LISTENING IN PUBLIC:
DUTIES OF CIVILITY IN A PLURALISTIC DEMOCRACY

Extended Dissertation Abstract

“I am proud of my Christian faith. And it informs what I do. And I don’t think that people of any faith background should be prohibited from debating in the public square . . . But what I also think is that we are under obligation in public life to translate our religious values into moral terms that all people can share, including those who are not believers. And that is how our democracy’s functioning, will continue to function. That’s what the founding fathers intended.”

— Barack Obama, in response to question 36 of the CNN/YouTube Democratic presidential debate

In October of 2008, the group “Adventists for Proposition 8” posted the following statement on their website, urging California voters to restrict marriage rights to heterosexual couples:

We should Vote Yes on Proposition 8 because we love God and our fellow man. If we love Jesus we will not vote in support of sin. Sin is what nailed Jesus to the cross. If we love our fellow man we will not cast a vote that will directly widen the road to destruction.

As citizens of a modern democracy, how are we to evaluate, in moral terms, those who propose such justifications in support of political policy? In other words, what obligations do citizens have when engaged in public deliberation about political matters? What role should religious values – and other deep-seated ethical commitments – play in such deliberation?

Many influential political theorists would assert that the statement above is a paradigmatic example of a problematic justification for citizens’ political acts, but not necessarily because they disagree with the statement or the position it is meant to support. Rather, these theorists suggest that religious beliefs and commitments are members of a class of “nonpublic” reasons to which we must not appeal in public deliberation, regardless of our assessment of their value. As an implication of this view, and in agreement with Barack Obama’s statement above, many believe that citizens must “translate” their nonpublic reasons into public reasons in order to enter political discussions in the public sphere. Others, in contrast, argue that such duties would be unfair to people with deeply held religious or ethical beliefs. Why, they argue, should citizens of faith be unable to ground their political arguments directly in their religious convictions? Why should they be obliged to restrict themselves to “public” ideas and arguments?

This dissertation project addresses these contested questions, but it does so along slightly different lines than traditional approaches. Traditionally, the emphasis of investigation has been on the citizen as speaker – as an individual who forwards political arguments – and on the nature of her obligations when she finds herself inclined to appeal to nonpublic reasons.
In contrast, I suggest that we turn some of our focus to the citizen as listener, and ask what sort of obligations she has when faced with political proposals that appear to her to rely on nonpublic reasons. What are our responsibilities, for instance, when confronted by Adventists for 8’s political appeal, grounded as it is in a very particular Christian doctrine? Or when confronted by a political argument explicitly motivated by Christian conceptions of charity? How ought one act in response to demands for land rights that rest on claims of a metaphysical or spiritual connection to that land? Or to calls for the repatriation of museum-held human remains that appeal to the sacred nature of those remains?

There are two reasons for this shift in emphasis. The first is simply that the standard accounts say very little – if anything at all – about the duties of the listener. At best, these accounts gesture at a need for listeners to be open and charitable in their public dealings. At worst, their silence seems to imply that listeners can be quickly dismissive of any argument with an air of the nonpublic. Much more needs to be said; insofar as we recognize that public deliberation requires both speakers and listeners, the current state of discussion avoids a significant portion of the moral landscape.

The second reason is that the leading accounts illegitimately exclude many citizens – including many religious citizens – from the political process. I argue that appropriately characterized listeners’ duties can have a countervailing inclusive effect. In sum, emphasizing the role of the listener helps to solve problems extant in prominent accounts of public reason and fills in heretofore undeveloped moral territory; this dissertation is meant to serve as both an extension to and correction of the present course of the public reason debate.

The core of the project is thus an extended argument meant to demonstrate that it is not only speakers who are obligated to pursue public reasons in political deliberation; listeners have a corresponding civic duty – a duty grounded in mutual respect – to actively engage the views of others with the goal of finding compelling public reasons therein. Engaging in this act of “translation” is important to ensure that no one is unfairly excluded from public discourse. Support of the dissertation’s argument first requires understanding the issues motivating the traditional accounts of public reason, and investigation into the normative grounds of the duties for which they argue (Introduction and Chapter 1). The next step is a demonstration of the problematic implications of these duties as presently stated, and a preliminary account of how listeners’ duties help to alleviate some of these problems (Chapters 2 and 3). The last stage is a further look at what a process of political “translation” ought to entail, which helps to outline the nature of citizens’ duties as listeners while establishing further that these duties are, in fact, reasonable things to ask of democratic citizens (Chapter 4). A brief restatement of the dissertation’s main claims completes the project (Conclusion).
Introduction – Public Deliberation Across Difference

Accounts of public reason begin by asking how citizens might reason together to create a just political society. Addressing this question requires engagement with two persistent and intertwined features of modern life: the fact that societies are heterogeneous – in that they are composed of groups with distinctly different foundational beliefs and worldviews – and the fact that such societal groups can be characterized as occupying different epistemic situations. Briefly stated, the initial results of this engagement suggest that these disparate groups are on the whole equally reasonable, yet there is a way in which they reason somewhat differently. Much current political philosophy, in response, proceeds by developing constraints on what kinds of reasons citizens should use in their mutual interactions, so as to avoid irreconcilable public conflict of worldviews. The generative work of John Rawls, for instance, begins with such an idea in his analysis of liberal legitimacy, as does Jürgen Habermas’s work in deliberative democratic theory. Although there is disagreement about which types of reasons have the appropriate status, the traditional wisdom is that when political questions are at stake citizens should restrict themselves to reasons that are thoroughly public – that is, reasons that are generally accessible to all, regardless of their worldview.

Chapter 1 – On Rawlsian Deliberative Duties

Given this basic underlying motivation, the next question to ask is why citizens are to be held responsible for alleviating large-scale problems of public reasoning. In other words, what moral relevance do facts about the existence of reasonable pluralism, or facts about differences in citizens’ epistemic situations, have for our individual political actions? Proponents of public reason constraints must demonstrate the source of the obligations they forward. Rawls does so by drawing an explicit connection between the actions of democratic citizens and the coercive power of government. Since exerting coercive power over another person requires appropriate justification, and the coercive power of a democratic state rests ultimately in the hands of its citizens, Rawls argues that those citizens have a responsibility to provide appropriate public justifications to each other when collectively dictating the course of governmental policy.

However, there is room to question this connection between the citizenry and the government. Indeed, Paul Weithman challenges Rawls on exactly these grounds, arguing that the asserted connection relies on an overly strong conception of citizenship. After all, Weithman argues, citizens as individuals do not generally conceive of themselves as exercising final coercive power over one another, nor need they do so in order to have a reasonable view of their role in the political process.
I argue that Weithman’s critique is ultimately unconvincing, but that it is worthy of scrutiny because it sheds light on important features of Rawls’s position that are often misunderstood or overlooked. For example, Weithman’s view forces clarification of the fact that it is not religious reasons, *per se*, that are problematic on Rawls’s view. Rather, some religious reasons are problematic because they have in common underlying features of inaccessibility. In short, there is room for many religious reasons to be legitimate public reasons. Here we see the first evidence of a looming problem that is addressed throughout the project—the problem of distinguishing public from nonpublic reasons.

In the course of this clarification in defense of Rawls, I also begin to foreshadow other problems for the Rawlsian approach. In short, my overall position is that, although the principles underlying Rawls’s argument for citizens’ deliberative duties are sound, a problematic tension still exists between citizens’ rights of political inclusion and Rawls’s specific *characterization* of those duties. The unpacking of this problematic characterization begins in the next chapter, where we will also see how exploring the tension between political inclusion and deliberative duties motivates the broadening of perspective suggested at the outset—a shift in how we approach questions of public reason that includes consideration not only of the duties of speakers, but also of the duties of listeners.

*Chapter 2—Religious Citizenship, Expressive Disadvantage, and Political Exclusion*

Having a more developed sense of the details of Rawls’s account allows the development of sustained, albeit sympathetic, critique. The first line of critique explores how the imposition of Rawls’s deliberative duties can be an unreasonable demand on certain citizens, in virtue of the fact that these duties effectively—and illegitimately—exclude these citizens from political participation.

Issues regarding religion and religious citizenship are prominent in the literature, and I return to them here as pertinent examples; one apposite, troubling form of political exclusion is the exclusion of citizens in virtue of the doctrinal commitments with which they identify. Many theorists stress the historical and contemporary political importance of religious activity, and argue that religious communities play an important role in the development of engaged citizens, especially among disadvantaged populations. Rawls’s account can accommodate, indeed praise, many of these positive benefits of religious organizations by demonstrating that they enter into what he calls the “background culture,” which, in his view, ought not be fettered by public reason constraints. However, if religious activity is an integral part of a citizen’s identity, she might have difficulty living up to Rawls’s “duty of civility.” Recognition of this potential difficulty brings us to the issue at hand.
Rawls’s duty does not require religious citizens to refrain from presenting nonpublic reasons, per se, but rather asks citizens to accompany their nonpublic reasons with public equivalents. However, the very fact of an agent’s connection to a particular doctrine might make it particularly difficult to offer arguments using reasons that do not stem from this doctrine. It is often the case that religious doctrines, for example, encourage one to live a life in which all activities are expressive of one’s religious commitments. There is, therefore, some tension in celebrating the political importance of religious commitment while prohibiting its natural consequences.

At the very least, there are clearly undesirable effects if—as Rawls’s view sometimes seems to imply—citizens’ deliberative duties require an extraordinary felicity for recognizing where one is relying on nonpublic reasons and separating out such reasons in the act of political expression. Imagine excluding the arguments of a hypothetical, less publicly capable Martin Luther King, Jr. from political discussion. Perhaps this individual is more used to the pulpit than the public stage, and finds it difficult to conceive of civil rights legislation in anything other than religious terms; in light of the potential public value of this individual’s contributions, placing so much moral weight on his expressive capabilities seems misguided.

I identify this type of expressive difficulty as expressive disadvantage, and show that we can find many other sources of expressive disadvantage which can lead to political exclusion. A general education deficit, for example, or a prejudicial social structure, might lead to members of a particular group being less capable of finding public equivalents of their nonpublic reasons. Here imagine a hypothetical Malcolm X with all of the first-hand experience of unjust treatment, and the powerful religious framing of issues of race, who could not draw on a wide background of theory gleaned from an inadvertently well-kept prison library. One might worry that this line of thought takes a paternalistic attitude towards “benighted” religious citizens or “disadvantaged” populations, but one of the important insights of the chapter is a recognition that the majority of citizens, not just a select few, will have some difficulties identifying the effect of their own fundamental beliefs—at least with respect to specific issues and in particular political contexts.

My claim in this chapter is not that Rawlsians have no response at all to these difficulties, but that, taken as a whole, these categories of possible exclusion should give pause to those who only address deliberative responsibilities as being borne by speakers.

Chapter 3 – Conceptual Exclusion and Public Reason

The second line of critique builds upon the first, and goes on to identify a different possible source of political exclusion—one that can be traced to the issues of epistemic “situatedness” alluded to in the dissertation’s introduction. I show that one result of the fact
that our experiences and bases of knowledge are shaped by our social location— that is, one implication of even a weak reading of the “situated knowledge thesis”— is that many of the concepts put into play in political discourse will be formed in reaction to minority group experiences, and thus may have difficulty gaining deliberative traction with the larger public. Call this the situated concept thesis. Building on Miranda Fricker’s analysis of hermeneutical injustice, I further demonstrate how the situated nature of concepts can result in the political exclusion of groups who draw upon those concepts in the course of making political claims. I identify this phenomenon as conceptual exclusion, and indicate the wide range of cases in which conceptual exclusion can operate using examples such as Australian Aboriginal land claim disputes and the political fight for awareness of sexual harassment in America.

Using the notion of conceptual exclusion, I conclude that making distinctions between (politically legitimate) public reasons and (politically illegitimate) nonpublic reasons is more complicated than traditional accounts assume. Claims which rely on locally situated concepts, for example, may very well appear at first glance to be genuinely inaccessible, when in fact they only require transmission or “translation” of their operative concepts. In this way, many situated concepts are very different than— but have a superficial similarity to— things like deeply held metaphysical beliefs. Unless these subtleties involved in distinguishing between public and nonpublic reasons are taken into account, the phenomenon of conceptual exclusion can cause public reason constraints to further exclude already marginalized groups.

These factors again point towards a need to revise traditional accounts of public reason via a re-conceptualization of our civic obligations, with an eye towards developing the obligations of listeners. It stands to reason that processes of transmission or “translation” of marginalized concepts will require efforts on the part of listeners in order to be successful; indeed, it is likely that the mechanism of distinction itself will be a group process in which members of many different “micro-climates” and worldviews must take part, as both purveyors and arbiters of political claims. In short, the behavior of listeners has a significant impact on whether or not processes of political deliberation are appropriately inclusive, and failures to listen well can exacerbate problems caused by unjust societal structures.

Chapter 4 – On Habermas and Public “Translation”

In the preceding chapters, I raised problems for traditional accounts of public reason and suggested that invoking duties of listeners— which involve an effort to “translate” the claims of others— alleviates some of these problems. What remains is to address in more depth what this suggestion might entail.
In his recent work on the role of religion in the public sphere, Jürgen Habermas places significant weight on the process of translating religious claims into equivalent secular claims. And, as I make clear, an account of translation is also necessary to give a charitable and informative reading of John Rawls’s "duty of civility". Although neither Rawls nor Habermas state explicitly what such a process ought to look like, I use their work as a foundation upon which to build an account of the translation of nonpublic claims, particularly focused on how “translation” can serve the purpose of political inclusion.

I begin this process by arguing that Habermas’s characterization of translation as a collective action allows for a correction to the Rawlsian view by opening up space for the development of listeners’ duties. Furthermore, I suggest that – pace recent work by Christina Lafont – it is not sufficient for citizens solely to interact with and appraise objections to proffered nonpublic arguments. Rather, a significant part of a process of translation must involve consideration of how a putatively nonpublic view itself aims to impact governmental policy.

These lessons learned from discussion of Habermas’s work dovetail nicely with an unpacking of Rawls’s criterion that nonpublic reasons be accompanied by public equivalents “sufficient to support” the policies which were argued for in nonpublic terms. This “sufficient to support” clause suggests a functional reading of translation, wherein legitimate public equivalents of nonpublic reasons will be able to serve the same function in arguments. I argue that this criterion, along with a few similar functionally-oriented criteria, serves as a suitable aim for those engaged in processes of translation. In addition, I reiterate that a significant part of this process must be one of an attempted “filtering” out of nonpublic content, a process which will involve some deliberation amongst its participants about what counts as a public reason.

However, the main point that I stress in this chapter is that engaging in such processes of translation is in itself politically and ethically relevant, even if the process does not always result in claims with which the individual who initially forwarded the argument “in need” of translation is satisfied or can identify. The upshot is that the process of translation is most accurately characterized as a generative process in which listeners, most prominently, are exhorted to create and entertain public reasons in favor of positions held by speakers. Thus, fulfilling one’s duty as a listener looks less like a process of attempting to faithfully extract the semantic content of a nonpublic claim, and more like a process of recognizing the difficulties inherent in public debate and ensuring that those difficulties do not endanger the political presence and participation of those disadvantaged by such difficulties.
Conclusion – The Normative Grounds of a Listener’s Duty

Again, the underlying theme of the dissertation is that it is not only speakers who have civic obligations with respect to public justification: listeners have a corresponding civic duty which in part requires “translating” the views of others to find appropriately representative public reasons. In support of this listener’s duty, I aimed to demonstrate throughout the preceding chapters that maintaining the traditional liberal view – that is, the Rawlsian account, in which obligations on listeners are absent – incurs substantial theoretical costs. Moreover, along the way I consistently offered reasons in favor of the fact that these are costs that one ought to care about, and spent time addressing the operative notion of “translation,” a notion which is present in the literature on public reason but insufficiently spelled out on the whole.

In the conclusion, I first revisit the costs incurred by the traditional view, and restate why it is that the attribution of substantive civic duties to listeners lessens these costs considerably. I then comment explicitly on how these civic duties are grounded in respect for the rational capacities and political input of other citizens. This concise recapitulation of the dissertation’s claims makes clear that the listener’s duty is grounded in the same notion of political respect which provides the normative grounds for Rawls’s duty of civility. In other words, the conclusion stresses that someone who accepts Rawlsian deliberative obligations on speakers must accept the existence of listeners’ duties, on pain of contradiction.

In summary, the dissertation project outlines the present course of the debate over public reason, identifies some significant areas of concern with the most prominent positions within that debate, begins to develop an account of what public translation entails, and, ultimately demonstrates why listeners are obligated to play a part in the process of translation. In this way, I provide a model of mutual respect in political deliberation that is sensitive to the challenges of pluralism and yet acknowledges the positive potential of pluralistic discourse. I thus provide the basis for an account of public reason that avoids many of the objections raised against the leading accounts and that is complete where these leading models are underdeveloped. As a result, the project opens the door to a more constructive and fair space for dialogue between citizens of differing worldviews.