 144.

⁶⁷ Ibid. 7.

⁶⁸ Ibid. 145.

might be drawn from it. If so, changes are needed in how those activities are conducted, and in how pertinent contextual judgments/value judgments are therefore rendered. Indeed, this is why Mermin himself offers various “rules of thumb” for how to avoid this collective outcome, that is, for how to achieve a more meaningful form of “independent journalism” regarding US foreign policy.⁶⁹ One of his recommendations is that journalists should report the reactions of “engaged citizens.” “To get the perspective of the engaged citizen into the news,” he says, “journalists could consult representatives of national public-interest organizations that speak out on U.S. foreign policy...”⁷⁰ This recommendation is meant as a way to encourage journalists to expand the range of (critical) perspectives that are reported in the news. In that sense, it is meant, as are his other recommendations, to help journalists more effectively to realize the First Amendment ideal discussed above (as well as journalism’s own professional standard of independence from government). To follow it, however, notice that journalists obviously have to make contextual judgments/value judgments about, for instance, what *counts* as an “engaged citizen” or as a “representative” of a “public-interest organization” that “speaks out on U.S. foreign policy.” (Journalistic inquiry, like other forms of inquiry, is “value-guided” and so “value-laden” too.) None of these terms is completely self-evident; none of them can always be applied unproblematically. It is a matter of “characterization” (indeed, of “characterization” *for moral-ethical purposes*), not merely of “naming.” Hence, not only does the application, and so justification, of the term “independence” require contextual interpretation; so too do a variety of terms that one might employ in justifying one’s choices in carrying out the activities that are required for, or that might promote, such “independence.” So, no (mere) procedure may be followed here.

This brings us to the third observation: If the above is basically compelling, it would appear to be the case that certain (kinds of) inadequate contextual judgments/value judgments are helping to produce a broader news pattern that falls well short of the First Amendment ideal, and that, consequently, better such judgments would help to realize that ideal.

Taken together, these observations lead us back to our earlier point about the importance of the virtues evinced by social inquirers. Following out the above line of reasoning, it does not appear possible to generate an “adequate” level of “independent” and “critical” public information through a “procedure,” and no formal-legal “guarantee” can secure its production either. If so, *we instead must rely, in some significant measure, on the virtues of those who are tasked with the responsibility of producing, and then distributing, that information, and on their willingness to do so.*⁷¹ This conclusion appears to hold quite generally, as well as in the specific case that interests us: information about the past, present, and/or proposed actions of “relevant” agents or agencies, including “public” ones. The discussion of Mermin’s findings clearly suggests this conclusion. What it implies (inter alia) is that in order “to guard or enhance the ability” of the media to be “critical” and “independent” of government interference, struggling to protect their *right* to be so is obviously not sufficient. While important, implementing and protecting the requisite formal-legal protections (as with the First Amendment) is not enough: if the relevant agents don’t themselves develop and evince the virtues needed for producing the kinds of information in question, as in the case of the American media investigated by Mermin,

⁶⁹ See Mermin (1999: chapter 7) for his five “prescriptions for independent journalism.”

⁷⁰ Ibid. 147.

⁷¹ Their “willingness to do so” is relevant here because, as with any skilled activity, the *possession* of the requisite “skills” is not alone sufficient for the successful execution of that activity. One needs not only certain abilities but also the willingness to employ them in relevant ways.

no procedure or formal-legal protections will make it so that they do so. Instead, we need to cultivate the virtues that would encourage and allow them to do so. That, we might say, is necessary to the realization of the First Amendment ideal, which is meant to serve the basic democratic aim of making it so that the people “gets what it wants (or thinks best).” Let’s call this *The Presumed Need to Cultivate the Virtues Needed for the Production of Critical and Independent Public Information*.

How, though, might we do so? One way, surely, is to *shift “the culture of the media”* in this way or that. To promote, for instance, the practice of reporting the opinions of engaged citizens outside of the government is to promote a practice that is constitutive of the virtue of “independence.” Hence, to promote that virtue, it would appear useful, perhaps even necessary, socially to encourage this practice, or this reflective habit, whether by altering the curricula taught at journalism schools, emphasizing the importance of engaging in this practice at relevant professional conferences, changing editorial guidelines, or what have you. Indeed, one can easily imagine doing much more than this. For instance, a professional association might, perhaps in collaboration with a group of journalism schools, commission or conduct a study of how well and widely this practice is employed, publishing and distributing the findings to its members. And, of course, the same could be done for other practices that are constitutive of the virtue of “independence.” In any case, the important point is that such *cultural practices* would appear to be useful – indeed, perhaps they are effectively necessary – for the broad promotion of the *practices that are constitutive of the virtue of “independence.”* If effective, the relevant groups, in that sense, would be adopting cultural practices that in turn promote certain *virtues*, thereby promoting certain basic aims of the profession itself as well as “the First Amendment ideal.” In that sense, too, they would be promoting cultural practices that serve the basic democratic aim of making it more likely that the people will “get what it wants (or thinks best).” If such cultural practices are necessary for the promotion of the virtues that make the “the First Amendment ideal” a meaningful one, then they might be thought of as necessary also for the promotion of that basic democratic aim. Let’s call this final presumption, *The Presumed Need to Cultivate the Cultural Practices Needed for the Production of Critical and Independent Public Information*.

Now, in light of these observations, we need to revise our earlier summary of the “proper” role of the press/media in a democratic society. We need to include the two “presumptions” outlined in the last paragraph. Doing so, this is the view that we arrive at.

We first presume that, in the context of a democratic process, citizens need some “adequate” level of “relevant” information to make political participation (at least reasonably) meaningful. More specifically, the democratic ideal tells us that, in that context, we should think of social inquiry – including the inquiries carried out by the press and (elements of) the media more broadly – as (in part at least) a means for allowing citizens to obtain an “adequate” level of information about the past, present, and/or proposed actions of “relevant” agents or agencies, including “public” ones (*The Presumed Requirement of Relevant Information for Meaningful Participation*). Second, we presume that in order to obtain such information, no single individual may conceivably act alone (*The Presumption of Dependence on Public Information*). Third, we presume that in order to obtain such information, citizens cannot, and should not, rely solely on information provided by the public authorities themselves, but rather should have access to “independent” and “critical” sources of such information. What is more, we presume that such information is best generated, and then dispersed, socially or publically, but not in the sense of “by the government,” and that the press and (elements of) the media are to play this role (*The Presumed Requirement of Independent and Critical Public Information*). To the extent that they

do so, the press/media therefore serve a crucial function, we believe, on behalf of the respective democratic system or process, presumably allowing the relevant demos to play a more meaningful role in it (*The Presumed Contribution of Independent Media to Meaningful Participation*). Accordingly, an independent press/media is viewed as a necessary element of our capacity to realize (at least certain of) the basic aims of the democratic process, or is at least seen as an important contributing factor to it, and we therefore presume that, “from a democratic point of view,” we have good reason to want to protect the right and to guard or enhance the ability of the press/media to be so critical and independent (*The Presumed Need to Protect Independent and Critical Media*). However, it does not appear possible to generate an “adequate” level of “independent” and “critical” public information merely through a “procedure,” and no formal or legal “guarantee” can secure its production either. To do so, we instead must rely, in some significant measure, on the virtues of those who are tasked with the responsibility of producing and distributing that information, and on their willingness to do so (*The Presumed Need to Cultivate the Virtues Needed for the Production of Critical and Independent Public Information*). These virtues, we presume, are best promoted by the encouragement of certain *cultural practices*. Such cultural practices would appear useful – indeed, perhaps they are effectively necessary – for the realization of (certain of) our basic democratic aims, including the aim of allowing the people to “get what it wants (or thinks best)” (*The Presumed Need to Cultivate the Cultural Practices Needed for the Production of Critical and Independent Public Information*).

Now, although this line of reasoning explicitly addresses the “proper” role of the press/media in a democratic society, it can also, we think, help us to reason about some democratic-process-to-be-crafted, including (what is our more specific interest here) a participatory process for public-opinion formation and agenda-setting in the area of US military interventions abroad that could arguably bring us closer to realizing the Criterion of Enlightened Understanding. (Hereafter, we refer to this simply as “the process.”) To recall, the criterion reads as follows.

Each citizen or member ought to have adequate and equal opportunities for discovering and validating (within the time permitted by the need for a decision) the choice on the matter to be decided that would best serve the citizen’s or member’s good or interests. In considering that choice, each participant should have an equal and adequate opportunity to offer his or her reasons for preferring one outcome to another, and to listen and respond to the reasons offered by each of the other participants. In doing so, participants should assume responsibility for seeking out mutually acceptable and generally accessible reasons for their expressed preferences, hence for trying to understand relevant social situations and activities from relevant persons’ perspectives.

So, we now provide a very rough outline of the process and stress that the idea is to create a source for information and knowledge production that truly is “independent of the government” (in the way that Mermin’s analysis gives us reason to think that, in crucial respects at least, the American mainstream media has often not been⁷²), one that will lay the basis for more informed public opinion in the policy area in question, and so arguably bring us closer to realizing the Criterion of Enlightened Understanding. The proposal primarily takes inspiration

⁷² Recall Mermin’s (1999: 7) conclusion that “the media [he analyzed] act, for the most part, as a vehicle for government officials to criticize each other, reporting criticism of U.S. policy that has been expressed inside the government, but declining to report critical perspectives expressed outside of Washington.”

from three existing practices: Consensus Conferences, Deliberative Polling, and 21st Century Town Hall Meetings. As we present it, the proposal draws freely from various aspects of these practices, combining them in whatever way suits our purposes.

Broadly, we would like the process to create a network of conversations about the past, present, and proposed/potential actions and activities of “relevant” agents and agencies in the area of US interventionism abroad, with a focus on interventionism from the end of WWII until the present. Our view is that in order to reflect intelligently on the motives for, and on the character and implications of, ongoing US military actions abroad, it is imperative that one gains an understanding of the dominant role that the US has played in world affairs since the end of WWII. Likewise, we think this is imperative for any intelligent reflection on the *potential* motives for, and the *potential* character and implications of, any *proposed/possible* US military actions abroad. One has to understand the influential role the US has played during this period in those countries where it intervened in the past (e.g. Guatemala), is intervening now (e.g. Iraq), or possibly might intervene in the near future (e.g. Iran). So, we would like to see the creation of venues for open, deliberative, and dialogical engagements regarding the past, present, and proposed/potential actions and activities of “relevant” agents and agencies in the area of US interventionism abroad, with a focus on interventionism from the end of WWII until the present. Now, we do not want to mandate which countries should be addressed in this process, for two main reasons: first, the ability of the process to garner broad public interest and participation will partly depend on the process’s addressing issues of widespread concern; and second, the countries that the US is militarily involved in, or might soon be involved in, at the time of the creation of the process and during its operation is obviously something that we cannot precisely foretell. Yet, we believe that, very broadly speaking, the process should focus on the period specified and for the reasons specified.

Now, there are many ways to organize such a process, so the details that we now offer should be taken as tentative suggestions, open to revision as the process is conceptualized in greater detail and actually implemented by interested parties. To be successful, the process will need the support of a broad coalition of actors: for instance, organizations interested and involved in facilitating dialogues and deliberations on a diverse range of public issues (say, the National Coalition for Dialogue and Deliberation); organizations that conduct research on, or conduct advocacy work in the area of, US foreign policy (say, the Institute for Policy Studies); academic and research outfits that specialize in the analysis and/or practical implementation of diverse practices for citizen engagement in policy-related public dialogues and deliberations (say, Stanford University’s Center for Deliberative Democracy); and a diverse array of academics and other researchers with interest in issues related to civic engagement, public deliberation and dialogue, and social movement organization. Perhaps we’ll name our coalition “We Decide Our Foreign Policy” (WDOFP). As the process begins to unfold, we hope that WDOFP will be involved in further conceptualizing and implementing the process.

Here, then, is the initial conception of the process itself, which will occur at three geographic levels: the local (municipal) level, the state level, and the national level. The local venues will take place in any municipality in which the WDOFP has sufficient capacity to organize the venues. In municipalities in which there is a lot of capacity on the ground, we envision three types of venues *recurrently* taking place: dialogues and deliberations about past US interventions, dialogues and deliberations about on-going US interventions, and dialogues and deliberations about possible future or proposed US interventions. In municipalities in which the capacity is considerably less, the coalition might just focus on on-going interventions or even

just convene dialogues and deliberations on an as-needed basis when interventions are proposed or seem reasonably likely in the near future.

Here is how the meetings at this first level might work. Broadly speaking, the meetings will look like the 21st Century “Town Hall Meetings” (THMs) organized by *AmericaSpeaks*, but with some modifications.⁷³ For the purposes of illustration, consider what a meeting that addresses an *on-going* US intervention might look like. THMs of this kind can convene thousands of citizens in large-scale public deliberations. Each participant spends most of the day at a table composed of 10 to 12 geographically diverse individuals. A trained facilitator – who is not an expert in relevant areas – helps the table to deliberate the broad issues set for the day’s discussion. At each of the tables, the participants begin with introductions and with a broad dialogue about their views on the issues set for the discussion. At this point, they might discuss issues like what brought each of them to the discussion in the first place (perhaps one of them lost a daughter in a recent military conflict, while another has been an anti-war activist for the last two decades); their general thoughts on US interventionism (perhaps one participant thinks that most interventions are self-interested struggles for resources and so has opposed every intervention during his adult life, while another participant has supported some US interventions, deeming them “legitimate humanitarian interventions”); and their hopes for what might get accomplished during the course of the day.

After this brief opening discussion, the participants listen to a panel of experts give presentations on the intervention in question. The experts might be chosen as follows. Well prior to the event, the organizers will publicize news of the event, soliciting expert testimony for a panel on the proposed intervention. The organizers will then sift through the responses, choosing a diverse group of presenters who seem to have relevant expertise: for instance, experts on mainstream media coverage of US interventionism (think of scholars like Jonathan Mermin, whose work we considered at length above); experts on the humanitarian consequences of recent or (potentially) comparable US interventions (say, experts on how recent or comparable interventions created refugee populations); experts on ethical question as they arise in international affairs and on military strategy (here the organizers might intentionally choose, say, 3 panelists: one strongly opposed to the on-going intervention, one strongly in favor of it, and one who is ambivalent but who can clearly explain her reasons for being so); and so on. (Depending on the organizers’ resources and the time constraints they face, the organizers might even come up with a more “democratic” way of choosing the panelists, say, by allowing the members of the local chapter of WDOFP to vote on the issue.) Aware of the fact that all inquiry is “value-guided” and “value-laden,” the intention here would be to strive for pluralism: just as the participants are meant to represent the demographic diversity of the local population (more on this below), so the presenters ought to represent a very broad range of perspectives on the topic(s) at hand. Even when we just discuss “the facts” about relevant social situations and activities, there is no way to get around the fact that whatever inquiries are fed into, or invoked in the context of, the venue in question will be “value-guided” and “value-laden.” So, there will be no attempt to draw on or to produce “value-free” and/or “value-neutral” inquiry or expertise in this process – though appeals to “simple facts,” “observations,” “unbiased accounts,” “balanced perspectives,” and so on will, of course, have an appropriate role to play. But so will testimony

⁷³ Fung 2003; Lukensmeyer et al. 2005. It would be cumbersome to signal which aspects of the proposal are directly inspired by the 21st Century THM model and which aspects of it are modifications of it. So, we simply refer the reader to the above sources for comparison.

of the Mermin-variety, which shows how relevant inquiries are (in our own terminology) “value-guided” and “value-laden,” and which indicates why it is important that we recognize it.

After the panel presentation (which will be followed by a brief Q and A), the participants will then spend four to five hours discussing the key issues and policy options. At each table, a volunteer will record the main points of the discussion on a laptop computer. The computers will be networked together. A “theme team” will thus be able to read participants’ comments from every table in real time and to distill these comments into key messages or themes. The key messages and themes will then be presented back to the whole room. The facilitators will solicit rapid reactions, collect demographic surveys, and conduct straw polls throughout the meeting. Each participant will have a polling keypad with which to respond to the facilitators. A diverse group of issue experts (including the panelists) will be available to answer specific questions that arise at the tables.

One of the main issues surrounding the THMs will be how to ensure the involvement of an appropriate group of citizens. The organizers will want a group that represents the demographic diversity of the larger community. To assemble such a group, the organizers will often have to tailor their outreach and recruitment strategies to fit the specific project. As participants register, organizers will compare the registration numbers to the demographic targets and adjust the recruitment strategy accordingly.

The event organizers will create summaries of the day’s outcomes, providing these not only to the participants but also to public officials and the media. These summaries will also be fed into the state-level meetings, the proposed format for which we now discuss.

Broadly speaking, the state-level events will be organized on the model of the Danish Consensus Conference, but again with some modifications.⁷⁴ Whereas the local meetings will be geared mainly toward facilitating an informed discussion about the intervention in question, the state-level meetings will be geared mainly toward generating *actionable proposals in relation to it* (partly on the basis of the earlier “informed discussions” at the local level). As before, we’ll discuss an example of a dialogue and deliberation about an on-going US intervention abroad.

The meetings will be run roughly as follows. 10 to 12 citizens will come together for eight days of deliberation over a period of roughly two months (less if circumstances are urgent). The organizers will use stratified random sampling to match the participants to the desired characteristics of the larger population. The meetings will involve two stages.

The first stage will consist of two preparatory weekends in which the participants convene to learn about one another, the subject, and the process. Based in part on the event-summaries from the local-level events, the participants will here develop a series of questions for the conference to address. Participants will begin with a broad dialogue about visions and values in order to clarify what is important to them about the intervention in question. Subsequently, they will choose people to make presentations to the conference from a list of potential interest group representatives and experts.

The second stage will be a five-day conference. The first two days will involve two plenary sessions: during the first one, the presenters chosen by the participants themselves will respond to the questions they had set for the conference; during the second one, a diverse group of panelists chosen by the organizers will present on whatever issues the panelists themselves deem relevant to the intervention in question. *This second group of presenters will be chosen*

⁷⁴ See Hendriks (2005) and Goodin and Dryzek (2006). Again, it would be cumbersome to signal which aspects of the proposal are directly inspired by the Danish Consensus Conference model and which aspects of it are modifications of it. So, we simply refer the reader to the above sources for comparison.

with the intention of exposing the participants to as broad a range of perspectives on the intervention in question as possible (including, as before, individuals strongly in favor of the intervention, individuals strongly opposed to it, and individuals who are ambivalent about it but who have clear reasons for being so, which they can clearly explicate). Where possible, this second group will also involve the participation of individuals from the society in which the intervention is on-going – individuals who are drawn from interest groups (e.g. human rights organizations) that can speak to the impact of the intervention on the society in question. Throughout these two days, the citizens’ panel will occasionally retreat into closed sessions to articulate further questions for the presenters from both expert/interest group panels and to clarify points of contention or misunderstanding.

Note that the organizers might (with good reason, our normative theory of the democratic process tells us) encourage this second group of individuals (or at least some number of them) to offer presentations that encourage participants to develop the specific intellectual, moral, and ethical *virtues* that, in the specific context in question, they think would arguably assist participants in assuming (or dispose them to assume) the responsibilities that are specified (or entailed) by our ideal procedural criteria. (These we’ll refer to as “corollary virtues.”) In doing so, they might encourage this second group (with good reason, our normative theory of the democratic process again tells us) to draw on certain *cultural practices* that can promote a social environment that is conducive to the effective assumption of those responsibilities and to the effective cultivation of those corollary virtues.

For instance, the Criterion of Enlightened Understanding indicates, we have repeatedly seen, that, ideally speaking, the “participants should assume responsibility for seeking out mutually acceptable and generally accessible reasons for their expressed preferences.” So, in thinking through what it *means* to assume these responsibilities in the context in question, a panelist might identify certain “corollary virtues” that she thinks her presentation might be used to cultivate. For instance, she might maintain (with good reason, in our view) that a person who seeks sincerely to justify her expressed policy preferences by an appeal to reasons that could be regarded as mutually acceptable and generally accessible by her interlocutors is someone who exhibits a certain kind of “civic integrity” in how she presents her own position and how she (presumptively) regards her interlocutors’ positions. More specifically, she might maintain (again, with good reason, in our view) that when persons do exhibit this virtue (while seeking out mutually acceptable and generally accessible reasons for the expressed preferences), it is typically because their behavior demonstrates this in one or more of the following three ways.⁷⁵

The first our hypothetical panelist calls “consistency in speech.” She unpacks this by saying that “we expect citizens and officials to espouse their moral positions independently of the circumstances in which they speak.” This, she says, is “a sign of political sincerity: it indicates that a person holds the position for moral reasons of morality, not (only) for reasons of political advantage [or narrow self-interest].” “There is,” she recognizes, “no completely reliable way to tell if such a principle is satisfied.” Yet, “we can find some reliable criteria for recognizing, or at least providing good grounds for suspecting, insincerity. Politicians who continually shift their positions according to political fashions give us good grounds for doubting that they honestly accept the positions they espouse on moral grounds.” With respect to the topic

⁷⁵ In the quotes contained in the next three paragraphs, I am putting Amy Gutmann and Dennis Thompson’s (1996: 81-2) manner of speaking about the virtue of “civic integrity” in the mouth of our imagined panelist. Outside of the quotes, however, I am offering my own account of how the imagined panelist might describe her own suggestions about how she might go about cultivating that virtue.

in question, US interventionism, there are various familiar ways of testing the sincerity of the “moral arguments” that, for instance, politicians offer for their own policy positions. And some of these are widespread in our culture. For instance, where the relevant materials are available, critics often test the sincerity of what politicians say about why they support or supported some US intervention “in public” against what they say about why they supported it “in private.” For instance, they sometimes compare what politicians say at campaign rallies, in speeches on the floor of Congress, in press releases, and so on against what they say in leaked cables or internal memos or perhaps in documents that are later declassified. These practices are akin to widespread cultural practices in the broader society, where, for instance, friend A tries to test the sincerity of friend B’s explanation for B’s actions in relation to A by asking friend C what, if any, explanation friend B also gave to friend C about said actions.

The second way that people exhibit the virtue of integrity in such contexts is through “consistency between speech and action,” our hypothetical panelist continues. “It is,” she explains, “sometimes possible to point to differences [between how a person verbally *presents* his beliefs and their implications for action and the way in which he seems to *act* or *not act* on those beliefs] that would legitimately distinguish the speech and action [in question].” “But apparent inconsistencies call for careful and candid explanations.” Furthermore, “public officials,” she adds, “have even greater responsibilities in this respect because their words may be reasonably taken as a commitment to carry out certain policies. Furthermore, their culpability for failures to act is probably greater.” Notice that in our culture we do not admire politicians who during a campaign repeatedly stress their concern over the humanitarian situation in some US-occupied country, but, once elected, fail (whether from laziness, lack of leadership, or lack of genuine concern) “to work for the policies implied by the position they advocated.” This would include, for instance, a politician who during a campaign repeatedly stresses his concern for the treatment of “enemy combatants” in the US-occupied country in question, but, once elected, fails even to *try* to support policies that would address the forms of treatment that he himself had previously labeled “torture.” In the broader culture, there are various more and less specific cultural practices available for identifying and critiquing such behavior. Person A, for instance, might inquire into the integrity of her partner’s character by asking person C if (in relevant respects) B’s behavior is as B says it is when B’s with C and A’s not around. Analogously, we sometimes inquire into the integrity of a politician’s position on some issue by comparing how he publically presents his own beliefs and what those beliefs imply about how he should act in this or that respect with what “the documentary record” tells us about how he does in fact act when there isn’t as much pressure to present his beliefs in “the moral way” he does while explicating those beliefs in the limelight. (Here, “the documentary record” might include interviews with former staff persons, relevant bills that he has either quietly supported or not supported during his tenure as a legislator, leaked documents, and so on.)

The third way that people exhibit the virtue of integrity in seeking out justifications for their expressed policy preferences is, our hypothetical presenter continues, by exhibiting what she calls “integrity of principle.” “This consists in the acceptance of the broader implications of the principles presupposed by one’s moral positions,” she explains. Of course, “there may be good reasons for denying the apparent implications of one’s principles (if, for example, other more weighty principles block the inference that would otherwise be warranted.) But even when there are such reasons, the burden should fall on those who deny the implications.” In the broader culture, it is conventional to test someone’s integrity by assessing to what extent he “lives by his (moral or ethical) principles.” To do so, we commonly assess to what extent he:

first, *recognizes* the broader implications of the moral or ethical principles that he explicitly defends or that are presupposed by his moral or ethical positions; and second, *accepts* those implications, both in word and in deed. If, for instance, person A says, “I think the invasion of Iraq was legitimate, because we thought they had weapons of mass destruction,” person B, skeptical of A’s claim, might first ask person A: “Do you realize what that statement implies? Think not about the US and Iraq in particular but about any two given countries. If the leadership of country X simply *says* that country Y ‘has weapons of mass destruction,’ do we just believe them and therefore accept an invasion as legitimate?” “No,” A might say, “I would only accept an invasion as legitimate if the evidence were compelling that country Y did have said weapons.” “Ok,” B might respond, “but do you know what *that* implies?” Among other things, it implies that any country that can provide ‘compelling evidence’ that, for instance, the United States has weapons of mass destruction could ‘legitimately’ invade the United States. Therefore, any country *could* ‘legitimately’ invade the US, because it is widely known and easily demonstrable that the US does have said weapons, e.g., nuclear weapons.” At this point, if A (without adding further qualifications) continued to maintain that the US invasion of Iraq was “legitimate” simply because “the evidence was compelling that Iraq did have weapons of mass destruction” but *rejected* the claim that “any country could ‘legitimately’ invade the US” as argued above, B would have prima facie grounds for accusing A of not showing “integrity of principle.” Hence, B could plausibly accuse A of not evincing “civic integrity” in our imagined panelist’s sense. In any case, however, the main point is that such engagements are familiar from everyday political-moral-ethical argumentation; Q-and-As of this kind are so widespread that we might even call them “cultural practices for assessing how well one lives by one’s principles.” And to the extent that, for instance, panelists can invoke such cultural practices in service of promoting “integrity of principle” (hence the virtue of “civic integrity”), they arguably might help participants to assume the responsibility for seeking out mutually acceptable and generally accessible reasons for their expressed preferences – hence help the process better to approximate the Criterion of Enlightened Understanding. Likewise, to the extent that, for instance, panelists can invoke cultural practices (like the ones mentioned above) in the service of promoting “consistency in speech” and “consistency between speech and action” (hence the virtue of “civic integrity”), they arguably might help participants to assume the responsibility for seeking out mutually acceptable and generally accessible reasons for their expressed policy preferences – hence help the process better to approximate the Criterion of Enlightened Understanding.

Turning to the final three days of the conference, note that the participants will here collaborate on writing a report that outlines their (say) two main policy recommendations, elaborating on how to make them as actionable as possible. They will then present the report to the experts and interest-group representatives who had earlier presented, alongside national policymakers, the media, selected participants from the local-level meetings and other interested members of the public who will have assembled to receive the report. The expert and interest-group presenters from both groups will then be given the opportunity to reply, and the citizens’ panel will then be free to revise their report. Ideally, the media will broadcast this final set of interactions between the citizens’ panel, the experts, and the interest-group representatives in unedited and unabbreviated form.

The organizers will include professionally trained facilitators throughout the process, but these facilitators, like the citizen-participants, will not be experts on the relevant topic. An external advisory body will oversee the whole process. This body will maintain the integrity of the procedure, compile the list of presenters, develop the briefing materials, manage contact with

the media and the public, and select the participants and facilitators. As indicated, the organizers will attempt to provide balance throughout (or, what is to say the same thing differently, will try to expose the participants to as broad a spectrum of relevant and reasonable opinions as possible), including when they compile the list of potential expert/interest-group presenters. The external advisory body will generally include academics, practitioners of public participation, and a diverse group of experts on US foreign policy.

Now, if each state-level meeting generates 2 proposals for action, we obviously end up with 100 proposals – a great many indeed. So, we propose the following way of whittling down the proposals before convening the national-level meeting. Let us aim for having 10 proposals in the end. To arrive at the ten, the organizers from WDOFP will compile the 100 proposals and then make them public in one document. A panel of experts from WDOFP will then combine proposals that are essentially the same; presumably there will be a fair number of these. (Since the proposals will all be publically available in one document, the panel will have strong incentives to combine proposals in a reasonable way, faithful to the intent of the original proposals. Were they to manipulate the content of the proposals in this process, they would clearly lose credibility in the public’s eye.) From there, let us suppose that the panel may arrive at a list of about 25 proposals, each of which will be presented with a brief description/explanation. The participants from the local-level meetings *and* the participants from the state-level meetings will then vote on the remaining proposals. The ballot will ask voters both to rank order the proposals and to give each of them a “Yes” or “No” vote. Any proposal that receives a simple majority of “No” votes will not move forward to the next level. Let us say that 15 of the original 25 proposals receive a simple majority of “Yes” votes. We’ll then use the rank-order priority votes to weight the remaining 15 proposals, generating a list that indicates which is the most popular proposal, the second most popular proposal, the third most popular proposal, and so on, all the way down to the fifteenth most popular proposal. The 10 most popular proposals will then be sent to the third level, the national deliberation and dialogue on the intervention in question.

Again, the meeting at this level will concern the same on-going intervention. The national dialogue and deliberation will primarily be modeled on the practice of deliberative polling. Unlike conventional polls, “a deliberative poll attempts to model what the public *would* think, had it a better opportunity to consider the questions at issue.”⁷⁶ It does so by modeling citizen deliberation under ideal conditions. To date, scores of deliberative polls have been conducted throughout the world at local, regional, and national levels, some of which have already addressed foreign policy issues. (The first international deliberative poll took place in the EU in October 2007.) The events sometimes include over 400 individuals and have sometimes been broadcast on national TV. For instance, during the 1996 U.S. presidential primary, some 10 million television-viewers watched a deliberative poll of 460 participants.⁷⁷ We think that a similarly sized deliberative poll at the national level would be appropriate for our purposes. WDOFP will work hard to obtain extensive media coverage and analysis of the event, and will provide its own analyses of the same. More broadly, we also think that, ideally speaking,

⁷⁶ Fishkin (1995: 162). This summary is based primarily on Fishkin and Farrar (2005). As before, it would be cumbersome to signal which aspects of the proposal are directly inspired by the deliberative polling model and which aspects of it are modifications of deliberative polling as it is typically practiced. So, we simply refer the reader to the above sources for comparison.

⁷⁷ Levine (2002, 78).

recurrent deliberative polls at the national-level should be broadcast on national TV, made available for streaming online, and radio broadcast.

The selection of participants will occur by random phone dialing. A warm-up letter will be sent to a random sample of phone listings and a follow-up call will then be made. People who choose to participate will be compensated for their time. In past deliberative polls, participants have approximated the initial sample and the larger target population in both their surveyed attitude and their demographic characteristics, and we expect the same result here. Usually, the participants to a deliberative poll are sent background materials that provide an array of information and perspectives on the issues in question. Here, too, this will happen, but the background materials will be compiled in a specific manner, loosely as follows. Recall that the local-level organizers from the WDOFP will have previously created and published summaries of all of the local-level meetings. In addition, recall that the original 100 proposals from the 50 state-level meetings will already be published and available to the public. Furthermore, recall that a panel of experts will already have combined proposals that are essentially the same, reducing the total to about, say, 25 total proposals, and will have generated a brief description/explanation of each of these. Finally, recall that a list of the top 10 proposals will have been generated through the voting process previously described. Now, the background materials will provide information about where to find all of this information online, namely, on the WDOFP's website, where it will all be clearly organized and downloadable. More importantly, however, the background materials will list the top 10 proposals alongside the accompanying descriptions/explanations that were generated by WDOFP's expert panel. In addition, it will also include brief expert commentary on each of the proposals. As before, the organizers will try to choose experts who will offer commentaries that convey as diverse a range of opinions as possible.

Now we consider the event itself. The event will include both small-group discussions and a plenary session during which participants will be able to ask questions of an expert panel. Experienced moderators will facilitate the small group discussions. The moderators will be trained to: remain neutral, not to impart information, to support broad participation, and to refrain from promoting consensus among the participants. There will be no restriction on what participants can say or on the kind of speech they can use. Participants will not be instructed to refrain from storytelling or to rely exclusively on arguments. They will also not be asked to restrict their speech to appeals to the common good. The organizers will attempt to provide balance in training the moderators, in selecting the experts, and, as indicated, in preparing the briefing materials. As with the state-level meetings, the organizers might again encourage the *panelists* (or at least some subsection of them) to offer presentations that encourage the *participants* to develop the specific intellectual, moral, and ethical *virtues* that, in this specific context, they think would arguably assist participants in assuming (dispose them to assume) the responsibilities that are specified (or entailed) by our ideal procedural criteria. And, in doing so, they might encourage the panelists to draw on certain *cultural practices* that can promote a social environment that is conducive to the effective assumption of those responsibilities and to the effective cultivation of the corollary virtues they have identified. Pre- and post-deliberation surveys will permit the organizers to assess shifts in participants' knowledge of relevant factual questions and in their considered judgments about the 10 proposals under consideration (again, those generated from the earlier state-level meetings).

Having sketched our proposal, we conclude by briefly indicating how we might relate this proposal to our earlier description of the proper role of the press/media in a democratic

society. In brief, our suggestion here is that *we can substitute references to “the press/media” in that summary for references to “the participatory process for public-opinion and agenda-setting in some policy area.”* Doing so, we believe, is one compelling way to argue for the creation of such a process – to reason analogically from (a somewhat modified and extended version of) a familiar argument in American political culture to an argument about the “democratic usefulness,” so to speak, of crafting a participatory process of public-opinion formation and agenda-setting in some policy area. In a succinct formulation, this is what the argument roughly looks like.

We first presume that, in the context of a democratic process, citizens need some “adequate” level of “relevant” information to make political participation (at least reasonably) meaningful in the policy area in question. (Or, if we were to invoke our own normative theory of the democratic process here, which is built up out of reflection on everyday experience with “treatment as free and equal” in joint or collective decision-making, we could say: In the context of a democratic process in some policy area, “each citizen or member ought to have adequate and equal opportunities for discovering and validating [within the time permitted by the need for a decision] the choice on the matter to be decided that would best serve the citizen’s or member’s good or interests.” These opportunities allow political participation to be [at least reasonably] meaningful in that policy area.) Correspondingly, the democratic ideal tells us that, in that context, we should think of social inquiry – including the inquiries carried out in and through “the participatory process for public-opinion formation and agenda-setting” in question – as (in part at least) a means for allowing citizens to obtain an “adequate” level of information about the past, present, and/or proposed actions of “relevant” agents or agencies, including “public” ones (*The Presumed Requirement of Relevant Information for Meaningful Participation*). Second, we presume that in order to obtain such information no single individual may conceivably act alone (*The Presumption of Dependence on Public Information*). Third, we presume that in order to obtain such information, citizens cannot, and should not, rely solely on information provided by the public authorities themselves, but rather should have access to “independent” and “critical” sources of such information. What is more, we presume that such information is best generated, and then dispersed, socially or publically, but not in the sense of “by the government,” and that the participatory process for public-opinion formation and agenda-setting in question is to play this role (*The Presumed Requirement of Independent and Critical Public Information*). To the extent that it does so, the process in question, we have reason to believe, would therefore serve a crucial function on behalf of the respective democratic system or the broader democratic process of which it is a part, presumably allowing the relevant demos to play a more meaningful role in it (*The Presumed Contribution of an Independent Public-Opinion Formation and Agenda-Setting Process to Meaningful Participation*). Accordingly, an independent public-opinion formation and agenda-setting process is viewed as a necessary element of our capacity to realize (at least certain of) the basic aims of the democratic process, or is at least seen as an important contributing factor to it, and we therefore presume that, “from a democratic point of view,” we have good reason to want to protect the right and guard or enhance the ability of the process in question to be so critical and independent (*The Presumed Need to Protect an Independent and Critical Public-Opinion Formation and Agenda-Setting Process*). However, it does not appear possible to generate an “adequate” level of “independent” and “critical” public information merely through a “procedure,” and no formal or legal guarantee would seem to be able to secure its production either. To do so, we instead must rely, in some significant measure, on the intellectual, ethical, and moral virtues of those who are involved in producing and distributing

that information (all those persons who are involved in the process in question), and on their willingness to do so (*The Presumed Need to Cultivate the Virtues Needed for the Production of Critical and Independent Public Information*). These virtues, we presume, are best promoted by the encouragement of certain cultural practices. Such cultural practices would appear useful – indeed, perhaps they are effectively necessary – for the realization of (certain of) our basic democratic aims, including the aim of allowing the people to “get what it wants (or thinks best)” (*The Presumed Need to Cultivate the Cultural Practices Needed for the Production of Critical and Independent Public Information*). (Or, if we were again to invoke our own normative theory of the democratic process, we could say: Such cultural practices would appear useful for – perhaps, indeed, they are necessary elements of – our attempt to grant each citizen “equal and adequate opportunities for discovering and validating [within the time permitted by the need for a decision] the choice on the matter to be decided that would best serve the citizen’s good or interests,” as the Criterion of Enlightened Understanding asks us to do.)

Conclusion

In this dissertation, I have developed a normative theory of the democratic process and have tried to illustrate how engaged, situated agents might invoke that theory in their diverse efforts to craft processes for collective decision-making that treat the citizens of the respective demos or the members of the respective association as “free and equal,” or, as “autonomous moral equals.” Two overarching questions have motivated the entire discussion: How might the participants to a (nominally) democratic process *themselves* craft decision-making processes that are “inclusive,” or, that best approximate the ideal of treating them and those (if any) they (ought to) represent as “free and equal”? And what role, if any, might “normative democratic theory” play in their efforts to do so?

To address these questions, I have developed a normative theory of the democratic process, which articulates ideal procedural criteria for such a process. Broadly speaking, I have suggested that this theory ought to be viewed like pragmatists typically think that all theories should be viewed: as articulating standards that emerge out of our inquiries into how well our practices have fared in various circumstances, which we in turn use to judge the rightness or wrongness, or adequacy or inadequacy, of the practices out of which the standards themselves emerge. For the purposes of crafting a democratic process, I have suggested, the practices in question are those that we employ in paradigmatic moments of “free and equal treatment” in joint or collective decision-making, for it is through an appeal to “the values” of treating persons as free and as equal (or as equal and as autonomous) that we may arguably *justify* the democratic process in the first place. Furthermore, I have suggested that we think of these criteria as descriptions of the ideal, defining features of a process for “binding,” collective decision-making that treats persons as free and equal. And I have described how and why I think that these ideal procedural criteria should “guide” democracy’s participants as they move forward into new, problematic situations. More specifically, I have defended the idea that these criteria can and should help democracy’s participants to conduct empirical inquiries that illuminate how they might best realize the values and uphold the norms that the ideal procedural criteria themselves articulate. Still more specifically, I have indicated how and why democracy’s participants can and should use these ideal procedural criteria as a “tool” for practical reasoning, one that can assist them in conducting empirical inquiries into the procedures, virtues, and cultural practices that, in whatever particular context they do (have to) act, are most apt to promote the effective

granting of the opportunities that are specified by the ideal procedural criteria *and* are most apt to promote participants' effective assumption of the responsibilities that are specified (or entailed) by those criteria.

As this formulation suggests, my conception of the democratic process places a great deal of stress on "inquiry": for instance, into procedures, virtues, and cultural practices. But, to recall, it also stresses inquiry into much else besides: for instance, into what could count as mutually acceptable and generally accessible reasons for participants' expressed policy preferences; and second, into how all relevant persons interpret the actual or potential consequences of the past, present, and/or proposed actions of "relevant" agents and/or agencies *and* how all such persons interpret how (if at all) those actions bore, bear, and/or might bear on the good of each of them or on their own respective interests.

Furthermore, I have indicated why I believe that the democratic process itself ought to be conducted as a "reflexive social practice": as a practice in which participants recognize the potential need to inquire, and, as appropriate, actually do inquire, into the (potential or actual) moral or ethical significance and implications of whatever is said (and not said) in whatever inquiries are fed into, or invoked in the context of, the democratic process. As just noted, my conception of inquiry stresses at least three major forms of inquiry: inquiry the procedures, virtues, and cultural practices that, in whatever particular context participants do (have to) act, are most apt to promote the effective granting of the opportunities that are specified by the ideal procedural criteria *and* are most apt to promote participants' effective assumption of the responsibilities that are specified (or entailed) by those criteria; inquiry into what could count as mutually acceptable and generally accessible reasons for participants' expressed policy preferences; and inquiry into how all relevant persons interpret the actual or potential consequences of the past, present, and/or proposed actions of "relevant" agents and/or agencies and how all such persons interpret how (if at all) those actions bore, bear, and/or might bear on the good of each of them or on their own respective interests. So, in speaking of the (potential or actual) moral or ethical significance and implications of whatever is said (and not said) in whatever inquiries are fed into, or invoked in the context of, the democratic process, *these* are the "inquiries" that I primarily have had in mind. To recall, I offered this line of argumentation mainly because there is a traditional view of moral or ethical reasoning that I find deeply mistaken. According to this view, "rational" moral or ethical decision-making has two clearly distinct and separable "moments": a "value-free" and/or "value-neutral" one, where we first figure out what our situation is; and (as we might put it) a "value-guided" and "value-laden" one, where we then decide how we would should (like to) act in light of that situation. As we saw, the problem with this view is that all inquiry is apparently "value-guided" and "value-laden," and so there apparently *is* no form of inquiry that is "value-free" and/or "value-neutral." And from this it follows, I suggested, that anything we say (and do not say) in any of our inquiries *could* have "moral or ethical significance and implications." Hence, I suggested that we instead endorse (and that our normative theory of the democratic process gives us good reason to endorse) a view of "rational" moral or ethical decision-making that views it as being best conducted as a reflexive social practice, in the above sense.

The conception of the democratic process that emerges from these reflections is, as I earlier noted, aptly described as "Deliberative Democracy as Reflexive Social Inquiry." In brief, it is a "deliberative" conception because, like other such conceptions, it stresses that, ideally speaking, democracy's participants ought to try to *justify* their expressed policy preferences to one another. (Recall that, on the normative theory developed in chapter 5, the ideal requirement

is actually that participants try to justify their expressed policy preferences to all “relevant persons” – not that they simply try to justify their expressed policy preferences to the other participants and/or to the citizens or members of the demos or association in question.) Yet, the conception of the democratic process developed here is distinctive in the degree to which it places emphasis on inquiry, and, more particularly, on inquiry of the various kinds described in the last paragraph. This distinguishes it from depictions of democratic deliberation that define such deliberation as primarily consisting in “debate.” (In *Deliberative Democracy: A Critical Introduction*, Zsuzsanna Chappell, for instance, defines “democratic deliberation as un-coerced, other-regarding, reasoned, inclusive and equal *debate*.”⁷⁸ As suggested, debate does play an important role in my conception of democratic deliberation; but, given the stress that my conception also places on inquiry and dialogue, I would not, in the way that Chappell does, *define* “democratic deliberation” as consisting, or as primarily consisting, in “debate.”) Yet, it is also distinctive for another reason, for it emphasizes that we should conduct the democratic process in a very particular way – that, in the democratic forum, we should always recognize the potential need to inquire, and that, as appropriate, we actually should inquire, into the (potential or actual) “moral or ethical significance and implications” of whatever is said (and not said) in whatever inquires are fed into, or invoked in the context, of that process, including all of the various types of inquiry just mentioned. In the main, theorists of deliberative democracy have not paid much attention to the question of what, if anything, their respective theories might imply for how participants to the democratic process ought ideally to *regard* whatever “knowledge,” “information,” and “data” is fed into, or invoked in the context of, the democratic process. By contrast, I have argued that a deliberative conception of democracy demands precisely that participants *do* regard such knowledge, information, and data in a particular way, namely, as involving linguistic expressions any one of which *could* have “moral or ethical significance and implications.” In this way, I have put the politics of knowledge production at the center of a deliberative conception of democracy. And in this way, I have suggested that, properly conducted, democratic practice ought to be “Socratic” as well as “Deweyan” in its commitments: “Socratic” in its resolute commitment to the maxim, “Know thyself,” to the idea that we should constantly ask ourselves who we are and what our deepest commitments are, putting these commitments and self-understandings to the test of searching self-scrutiny; and “Deweyan” in its equal commitment to the idea that one of the principal tasks of democracy is to elucidate the modes of thought and action that prevail in our respective cultures, engaging us in a kind of collective scrutiny *of* those cultures, in order that we might improve our ability to think, and to inquire, and to act more intelligently, so that, among other things, we might better formulate and realize our own individual and collective (democratic) aims.

⁷⁸ Chappell (2012: 7).

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