

## A DUTY TO LISTEN: EPISTEMIC OBLIGATIONS AND PUBLIC DELIBERATION†

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### *Abstract*

It is a common line in democratic theory that citizens must only offer “public” reasons into political discourse. This is a civic obligation that is traditionally taken by political liberals to fall on the citizen as *speaker* – as an individual who forwards political arguments. I argue here that taking proper account of the epistemic complexity involved in distinguishing public from nonpublic reasons entails robust civic obligations on listeners. Thus, those who accept this obligation for speakers must accept a corresponding civic obligation on listeners – a duty to attempt to identify public reasons within others’ presented arguments, even if those arguments appear nonpublic at first blush.

### *Keywords*

Political liberalism; public reason; deliberative democracy; deliberative obligations; John Rawls

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## 1. INTRODUCTION

Modern democratic theory frequently includes a commitment to some form of public deliberation—a commitment which has given rise, in turn, to questions about the deliberative obligations of democratic citizens. This line of questioning rose to prominence with John Rawls’s argument that citizens have a “duty of civility” to appeal to public reasons in political discourse,<sup>1</sup> and has generated a healthy divergence of positions within contemporary debates about public reason.

Yet in the course of these debates we rarely pause to wonder what obligations citizens have when listening to the views of others. The vast majority of public reason theorists focus on the citizen as *speaker*—as an individual who forwards political arguments; they have largely ignored the citizen as *listener*—as an individual often faced with political arguments that appear foreign or uncivil. Such neglect of part of the moral landscape seems strange, given that citizens will far more often occupy the role of public listener than the role of public speaker.

I claim that this neglect represents a substantive oversight, and that analyzing the role of the listener sheds light on the epistemic complexity of distinguishing public from nonpublic reasons. In support of this larger claim, I offer here one line of argument for a civic duty that falls uniquely on listeners: a duty to attempt to identify public reasons within others’ presented arguments, even if those arguments appear nonpublic at first blush. My argument is aimed most directly at Rawlsian political liberals; I argue that those who endorse a roughly Rawlsian duty of civility for speakers must on similar grounds endorse this complementary listener’s duty.

Acknowledging the existence of the duty to listen I describe is important for political liberals because it is needed to address an important obstacle to the respectfulness of public reason: the fact that standards of deliberation are affected by the makeup of public political culture. The

implicit objection, one similar to familiar criticisms, is that applying a public reason standard can end up reflecting the biases of dominant social groups. In other words, unstated assumptions inherent in public political culture will work to illegitimately minimize the effectiveness of the political arguments of less dominant groups, resulting in acts of disrespect perpetrated in the name of civil and mutually respectful discourse.<sup>2</sup>

By showing how listeners' duties help allay such concerns, I offer a line of response to this objection. I trace the source of the obstacle to epistemic biases that affect all citizens engaged in public reason, and argue that listeners must work to overcome these biases in order to give political claims a just hearing. In addition, listeners have an important part to play in counteracting the affects of such biases in others. As a result, it would be both unfair and self-undermining for political liberals to place all of the substantive burdens of public reason on speakers. Listener's duties support an atmosphere of political respect in a way that speakers' duties alone cannot.

My primary aim in introducing a duty to listen is therefore to suggest that the model of public political discussion often taken for granted by Rawlsian political liberals must incorporate such a duty to achieve its stated aims. This means that, civility, for listeners, must necessarily go beyond the "open-mindedness" and commitment to revisability that are suggested by Rawls's initial statement of his duty of civility. However, I take fulfillment of this listener's duty to be morally significant even if one rejects a central tenet of Rawlsian political liberalism and presumes that public political deliberation need not take place only in terms of public reasons. So, I will close by suggesting that the actions I describe in terms of a duty to listen have moral relevance for a wide range of deliberative democratic theories, by which I mean any theory where public deliberation serves a substantial legitimating function.<sup>3</sup>

## 2. LISTENING IN PUBLIC: A POLITICAL LIBERAL APPROACH

However, I want primarily to explore the role of the listener from within a Rawlsian political liberal approach to questions of public reason. This means maintaining, *pro tem*, the general presumption that public political discourse ought to be fundamentally restricted to public reasons, which is to say ideas and arguments that do not invoke controversial metaphysical, ethical, or religious premises about which citizens reasonably disagree.

The political liberal approach begins by asking how citizens might reason together to create a just political society, and quickly becomes entangled with a commitment to two basic principles. First off, political liberals believe that it is important for citizens to be able to shape their own political structure. We might call this 'the principle of democratic authorship'. At the same time they want to be sure that this structure—the laws which form the backdrop to citizens' lives—can be justified to all who live within it. In other words, political liberals believe that state coercion is legitimate only when backed by reasons that are in principle acceptable to its citizens. Following Rawls, we can call this 'the liberal principle of legitimacy'.<sup>4</sup> Given these commitments, much hangs on citizens' engagement in a project of public justification, where

citizens seek reasons that might be acceptable to their compatriots. Hence Rawls's famous "proviso" that citizens must accompany any nonpublic reasons they forward with public equivalents when in official public contexts;<sup>5</sup> he allows for nonpublic reasons to enter discussion only "provided that in due course public reasons, given by a reasonable political conception, are presented sufficient to support whatever the comprehensive doctrines are introduced to support".<sup>6</sup>

The political liberal approach is attractive because it asks citizens to respect the deeply held convictions of others. In doing so, it aims to address the pluralism found within modern democracies. But, it also creates well-known difficulties for citizens of such democracies, who must negotiate substantive differences when offering justification to their fellow citizens. For example, many have highlighted the difficulties involved in finding a common justificatory ground in contentious moral debates, such as debates over abortion.<sup>7</sup> These difficulties give rise to questions about what responsibility citizens have for overcoming them, which leads us to the issue at hand of what responsibilities (if any) fall on listeners in the process of deliberating across difference.

To be clear, the liberal tradition is not entirely silent on this issue. Rawls himself notes that citizens must be willing to listen to each other, and must be fair-minded in making accommodations to the views of others.<sup>8</sup> Rawls says little more, but even these brief comments suggest that listeners have an important role to play in public reasoning. This must be so; the conception of citizens as co-authors of government is empty if others will not listen to one's political claims and take them up if found persuasive. There is no conduit from a citizen's lips to the exercise of political power save the ears of others, and to fail to listen fair-mindedly in the public square can thereby represent a failure to acknowledge another's status as citizen.<sup>9</sup>

We can also draw further implications for listeners from Rawls's account. Just as speakers are obliged to appeal to public reasons, we can assume that—in Rawls's view—listeners have an obligation to take public reasons seriously. Part of what it must mean for listeners to be open and charitable in their public dealings is that they consider proffered public reasons as candidates for justifying policy. Whereas nonpublic arguments can be respectfully dismissed as politically irrelevant, listeners must grant that the public reasons of others are at least potentially relevant.

One might think that this is where listeners' obligations end. If this were so, we would have but a trivial elaboration upon or extension of Rawlsian political liberalism. However, I aim to demonstrate that the role of the listener is considerably more complicated—epistemologically speaking—than is generally acknowledged, and that these epistemic complications ground a need for more robust obligations on listeners.

To identify an argument as nonpublic is, for political liberals, to consider it unfit for political consideration. As a result, identification of an argument as nonpublic can serve to bar the individual who forwarded it from effective political participation, at least in this instance; while one's nonpublic reasons may be welcomed in the background culture, considered by one's fellow citizens, and acknowledged by legislators, they will as a matter of course be set aside when it

comes time to determine the course of governmental policy. Thus, listeners' judgments about whether or not a speaker's reasons are public are a significant matter.

The inattention paid to listeners in the literature seems to imply that these judgments are straightforward, and that listeners can be quickly dismissive of any argument with a nonpublic air. It is surely true that, in many cases, identifying an argument as nonpublic and setting it aside is perfectly justified. However, we ought to be more careful in discerning when such dismissals, which can serve as acts of *de facto* political exclusion, are legitimate.<sup>10</sup> In any public political culture, there are going to be systematic reasons why an argument that strikes a listener as nonpublic at first blush may in actuality contain public content. This fact supports a presumption that listeners ought to make an effort to go beyond initial appearances and seek out public reasons in the presented views of other citizens. Given the weight placed on accurately identifying public reasons, rejecting a reason only because it initially *seems* to one to be nonpublic is insufficient. Or, at least, so I will argue.

Why might distinguishing between public and nonpublic reasons be a complicated task for listeners? Answering this question requires a moment spent on the *in principle* distinction between public and nonpublic reasons. Here I mean to be making use of the mainstream view in which nonpublic reasons are reasons that are evidentially dependent on the adoption of a particular worldview—what Rawls refers to as a particular “comprehensive doctrine”.<sup>11</sup> To those who do not share the fundamental commitments of that worldview, such reasons cannot be assessed on common ground.<sup>12</sup>

An important feature of nonpublic reasons is therefore that they can obstruct inter-group deliberation in a particular and characteristic fashion, even among reasonable people who hold reasonable worldviews. When citizens of different worldviews come together, one side can offer reasons that the other side does not or cannot accept as reasons; the listening side will view these reasons as carrying a vastly different justificatory weight than the speaker intends, or perhaps no justificatory weight at all. Furthermore, the discrepancy is deeply rooted and recalcitrant. Perhaps, for example, one side views a human skeleton as sacred in virtue of the fact that it belonged to an ancestor, a common claim in the debates surrounding the Native American Graves Protection and Repatriation Act.<sup>13</sup> The other side might be unmoved on grounds that the essential nature of humans is unconnected to the physical, meaning that even the remains of one's own ancestors ought not be considered sacred. Here, there is an impasse that can be traced to fundamental differences in the deliberators' respective worldviews; they are having problems engaging with each other's arguments due to the use of reasons that are not mutually shareable—i.e., nonpublic reasons.

As another example, although one might have an idea of what it means to be saved by religious belief, appeals to salvation will automatically have no weight if one does not hold a religious worldview premised on salvation. Nonbelievers will thereby have considerable difficulty evaluating claims in which theological notions of salvation purport to play a justificatory role, even if they understand the claims perfectly well. Whereas those who share a faith might be able

to engage each other about the strength of the argument built from such claims, this argument will be significantly opaque to appraisal from the nonbeliever's perspective, since from this perspective the argument's fundamental premises are categorically false.

In the literature on public reason, theorists disagree with each other somewhat about the characteristic feature of nonpublic reasons, and label it in various ways; they label nonpublic reasons as those that are not 'sharable'<sup>14</sup>, not 'accessible',<sup>15</sup> or simply do not count as 'reasons all can accept (as reasons)'.<sup>16</sup> There is controversy over which characterization is most appropriate, as well as attendant dissatisfaction about how these terms frequently receive superficial treatment and are often confused with one another. Some critics even argue that all characterizations currently on the table are effectively incoherent.<sup>17</sup> I do not mean to be taking a particular stand on the issue, nor do I intend to adjudicate the ongoing debate. Rather, I take the general account I have provided to point at roughly the feature of nonpublic reasons with which most people are concerned. Such a general account will suffice for present purposes, as long as we assume that that one can, *in principle*, make use of this defining feature to distinguish between public and nonpublic reasons.<sup>18</sup>

This brings us to the aspect of the issue with which I am primarily concerned: the question of how citizens are to make distinctions between public and nonpublic reasons *in practice*. While the conflicted philosophical debate over definitional criteria might give one pause in addressing this question, the sorts of concerns that I address are independent of deciding upon a specific definition. Again, I want to acknowledge the difficulties involved in listeners' judgments about which reasons actually meet the criteria.

### 3. WORLDVIEW BIAS AND THE EPISTEMIC DEMANDS OF LISTENING

I take Rawls's view of nonpublic reasons to be in line with the account that I have just sketched, and he was remarkably sanguine about citizens' abilities to identify nonpublic reasons in the course of their political life. Yet, making accurate judgments of distinction will depend on the conceptual and epistemological resources that are available to citizens. This is just to say that the identification of public reasons can be influenced by the features of a given society, such as its doctrinal composition and constitutional values.

Here I want only to highlight the fact that listeners will be biased in their identification of public reasons by their held worldview. Since public reasons are those that are shareable between multiple worldviews, public reasons can only be characterized as such with reference to multiple perspectives. But individual citizens are limited in their ability to take up a range of perspectives. Each citizen has to make judgments of distinction while operating from her own perspective, and in many cases she can only identify a reason as assessable or shareable *to her*, as a representative of her particular worldview. From an individual's perspective, candidates for public reasons are going to be those that resonate with familiar worldviews, meaning that listeners will have a tendency to view some nonpublic reasons as public; the fact that those reasons are not sharable to some other worldview will not be within the listener's purview. Imagine, for example, a political

conversation between a Protestant and a Catholic. There will be a range of reasons—involving, say, the idea of theological personality and of redemption through Christ’s sacrifice, minus the doctrine of transubstantiation—that are sharable between them but would not be sharable to Esoteric Buddhists or atheists. Absent background information about non-Christian worldviews like Buddhism and atheism, neither the Protestant nor the Catholic would have reason to consider redemption a nonpublic premise.

Viewed at an individual level, the effects of such worldview bias might not be found troubling, since citizens have opportunities to overcome their biases. They can have access to relevant background information, and can gain exposure to citizens who do not share their worldview. It is, after all, central to theories of public reason that political deliberation takes place not in monolithic religious communities, but within the context of a public political culture. In short, there is potential for listeners to use public political culture as a guide for the identification of nonpublic reasons.

However, public political culture is neither neutral nor equally representative of all reasonable worldviews. Indeed, I take it I need not defend the claim that public political culture itself is generally biased in favor of a subset of the reasonable worldviews that are represented by a nation’s citizens. Whether this bias is a result of historical injustices or other cultural forces, some worldviews tend to have a strong presence, as we are reminded whenever we hear appeal to the United States as a Christian nation.<sup>19</sup> In this light, insofar as public political culture can act as a corrective rubric, it can also reinforce and exacerbate individual worldview biases with respect to which reasons are in fact public.

Logically speaking, such a worldview bias in public political culture is unproblematic, because it only implies a bias in the identification of public reasons, not the identification of nonpublic reasons. Worldview bias can produce false positives in the test for public reasons, but one might think that it cannot produce false positives when testing for the nonpublic. It is sufficient for a reason to be nonpublic that its basis of justification cannot be shared from within one reasonable worldview. So, a listener’s characterization of a reason as nonpublic should stand regardless of her worldview and any associated bias.

Yet, epistemically speaking, the picture is not so simple, since we cannot assess the justificatory weight of reasons *a priori*. The resources one uses to identify nonpublic reasons are culturally embedded, meaning that a societal worldview bias will have a significant impact on this process of identification. Distinguishing between public and nonpublic reasons in practice will involve, among other things, contrasting newly encountered reasons with previously identified public reasons, separating out foreign from familiar patterns of argument, and attempting to understand other’s arguments so that justificatory judgments are possible. All of these activities are influenced, to various degrees, by worldview bias.

One manifestation of this general phenomenon is when an appeal to public reasons is missed because the form of presentation is unfamiliar and/or misunderstood.<sup>20</sup> As mentioned above, the deliberative problems presented by nonpublic reasons are not problems of understanding. One

can understand another's reason and yet reasonably disagree about its justificatory weight. However, understanding a reason is a necessary condition for making judgments about whether or not a reason is public, and failures of understanding can at times bear a superficial resemblance to reasonable disagreement. So, insofar as one's unfamiliarity with another's worldview can be a barrier to understanding, it can cause the misidentification of nonpublic reasons.

Think here of a devout Christian presenting an argument to a nonreligious audience. She might make use of explicitly religious language like 'sin', 'sacredness', or 'God's love' in ways that express generally accessible propositions. For example, she may claim that "We are all children of God" in a way that makes no reference to exclusive Christian tenets; it may just be an expression of the fact that all humans are equally valuable, an idea consonant with fundamental democratic commitments and which requires no grounding in religious belief or authority. This subtlety could be lost on a crowd unfamiliar with her beliefs and rhetorical practices. They, in reaction, could mistakenly move to disregard her argument on the grounds that it was not suitably public. Again, this phenomenon may not be worrisome on a small scale; such misunderstandings must be at times unavoidable in any diverse society. But the presence of worldview bias on a large scale can systematically interfere with the uptake of the claims of underrepresented groups, and thus can create systematic difficulties for the identification of public reasons.

As a further concern, listeners' attempts to distinguish between public and nonpublic reasons will be complicated by the complexity of reason-giving, by which I mean that arguments frequently contain both public and nonpublic reasons. Reasons are often spoken of as if they are forwarded independently and can be analyzed in isolation, but disentangling discrete reasons from a chain of reasoning is a troublesome task. Processes of reasoning draw from many sources of inspiration, and hence a speaker's political claims can easily be composed of elements that refer to both the public and the nonpublic.<sup>21</sup> Also, reasons themselves can contain both public and nonpublic content.

This means that, for one, classificatory labels like 'religious' will not generally help to identify nonpublic reasons.<sup>22</sup> Although we can find clear examples of nonpublic religious reasons—such as those that reference Christian conceptions of the afterlife or are justified on the basis of revelatory experience—we can also point to religious reasons that are substantially grounded in recognizable features of common human experience. More to the point, religious reasons can appeal to generally accessible content, such as the value of human life, even while connecting this content to controversial metaphysical premises, for instance that such value is gained because people were created by God. This complexity of public and nonpublic content is something that can be found more generally, and not only in the case of religious reasons, but raising this issue in the context of what are often taken as the most paradigmatic examples of nonpublic reasons illustrates the general point concisely.

One could object that these concerns of worldview bias and complex arguments will be less pressing in a society that has a settled political culture. Indeed, one might think that a stable, settled public political culture whose members accept the ideal of public reason will have no

problems of this sort. We might imagine that this culture will have developed a public conception of public reasons—a rough but comprehensive list, known to all its citizens, of the sorts of reasons that are public and the sorts of reasons that are not. It is true that the amount of worldview bias present, the large-scale impact of complex argumentation, and the overall effect of these difficulties on political deliberation will clearly depend on the nature of a nation's civil society. However, it would be a mistake to downplay the propensity of public political culture to change over time, even in the course of imagining this fantasy of a stable state. As a society's constituents change, as new political issues become salient, as children become adults, public political culture will change and so will its operative political reasoning. Most relevantly, even a stable public conception in a settled political culture will have to be maintained over time by the same sort of process by which it came about, which is to say by citizens making careful judgments of distinction when listening to the arguments of other citizens.

In sum, supporting the societal endeavor of public reason over time requires the epistemic labor of listeners. This labor involves identifying reasons as public or nonpublic in a way that facilitates the existence of a wider, more accurate cultural understanding of the public/nonpublic distinction. In addition, listeners have to be sensitive to the fact that cultural biases can interfere with the efficacy of this labor, even in near-ideal conditions.

That being said, I do not want to overstate the implications of worldview bias for the unstable, unsettling, and less-than-ideal public political cultures which are found most often in actual democracies. I am not implying that worldview bias is so pervasive that it can never be overcome—that all of our judgments about public reasons in the real world will be irrevocably tainted by the dominance of some worldview or other—nor that identifying public reasons is an impossibly taxing enterprise for the average citizen. Rather, I want merely to refute in advance any suggestion that the listener's role in creating a public space free of nonpublic reasons will be straightforward, epistemologically speaking, and can be characterized as a passive attitude.

I have stressed that listening must serve a significant function for the political liberal model of public reason, in which only public reasons are considered justificatory for official governmental purposes. Listeners identify public reasons and shepherd them from the background culture into official governmental contexts; in this way, listeners can similarly function to exclude lines of argument from official standing by identifying them as nonpublic.<sup>23</sup> To strive against creating unjust barriers to citizens' effective political participation, we have an obligation to struggle to confront and overcome biases that can render our first impressions of another's argument untrustworthy. To do otherwise is to resign ourselves to the fact that we have not given an equitable hearing to the claims of other citizens, especially those who hold a worldview that is different than our own or whose worldviews do not have a dominant presence in public political culture. Hence I hope to have established a reasonable presumption that listeners ought to take an active role in striving to move past first appearances in the course of public political deliberation, engaging with the arguments of others in order to search for public reasons.



#### 4. THE ETHICAL DEMANDS OF LISTENING AND THE BIASES OF SPEAKERS

Recognition of the hard work involved in giving a fair hearing to others' claims is the first step in an argument for robust listeners' duties. The second step in the argument is a demonstration of how listeners have an important part to play in speakers' forwarding of public reasons. This is because speakers are biased in identifying public reasons within their own views, in ways that are analogous to—but importantly different in effect from—the biases of listeners. When listeners seek to find public reasons in the arguments of speakers, they not only counteract their own biases, but also assist those speakers in overcoming biases that interfere with their ability to be confident in their civility.

On Rawls's view, civility must require a reasonable amount of confidence that one's nonpublic reasons are adequately supplemented with public reasons. This means that, given the complex nature of argumentation, forwarding arguments in accordance with the duty of civility will involve a fairly fine-grained process of distinguishing nonpublic from public content in one's chain of reasoning. Yet, the beliefs, principles, and reasons for action operative within one's comprehensive doctrine stand in a complicated relationship to one another, meaning that it is difficult to separate out the constituent elements of any worldview. Even with reference to scientific theories, it is no straightforward thing to distinguish first principles from theoretical assumptions, or descriptive statements from metaphysical commitments.<sup>24</sup> And, as Seyla Benhabib rightfully insists, "The systems of belief of ordinary agents do not have the level of coherence and systematicity of scientific worldviews."<sup>25</sup> In this light, separating out the nonpublic and public content of one's own views will be a nontrivial task. It requires a capacity for recognizing which parts of one's thought process relate to the political claim one wants to forward, which parts are thoroughly inaccessible and need to be separated out, and so on. It requires navigating the complicated conceptual and inferential interconnections between one's comprehensive doctrine and a range of other held beliefs, values, and commitments.

This concern echoes the objection—often expressed in the ongoing debates about religious citizenship—that devout religious individuals will be accustomed to approaching all problems primarily with appeal to nonpublic content, and thus will be unfairly burdened by public reason constraints.<sup>26</sup> Leaving these claims of unfairness aside, it is a mistake to view such issues as only applicable to fundamentalist citizens, or only to devout religious citizens. Reasoning in terms fully embedded in one's comprehensive doctrine—which gives rise to a tendency to offer justifications that are nonpublic—would seem to be a phenomenon common to most citizens in the first instance.

In other words, the process of public claim formation is complicated by worldview bias. Citizens will be inclined to view their claims as wholly integrated with or stemming from their deeply held beliefs and values, which will hamper the identification of public reasons. This inclination will persist even if, in fact, their claims do contain content that is separable from their nonpublic reasons. More to the point, speakers face the mirror image of the bias problem faced by listeners. None of our own reasons seem inaccessible from our point of view; in virtue of

holding one's own worldview, it is difficult to assess how one's reasons will fare if that worldview is not taken for granted. Our judgments about our own reasons can only be effectively contested when we come into contact with someone who does not share our worldview, and thus whose reactions to our reasons will be significantly different than our own. If left to our own devices, we will be on shaky epistemic ground when it comes time to separate out the public and nonpublic constituents of our arguments.<sup>27</sup>

Access to the reactions and responsive judgments of listeners is thus critical—as a conceptual matter—for speakers to be confident in forwarding public reasons. Importantly, listeners are often in a position of relative epistemic advantage with respect to the speaker's problems of distinction, since they are often not affected by the worldview bias of the speaker. Moreover, the defining criterion of a public reason is accessibility *to others*—to those who do not share one's worldview—which means that listeners can play a pivotal role in identifying public content and contributing to the separation of public and nonpublic content of a speaker's views. Here, then, we see further ethical grounds for a duty to listen. Put crudely, if speakers have a duty to pursue public reasoning, and doing so requires efforts from listeners in helping to identify when such reasoning is in fact public, listeners should have a duty to engage in that effort.

A more subtle way to frame the point is that the listener's duty I have described is necessary to capture the normative features of a model of public reason in which citizens find and offer public reasons *through* discussion, as opposed to a model where they approach discussion fully prepared to present distinctly public reasons. As Paul Weithman has argued, Rawls's account is most charitably read as describing the former. In defending against the objection that Rawls's view is too “monological”—that Rawls models public deliberation as if it were a collection of monologues rather than a dialogue—Weithman stresses that Rawls allows for citizens to “arrive at public reasons through actual dialogue” consistent with fulfilling their civic obligations.<sup>28</sup> Weithman's concern is to show how this model more closely follows how deliberation actually proceeds, where speakers are able to reshape and reframe their arguments in response to reactions from listeners. In line with the stipulation of Rawls's proviso that public reasons only need to be supplied “in due course”, Weithman emphasizes that citizens are judged to be civil (or uncivil) at the end of deliberation, not at its outset, and can avail themselves of the benefits of interaction with their audience in pursuit of appropriate engagement in public justification.<sup>29</sup>

I endorse this elaborated upon model of Rawlsian public reason, which describes some ways in which listeners can enable civil dialogue. However, even this more fully described model does not address the normative expectations placed on listeners, meaning that it cannot capture the whole story; explaining the duties of speakers by appealing to the benefits of interaction with their interlocutors is hollow if those interlocutors have no obligation to interact constructively. Furthermore, I hope to have demonstrated that the epistemic and normative roles of speakers and listeners are more intertwined in pursuing public reasons than is commonly acknowledged. Since speakers' abilities to identify public reasons are limited without the efforts of listeners, accounts of public reason that fail to articulate duties of listeners undermine their own aims.

To be sure, such accounts also have to have other features in order for the duty to listen to have the potential benefits I have described. For one, the discursive system must include multiple sites for public engagement and deliberation on political issues. Furthermore, a substantial amount of this engagement must involve deliberation across multiple lines of difference and exposure to a diversity of worldviews.<sup>30</sup> After all, listening can be instrumental to the separation of public and nonpublic reasons, on my account, by providing a perspective from outside the speaker's worldview. Deliberations among those who share worldviews will be much less effective at identifying public lines of argument.<sup>31</sup> This means that, if I am right, political liberals must be even more committed to supporting deliberation across difference than might have been previously thought.

How worrying is this additional emphasis on deliberative diversity? In many ways, it should come as little surprise to any theorist inspired by Rawls; since Rawls was concerned to accommodate the fact of reasonable pluralism within his model of society as a fair system of cooperation, it stands to reason that ““seeing political power as the power of citizens as a collective body”<sup>32</sup> will involve civic engagement among diverse publics aiming to exercise power collectively. A similar conclusion follows from reflecting on the political liberal separation between public contexts—where public reasons are given pride of place and duties of civility apply strongly—and the free political discussion of the background culture. This separation implies a need for liminal, transitional spaces for public deliberation that lie between the background culture and governmental contexts like the Supreme Court and the Senate floor.<sup>33</sup> There are many reasons why these liminal public spaces ought to emphasize deliberative diversity.

One might worry, though, that this additional emphasis shows the model to be of little practical use. There are reasons for pessimism—grounded in empirically-informed social psychology, political science, and political theory—about the likelihood of civic engagement with diversity and about the benefits of deliberation across difference.<sup>34</sup> Indeed, there are those who are skeptical about the efficacy of public political deliberation itself,<sup>35</sup> just as there are those concerned to vindicate the benefits of deliberation through work at the intersection of normative political theory and empirical social science.<sup>36</sup> It should be clear that my argument thus far rises and falls with the empirical vindication of deliberative approaches to democracy, in general, and political liberalism, specifically. What I hope to have demonstrated is that those who are already committed to the moral constraints of political liberalism are also committed to the less familiar constraints of the duty to listen.

However, it might also be helpful to clarify that I am not conflating the fulfillment of the liberal principle of legitimacy with fulfillment of the duty of civility. The only reasonable interpretation of Rawls's duty of civility, or any similar political liberal alternative, is as a duty to make a good faith effort to forward public reasons alongside one's nonpublic reasons—to *try* to give public reasons, as best one can. Hence it is either a *prima facie* duty or something of an imperfect duty, in that one can meet the duty of civility while still failing to actually provide

public reasons, since one's good faith efforts may fail.<sup>37</sup> In this sense, fulfillment of our deliberative obligations with respect to public reason cannot be entirely contingent on epistemic success, meaning that individuals have to be considered civil at times even when their biases blind them to the fact that they are expressing nonpublic reasons. Whether this failure occurs because of the effects of worldview bias or for some other reason is neither here nor there, morally speaking, as long as it is not a morally culpable failure. This fact might be taken to limit the normative implications of my argument, since I have placed so much emphasis above on the epistemic challenges involved in confidently identifying public reasons.

In this light I want to emphasize that I am not conceiving of the duty of civility in consequentialist terms. I take making an effort to tackle these challenges—to disambiguate public from nonpublic content, overcome one's biases, and so on—as constitutive of the good faith effort required by our deliberative obligations. As a speaker, one can indeed fail at these tasks in a morally praiseworthy way. Similarly, listeners can fulfill their obligation while failing to identify public content in the argument of others, even if it is present, just as they can fulfill their obligation even when they are unhelpful in distinguishing between the public and the nonpublic. But acknowledging that good faith efforts can fail is a far cry from claiming that listeners are not obligated to make the effort. In the same vein, acknowledging that it is not always morally required to overcome successfully the epistemic difficulties I have described is not the same as considering those epistemic difficulties morally irrelevant.

Moreover, it should not be overlooked that our deliberative obligations as democratic citizens stem from a commitment to the principle of legitimacy; the ideal of sharing public reasons with one another is what gives rise to obligations to make a good faith effort to achieve that ideal. Keeping the importance of commitment to that ideal in view, it follows that the logic of the duty of civility applies to both speakers and listeners. Furthermore, it should be clear why our duties as listeners extend beyond simply being open to the positions of others or being willing to revise our views when faced with new arguments. The ethical and epistemological ramifications of the concerns raised above are striking, on aggregate, in terms of how they impact the pursuit of public reason. These concerns suggest that making the appropriate distinctions between public and nonpublic reasons requires a process of public deliberation that is in part aimed at adjudicating these distinctions; establishing standards of public reason and facilitating the transmission of complex or unfamiliar public claims necessitates dialogue across difference. Thus, placing all of the burdens of finding public reasons on the speaker comes at a substantial theoretical cost; on a macro-level, listeners' duties will play an important role in making distinctions that are fundamental to the obligated activities of speakers. Large-scale decisions about which types of reasons are public are only going to be able to be made in the course of deliberation about that topic, and the same applies to decisions about whether any particular reason meets those general criteria. In sum, the addition of a duty to listen makes the moral landscape appropriately more complex, in that it makes possible a civil society equipped to support the ideal of public reason.<sup>38</sup>

## 5. POLITICAL RESPECT, DEFEASIBILITY, AND THE BURDENS OF INTERPERSONAL JUSTIFICATION

One might still be worried that I have placed too much emphasis on the legitimacy of the process of public deliberation, and not enough on the interpersonal moral relationship between citizens or the impact the duty to listen will have on individual citizens. This over-emphasis might be thought to give rise to at least three concerns. First of all, one might wonder whether I have lost the characterization of the duty of civility as a means of political respect. Secondly, one might want to know to what extent the weight of listeners' duties can vary depending on particular circumstance. Lastly, one might be concerned that the imposition of a duty to listen constitutes an unreasonable burden on citizens. I will address these concerns in turn.

On the subject of political respect, one can imagine a Rawlsian political liberal baldly framing the challenge as follows: "I have an argument, grounded in the requirements of political respect, for why speakers are obligated to forward public reasons. I agree that, depending on how a speaker presents her view, listeners might have problems recognizing whether or not the speaker has fulfilled their obligations. I recognize that listeners could play a helpful role in mitigating these problems, but absent a respect-based argument for why they *ought* to do so, I will maintain that tackling such problems is the speaker's burden to bear. Since it is the speaker who is in danger of exhibiting disrespect by demonstrating a desire for others to be coerced on nonpublic grounds, all care should be taken by the speaker to avoiding even the appearance of such a desire."

In response, I want to suggest that the same respect-based arguments can be given for a duty to listen. Thus, someone who accepts Rawlsian deliberative obligations on speakers must accept listeners' duties, on pain of contradiction. In what has come before, I have been focused on exploring the complexities involved in realizing the liberal principle of legitimacy as a deliberative norm, demonstrating that deliberating only in terms of public reasons is not straightforward even for citizens who generally endorse the liberal principle. The average citizen will need help in confidently forwarding public reasons, and reasoning together in terms of public reasons must be a collective task. Hence, under the duty of civility, on my view, speakers are obligated to seek out and forward public reasons in their own views, and listeners are under a correlate obligation to engage with the arguments of speakers in order seek out and identify the presence of public reasons, if possible. Drawing an explicit connection between the sorts of actions required by the listener's duty I have described and Rawls's conception of political respect will help to cement this point by demonstrating that fulfilling our duties as listeners expresses respect for the reasonableness of others.

Central to Rawls's duty of civility is a notion of respect for other citizens *as reasoners*.<sup>39</sup> Rawls argues that we must acknowledge that other citizens are reasonable, and that we can trace many of our persistent disagreements to difficulties inherent in human reasoning. These difficulties—which Rawls names the burdens of judgment—complicate the democratic project and create potential for the existence of deep disrespect in the political process.<sup>40</sup> If we, as citizens, fail to

take the burdens of judgment into account, we can end up endorsing the coercion of others without proper justification. In outlining the motivation for a duty to listen I have focused on two morally significant phenomena: (1) the epistemic complications involved in making distinctions between public and nonpublic reasons and (2) the illegitimate exclusion of arguments from official standing, which can result from biased standards of public reason. Both of these phenomena can be tied to a Rawlsian conception of political respect.

The epistemic complications discussed above are normatively relevant difficulties that apply to our processes of reasoning, albeit collective rather than individual processes of reasoning. As such, they fit the model of Rawls's burdens of judgment. To distinguish them from the burdens Rawls addresses, perhaps we should call these *burdens of interpersonal justification*. Insofar as Rawls's burdens of judgment are difficulties that ought to be respected—in that they undergird particular attitudes of respect towards others—the burdens of interpersonal justification should generate an attitude of respect. Respect for the difficulties inherent in reasoning should apply similarly to difficulties inherent to reasoning in public terms, especially given the fact that some of these difficulties arise as a result of the acceptance of reasonable worldviews.

We can extend this line of thought by addressing how a failure to acknowledge the burdens of interpersonal justification can result in disrespect of our fellow citizens. First of all, one might allow one's worldview bias to blind oneself to the fact that public reasons are present in the arguments of others, and thereby fail to give their arguments their deserved privileged standing. Similarly, one might make no effort to counteract the biases of speakers who are struggling to disambiguate their public arguments from the rest of their beliefs and commitments. Such insufficient recognition of and engagement with the claims of others can be characterized as manifestations of political disrespect in that these failures serve to hinder their effective political participation.

On a political liberal model, if we coerce others on the basis of nonpublic reasons, we are disrespecting them by not offering them reasons they can reasonably accept—by insisting on our beliefs rather than being responsive to the results of political deliberation. If citizens are not given sufficient opportunity to forward their legitimate political claims, we disrespect them by viewing their contributions as unimportant. This disrespect is especially brought into relief when our own political claims are easily included in deliberation. Such unjustified exclusion of others' arguments expresses our will that their reasons play no role in shaping policy—that they have less of a right to contribute to the political structuring of society. If we too quickly consider the reasons of others to be nonpublic, we can thus undermine their political agency. Further, by refusing to live up to our responsibilities as listeners, we demonstrate insensitivity to the reason-giving capacities of other citizens, and acknowledge our willingness to act as a barrier to the transmission of their political views. In short, respectful engagement in the sharing of public reasons is fundamental to Rawlsian political liberalism, but the atmosphere of respect can be undermined by uncivil listening just as it can be undermined by uncivil speech.

These considerations of political respect are thus in one sense generally applicable, by which I mean that we potentially owe such treatment to each fellow citizen. However, there are ways in which proper respectful listening will differ depending on, for example, the individuals involved in a particular deliberation. This is to say that some citizens might have more of a duty to listen than others, in certain circumstances, and that the duty might be at times defeasible.

I want to pursue this point in response to the second concern above—the question of how the weight of the duty might vary. Given the discussion so far, we know that the burdens of interpersonal justification fall unevenly; depending on the specific biases of the societal culture, it will be harder for some than for others to present clearly arguments in public terms.<sup>41</sup> It stands to reason, then, that the normative contours of the listener's duty—a duty that involves taking into account the descriptive burdens of interpersonal justification—will be sensitive to these asymmetries.

As a result, citizens will have more of an obligation to listen to those disadvantaged by societal worldview bias, such as fundamentalist citizens or members of under-represented groups whose worldviews are less culturally familiar.<sup>42</sup> For example, in modern day America, our duties to listen are probably more stringent in the abstract toward Muslims than Christians, because Muslim worldviews are less represented on the whole, because our societal culture is biased towards Judeo-Christian worldviews, and because we have a longer history of parsing political claims with Christian origins—meaning that Christians are less vulnerable to having their political agency undermined by the imposition of public reason standards than Muslims. In short, commitment to the ideal of public reason—according to which the political agency of all citizens is to be supported equally—tempers one's interpersonal moral relationships with other citizens, whose political agency will be more or less privileged relative to the norm.

The attitudes and relative civility of speakers will also be tempering variables. When encountering a hostile speaker with whom no productive discourse can occur, it is fair to say that our listener's duty is nullified. However, we have to be careful in spelling out the relevant defeasibility conditions. We have to be careful because there is an aspect of the duty to listen that is not individualizable: the aspect which involves a general commitment to the sharing of public reasons. This motivation may be defeated when confronted with various forms of speaker hostility, but it will carry some force in the face of less extreme incivility.

Imagine, for example, a religious fundamentalist who refuses to make an effort to speak in public terms, but is otherwise willing to deliberate in good faith. One of the motivations for a listener's duty is to assist speakers in forwarding public reasons, and it is true that our obligations *to* a speaker must be defeasible in cases where that individual shows no intent to speak in public terms. But the other motivation is more general, and involves working to transmit public reasons, regardless of their source, into public discourse, in support of the achievement of the liberal principle of legitimacy and in order to mitigate the effects of societal worldview bias. Thus, we may not have an obligation *to* our fundamentalist speaker, but we may still have obligations *to speakers like her*—obligations that entail making some effort to find public reasons

in her political claims. In this way, there is an aspect of ethical listening that is independent of the motives and efforts of individual speakers.

I recognize that it seems counterintuitive to think we have a general duty to listen given the public presence of uncivil groups who we might justifiably believe are not engaged in the project of seeking public reasons, or who clearly eschew civility entirely—groups like the Westboro Baptist Church.<sup>43</sup> But what I have intended to emphasize is that the constraints of the duty ought to be responsive to both societal context and interpersonal dynamics. This means our duties to listen can lessen or be extinguished entirely in light of speakers' social positions, actions, or attitudes.<sup>44</sup> It also means that we will be at times obligated to listen when the task is unpalatable and speakers are uncooperative, because listening well in those cases can serve to promote the societal process of public reason; sometimes by searching for public reasons in the arguments of one citizen we find previously unrecognized public reasons that speak for a group of citizens, a phenomenon which works against societal worldview bias more generally.<sup>45</sup>

There is more to be said in spelling out the conditions under which listeners' duties might be defeated or overruled. Indeed, I believe there is still a substantial amount of work to be done, in general, towards working out the practical details of Rawls's account of public reason, as well as applying his account to the realm of non-ideal theory. But such work is beyond the scope of what I am attempting to do here, which is to establish a positive line of argument in favor of the duty to listen.

This leaves us with the third concern raised above—the idea that listeners' duties might impose an unreasonable burden on democratic citizens. Even granting that there are situations in which the duty is defeasible, it is certainly true that fulfilling one's duty to listen will often be a cognitively demanding task requiring concentrated effort. In this light, it is worth considering whether the duty to listen asks too much of the average citizen. Furthermore, addressing this intuitively powerful criticism will help to clarify my position and reassert the restricted nature of the line of argument that I have been pursuing.

Worries about overburdening have attended Rawls's view since its first appearances.<sup>46</sup> Some of these worries have been off-target—misinterpreting Rawls as advocating legal rather than moral obligations, and thus mistakenly envisioning the duty of civility as a restriction on free speech.<sup>47</sup> But there is no denying that the duty of civility—including the duty to listen—presents reasons for constraining our political behavior in unfamiliar, often uncomfortable ways, and in respects that some will find at odds with their settled dispositions and commitments. There is a pressing debate here about how much we can ask of citizens in the name of civic respect and the pursuit of legitimate democratic governance.

My argument in favor of the duty to listen is certainly implicated in this debate. Indeed, because I began by assuming a political liberal commitment to the duty of civility, the question of whether a listener's duty constitutes an unreasonable burden is necessarily entangled with larger questions about whether or not the underlying political liberal commitment itself leads to unreasonable burdens. The argument I have made is restricted by this assumption, and my



responses to worries of overburdening will thus be for the most part restricted to the same genre of responses commonly forwarded by defenders of Rawls. For example, it is important to emphasize that the duty of civility only applies in certain public contexts, leaving many deliberations in the background culture unrestricted; citizens are not obligated by the duty of civility in all of their political discussions. Similarly, the duty of civility does not ask citizens to hide their nonpublic commitments or refrain from acknowledging their importance. Rather, it asks citizens to respect properly the fact that these commitments are not suitable grounds for governmental justification. In addition, I might point out that the duty to listen only requires citizens to make a suitable effort to identify public reasons, not to be experts at the practice of identification. While acknowledging that the duty of civility can feel onerous in some contexts, such responses are useful in assessing the appropriateness of concerns about excessive burdening.

That being said, one might think that a listener's duty adds significant extra burdens on top of Rawls's duty of civility, and thus that concerns about overburdening are particularly salient in light of the discussion above. I hope to have forestalled this interpretation somewhat by gesturing at some of the ways in which the duty can be defeasible, but I also want to suggest that the addition of a listener's duty does not necessarily work to make the duty of civility significantly more onerous or burdensome on the whole. In contrast, accepting the obligations of listeners emphasizes that the burdens of public reasoning need to be shared among citizens rather than being borne primarily by individual speakers. In this light, although the duty to listen can be characterized as an additional duty, its acknowledgement might be seen to have more of a redistributive than an additive effect on the weight of our civic responsibilities; citizens discharging their obligations as listeners might well make one's obligations as speakers less onerous overall. This is not to say that all obligations on speakers to forward public reasons are rescinded, nor that I have presented a definitive response to concerns about the overburdening of duties of public reason. Rather, I have offered a broader view of the Rawlsian duty of civility as a duty to engage in an extended process of ensuring that public reasons have pride of place in public political deliberation—a duty that falls on speakers and listeners alike, which we discharge most effectively by working together.

In this way, I have demonstrated that the duty to listen for which I have argued is grounded in the liberal, democratic values that are at the heart of Rawls's view. And, conversely, a commitment to political liberalism implies duties on listeners. Giving up on responsible listening is effectively giving up on the prospect of political liberalism.

## **6. CONCLUDING REMARKS: LISTENING IN PUBLIC WITHOUT A PUBLIC REASON STANDARD**

Of course, many advocate the abandonment of political liberalism. Indeed, even among theorists broadly sympathetic to deliberative accounts of democracy, there are those who reject political liberalism of the sort that has dominated the discussion so far—one that obligates citizens to give pride of place to public reasons.<sup>48</sup> Thus, it seems appropriate, in closing, to gesture towards how

the sort of responsible listening described above will be relevant for theories that do not have such explicitly Rawlsian underpinnings.

To be clear, I do not want to claim that listeners' duties can be easily applied to theories where political legitimacy depends less on healthy public deliberation. Even within the liberal family, one can find theories that will consider the problems of worldview bias less significant than they will be for Rawls's political liberalism, in addition to resources for minimizing civic responsibilities generally. For example, a view that places singular importance on individual autonomy—like Joseph Raz's version of "perfectionist" liberalism<sup>49</sup>—will likely resist the imposition of civic deliberative obligations along the lines of the duty to listen.

However, the issues I have raised require acknowledgment for democratic theorists who place a high premium on public deliberation, even if those accounts dismiss Rawls's public reason standard in favor of some alternative account of civility, public reasonableness, or discursive openness. The crucial point to emphasize is that problems of engagement between those who hold different worldviews, and the difficulties involved in overcoming worldview bias, do not go away once Rawls's duty of civility is rescinded. Identifying and setting aside deep conflicts will be an important feature of productive political discourse even if we do not apply a public reason constraint; efforts made to disambiguate problems of conflict between worldviews from issues of understanding one another will be of similar importance. And, as should be obvious by now, I believe listeners have a significant role to play in making such efforts successful.

Absent its Rawlsian underpinnings, it does not follow from my argument that this work is a matter of civic duty. But the actions I have described in terms of a robust listener's duty—which involves engagement with speakers' views looking to discriminate between shareable content and areas of deep disagreement—seem like they will maintain moral relevance even in deliberative theories that have moved away from the traditional Rawlsian position. The barriers to effective deliberation that arise between interlocutors of differing worldviews, often described in terms of nonpublic reasons, still remain, and have to be properly identified and accounted for. Furthermore, this aspect of respectful and civil deliberation cannot be the sole responsibility of speakers. While I will not pretend to have pursued the matter in sufficient depth, perhaps such work is significant enough to be considered constitutive of civic virtue for a wide range of deliberative democratic theories.

My primary aim in this paper, though, has been to explore the role of the listener from within a political liberal account, and I have argued that the same commitments which give rise to Rawls's duty of civility for speakers suggest robust deliberative duties on listeners. Via examination of the epistemic complexities involved in living up to the ideal of public reason, I have shown that identifying the public reasons of others is not a straightforward task, and that the sorts of actions necessary to engage in this task are also necessary to facilitate the fulfillment of speakers' duties. In addition, I indicated how failing to listen well can be politically disrespectful, in a manner not generally acknowledged. Listeners must go beyond being open and committed to the possibility of revising their positions in the public square; they must also

engage with their interlocutor's arguments in an attempt to find public reasons within those arguments.

The addition of a duty to listen suggests a subtle, yet significant change in the moral terrain of a roughly Rawlsian theory. Given the arguments above, concerns of mutual respect require that citizens conceive of public reason as an ongoing discursive project, rather than just a one-way process where they are concerned with forwarding their own views. Furthermore, the public reason standard is more profitably seen as an ongoing constraint on the process of reasoning over time, rather than a one-time constraint on each individual's particular contribution. In short, citizens have to acknowledge the fact that the activities involved in living up to the ideal of public reason will take place over time and involve multiple parties.<sup>50</sup>

Pursuing this line of thought seems important not simply for democratic theory generally, but for some social ills endemic to modern democratic culture. Concern about the atmosphere of disrespect in American political culture, for example, is currently quite common; many are worried that our media-driven political discussions have become so polarizing as to leave little hope for progress. In this light, Rawls's insistence that speakers should cultivate respect by engaging in the sharing of public reasons is appropriate and insightful. My intention here has not been to disagree with this sentiment, but rather to strengthen the political liberal account where it is under-described, by demonstrating that the sharing of public reasons is ineffective without the good faith efforts of listeners.

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<sup>1</sup> John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 217.

<sup>2</sup> Similar criticisms are addressed, for example, in Nancy Fraser, "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy," in *Habermas and the Public Sphere*, ed. Craig Calhoun (Cambridge, Mass.: The MIT Press, 1992), 109–142; Seyla Benhabib, "Models of Public Space: Hannah Arendt, the Liberal Tradition, and Jürgen Habermas," in *Habermas and the Public Sphere*, ed. Craig Calhoun (Cambridge, Mass.: The MIT Press, 1992), 73–98; William E. Connolly, *The Ethos of Pluralization* (University of Minnesota Press, 1995); William E. Connolly, *Why I Am Not a Secularist* (University of Minnesota Press, 1999); Sheldon Wolin, "Review: The Liberal/Democratic Divide. On Rawls' Political Liberalism," *Political Theory* 24, no. 1 (February 1, 1996): 97–119; Iris Marion Young, "Communication and the Other: Beyond Deliberative Democracy," in *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib (Princeton, N.J.: Princeton University Press, 1996), 120–136; Iris Marion Young, *Inclusion and Democracy* (Oxford University Press, USA, 2002); Stanley Fish, "Mutual Respect as a Device of Exclusion," in *Deliberative Politics: Essays on Democracy and*

*Disagreement*, ed. Stephen Macedo (Oxford University Press US, 1999), 88–102; James Bohman, *Public Deliberation: Pluralism, Complexity, and Democracy* (The MIT Press, 2000), chap. 2; Jorge Valadez, *Deliberative Democracy, Political Legitimacy, and Self-Determination in Multicultural Societies* (Westview Press, 2000), chap. 2–3.

<sup>3</sup> Thanks to two anonymous reviewers for urging me to be more clear about my intended audience. Note also that throughout this article I use ‘listener’s duty’ and ‘duty to listen’ synonymously.

<sup>4</sup> Rawls, *Political Liberalism*, 137.

<sup>5</sup> These official contexts include when advocating publicly for policies or candidates, as well as when voting and explaining one’s voting choices to others. Rawls also restricts the scope of the public reason constraint to fundamental political questions of constitutional essentials and basic justice (John Rawls, “Idea of Public Reason Revisited, The,” *University of Chicago Law Review* 64 (1997): 767.).

<sup>6</sup> John Rawls, “Introduction to the Paperback Edition,” in *Political Liberalism* (New York: Columbia University Press, 1996), liii–liv.

<sup>7</sup> See, e.g., David A. Reidy, “Rawls’s Wide View of Public Reason: Not Wide Enough,” *Res Publica* 6, no. 1 (January 1, 2000): 49–72.; John Finnis, “Abortion, Natural Law, and Public Reason,” in *Natural Law and Public Reason*, ed. Robert P. George and Christopher Wolfe (Georgetown University Press, 2000).; Stephen Macedo, “In Defense of Liberal Public Reason: Are Slavery and Abortion Hard Cases?,” in *Natural Law and Public Reason*, ed. Robert P. George and Christopher Wolfe (Georgetown University Press, 2000).; Melissa Yates, “Rawls and Habermas on Religion in the Public Sphere,” *Philosophy & Social Criticism* 33, no. 7 (November 1, 2007): 880–891.

<sup>8</sup> Rawls, *Political Liberalism*, 217.

<sup>9</sup> For discussion of the general importance of political listening, see Susan Bickford, *The Dissonance of Democracy: Listening, Conflict, and Citizenship* (Cornell University Press, 1996). See also, e.g., Benjamin Barber, *Strong Democracy: Participatory Politics for a New Age* (University of California Press, 1984), chap. 8 and Connolly, *The Ethos of Pluralization*. (Thanks to an anonymous reviewer for pointing out the connection between Connolly’s notion of “critical responsiveness” and political listening.)

<sup>10</sup> Because illegitimate dismissals of forwarded reasons can serve as a significant barrier to effective political participation, they might be thought of as instances of political exclusion in the sense Young identifies as ‘internal exclusion’ (*Inclusion and Democracy*, chap. 2). I have elsewhere spoken of this general phenomenon in terms of ‘justificatory exclusion’ (Brandon Morgan-Olsen, “Conceptual Exclusion and Public Reason,” *Philosophy of the Social Sciences* 40, no. 2 (2010)).

<sup>11</sup> One can trace this feature of nonpublic reasons to Rawls’s discussion of the burdens of judgment, especially burdens, a, d, and e (*Political Liberalism*, 56–57). At the least, this feature is a consequence of the burdens of judgment, which lead people to affirm differing comprehensive doctrines.

<sup>12</sup> See, Macedo, “In Defense of Liberal Public Reason,” 25, his emphasis.: “The point [of public reason constraints] is not to exclude appeals to religious authority, per se, but to exclude appeals to *any* authority impervious to critical assessment from a variety of reasonable points of view.”

<sup>13</sup> Pub. L. No. 101-601, 1045 Stat. 3048 (codified at 18 U.S.C. § 1170 (1994) and 25 U.S.C. §§ 3001-3013 (1994)).

<sup>14</sup> Thanks to William Talbott, in particular, for stressing the identification of public reasons as shareable reasons.

<sup>15</sup> See, e.g., Kent Greenawalt, *Religious Convictions and Political Choice* (Oxford University Press US, 1991).; Michael J Perry, “Religious Morality and Political Choice: Further Thoughts—And Second Thoughts—on Love and Power,” *San Diego Law Review* 30 (1993): 703.; Gerald F. Gaus, *Justificatory Liberalism: An Essay on Epistemology and Political Theory* (Oxford University Press, USA, 1996).; Macedo, “In Defense of Liberal Public Reason.”; Christopher J. Eberle, *Religious Conviction in Liberal Politics* (Cambridge University Press, 2002).; Paul J. Weithman, *Religion and the Obligations of Citizenship*

(Cambridge University Press, 2002). These authors most often qualify the term, referring to ‘general accessibility’ or ‘public accessibility’.

<sup>16</sup> See, e.g., James Bohman and Henry S. Richardson, “Liberalism, Deliberative Democracy, and ‘Reasons That All Can Accept’,” *Journal of Political Philosophy* 17, no. 3 (2009): 253–274. These theorists do not always endorse these labels. In fact, they often mention the label in order to decry its usefulness.

<sup>17</sup> See, e.g., Eberle, *Religious Conviction in Liberal Politics*.

<sup>18</sup> These distinctions need not require a hard line of demarcation. It could be, for example, that there is a continuum between the public and the nonpublic. See Kent Greenawalt, “What Are Public Reasons,” *Journal of Law, Philosophy and Culture* 1 (2007): 79–105.

<sup>19</sup> A more extreme example is the dominance of Catholicism in Italy. See Nadia Urbinati, “Laïcité in Reverse: Mono-Religious Democracies and the Issue of Religion in the Public Sphere,” *Constellations* 17, no. 1 (2010): 4–21.

<sup>20</sup> For a more in-depth treatment of this general phenomenon, and more specific examples, see Morgan-Olsen, “Conceptual Exclusion and Public Reason.” Similar examples can also be found in the literature (see note 2 above).

<sup>21</sup> I find myself drawn to David Reidy’s terminology of a “tangle” of reasons (“Rawls’s Wide View of Public Reason,” 62).

<sup>22</sup> For related discussion, in the context of debates over same-sex marriage, see Darren Walhof, “Habermas, Same-Sex Marriage, and the Problem of Religion in Public Life,” *Philosophy & Social Criticism* (forthcoming 2012).

<sup>23</sup> An anonymous reviewer has suggested that I might be overstating the point by putting it in terms of excluding nonpublic arguments from political consideration, or their proponents from the political process. It is certainly true that nonpublic reasons, on Rawls’s view, are able to flow freely in any number of political processes that take place in the background culture. My point is only that identification of an argument as nonpublic excludes it from counting as justificatory for official governmental decision-making (on matters of basic justice), and that such exclusion is significant.

<sup>24</sup> Pierre Duhem, *The Aim and Structure of Physical Theory*, Trans. P. P. Wiener (Atheneum, [1906]1962).

<sup>25</sup> Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era* (Princeton University Press, 2002), 136.

<sup>26</sup> See, e.g., Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (Rowman & Littlefield Publishers, Inc., 1996), 78.

<sup>27</sup> For a related discussion, see Greenawalt, “What Are Public Reasons,” 86.

<sup>28</sup> Paul J. Weithman, “Deliberative Character,” *Journal of Political Philosophy* 13, no. 3 (2005): 275. Note that Weithman is interpreting, not endorsing, Rawls’s view of public reason.

<sup>29</sup> *Ibid.*, 274.

<sup>30</sup> Thanks to an anonymous reviewer for rightly suggesting that this point was assumed in the preceding discussion and should be made more explicit.

<sup>31</sup> Note that one need not necessarily hold a worldview in order to represent it, to a certain extent, in deliberation. That is, exposure to a foreign worldview in one instance might allow a deliberator to bring insight into a later deliberation, even if that deliberation takes place between those who share a worldview. Such representation by proxy is surely not ideal, but in this way particular deliberations across difference can have far-reaching ramifications.

<sup>32</sup> Rawls, *Political Liberalism*, 137.

<sup>33</sup> It is useful to note here a point that Edward Langerak emphasizes in reviewing Weithman’s *Religion and the Obligations of Citizenship*: “[Deciding which situations exemplify public political debate] is a matter not of when and where but of “conversational pragmatics,” including intentions, unspoken conventions, uncodified practices, etc.” (“Convergence in the Public Square?,” *Religious Studies Review* 35, no. 4 (2009): 225, n.7; See also Weithman, *Religion and the Obligations of Citizenship*, 106–107.) This is to say

that identifying these liminal public “spaces” will be a contextual matter. The recent rise in public political protest and debate in America, from the Tea Party to the Occupy movements, provides an interesting opportunity for thinking about the question of what should count as public political deliberation in Rawls’s sense.

<sup>34</sup> Diana Mutz, for example, provides suggestive evidence that civic political deliberation generally takes place among the like-minded, and that exposure to diversity correlates with lessened public political participation (*Hearing the Other Side: Deliberative Versus Participatory Democracy* (Cambridge University Press, 2006). Others report that deliberative diversity leads to increased polarization among participating groups (see, e.g., Cass R. Sunstein, “The Law of Group Polarization,” *Journal of Political Philosophy* 10, no. 2 (June 1, 2002): 175–195; *Republic.com 2.0* (Princeton University Press, 2007).

<sup>35</sup> See, e.g., Guido Pincione and Fernando R. Tésón, *Rational Choice and Democratic Deliberation: A Theory of Discourse Failure* (Cambridge University Press, 2006); Simon Jackman and Paul M. Sniderman, “The Limits of Deliberative Discussion: A Model of Everyday Political Arguments,” *Journal of Politics* 68, no. 2 (May 1, 2006): 272–283. Thanks to two anonymous reviewers for urging me to speak to the connection between my argument and the empirical work on public deliberation.

<sup>36</sup> See, e.g., J. S. Fishkin, *Democracy and Deliberation: New Directions for Democratic Reform*, vol. 217 (Cambridge Univ Press, 1991); *The Voice of the People: Public Opinion and Democracy* (Yale Univ Pr, 1997); J. S. Fishkin and R. C. Luskin, “Experimenting with a Democratic Ideal: Deliberative Polling and Public Opinion,” *Acta Politica* 40, no. 3 (2005): 284–298; Robert E. Goodin and John S. Dryzek, “Deliberative Impacts: The Macro-Political Uptake of Mini-Publics,” *Politics & Society* 34, no. 2 (June 1, 2006): 219–244; Jürgen Habermas, “Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research,” *Communication Theory* 16, no. 4 (November 1, 2006): 411–426; Dennis F. Thompson, “Deliberative Democratic Theory and Empirical Political Science,” *Annual Review of Political Science* 11, no. 1 (01 2008): 497–520; Simon Niemeyer, “The Emancipatory Effect of Deliberation: Empirical Lessons from Mini-Publics,” *Politics & Society* 39, no. 1 (March 1, 2011): 103–140.

<sup>37</sup> Thanks to Will Kymlicka for urging me to address explicitly the “good faith effort” feature of the duty of civility.

<sup>38</sup> This model, argued for exclusively from Rawlsian premises, has similarities to Habermas’s model of public deliberation. This is especially so given that Habermas has in recent work argued explicitly that citizens have an obligation to translate the religious arguments of others into secular equivalents, which implies duties on listeners. (“Religion in the Public Sphere,” *European Journal of Philosophy* 14, no. 1 (2006): 1–25; “Religion in the Public Sphere: Cognitive Presuppositions for the ‘Public Use of Reason’ by Religious and Secular Citizens,” in *Between Naturalism and Religion: Philosophical Essays* (Polity, 2008); *An Awareness of What Is Missing: Faith and Reason in a Post-Secular Age* (Polity, 2010).) However, it is at best unclear what Habermas takes this obligation of “translation” to entail, and, as I have suggested elsewhere (Brandon Morgan-Olsen, “Habermas, Rawls, and the Public ‘Translation’ of Religious Claims,” *Science Et Esprit* Winter (2012)), any adequate account of translation would need to include a comparable argument for listeners’ duties.

<sup>39</sup> For a detailed interpretation of the Rawlsian conception of respect for reasoners, see Melissa Yates, “Political Liberalism and Respect for Citizens as Reasoners,” *The Review Journal of Political Philosophy* (2011). For an interpretation of a different model of Rawlsian respect, one substantially divorced from epistemic considerations, see Martha Nussbaum, “Perfectionist Liberalism and Political Liberalism,” *Philosophy & Public Affairs* 39, no. 1 (January 1, 2011): 3–45.

<sup>40</sup> Rawls, *Political Liberalism*, 56–57.

<sup>41</sup> This is not to say that it is the imposition of the public reason constraint itself that causes all of these problems. As Andrew Lister points out well, less dominant groups always have a strategic incentive to make political claims in public terms, because their nonpublic reasons will likely not get uptake otherwise

(Andrew Lister, “Public Reason and Democracy,” *Critical Review of International Social and Political Philosophy* 11, no. 3 (2008): 273–289). Another way to spell this out is to point towards the fact that dominant comprehensive doctrines generally carry with them an inherent respected status. So, although the public reason standard is a manifestation of respect for all reasonable worldviews, its invocation—like all concerns of fairness—has a disproportionately positive effect on the less dominant.

<sup>42</sup> Note that in this way acknowledging the duty to listen might serve as a partial response to some of the worries of uneven burdening that are raised against Rawls’s account of public reason.

<sup>43</sup> See [www.godhatesfags.com](http://www.godhatesfags.com)

<sup>44</sup> An anonymous reviewer has pointed out that social conditions might make it so that citizens who are already politically disadvantaged will find themselves more often in the position of listener rather than speaker, and thus that duties to listen might burden them unevenly. I think this is an interesting point, and consider such social dynamics as candidates for consideration in applying accounts of public reason. However, I also want to stress that a public reason standard is not the only principle of deliberative legitimacy, and that a principle supporting more equal presence in deliberation might help to assuage this concern.

<sup>45</sup> There are illustrative examples to which we could turn. I take it, for example, that Malcolm X would not have accepted a duty of civility as a speaker. Yet, given the multiple barriers to effective political agency faced by those he represented, my view is that his incivility would not defeat the duties to listen of his contemporary citizens.

<sup>46</sup> See, for example, Stephen L. Carter, *The Culture of Disbelief: How American Law and Politics Trivialize Religious Devotion* (Basic Books, Inc., 1993); Perry, “Religious Morality and Political Choice”; Richard C. Sinopoli, “Liberalism and Contested Conceptions of the Good: The Limits of Neutrality,” *The Journal of Politics* 55, no. 03 (1993): 644–663.

<sup>47</sup> See Macedo, “In Defense of Liberal Public Reason”, for a spirited defense of Rawls against such misconceptions.

<sup>48</sup> Bohman and Richardson’s “Liberalism, Deliberative Democracy, and ‘Reasons That All Can Accept’” is a striking example, because they argue we can derive the substantive content of many contemporary liberal theories of public reason without making any use of the concept of a ‘public reason’, at least using a standard definition of that concept. Further, they believe they can provide an exhaustive account of civility by appealing only to the *manner in which* deliberators address and respond to one another, as opposed to appealing to the contents of their utterances.

<sup>49</sup> Joseph Raz, *The Morality of Freedom* (Oxford University Press, 1986); “Autonomy, Toleration, and the Harm Principle,” in *Issues in Contemporary Legal Philosophy: The Influence of H.L.A. Hart*, ed. Ruth Gavison (Oxford University Press, USA, 1989), 313–333; “Facing Diversity: The Case of Epistemic Abstinence,” *Philosophy and Public Affairs* 19, no. 1 (Winter 1990): 3–46.

<sup>50</sup> An anonymous reviewer has suggested that, given my account, speakers might have a duty to “listen” to the feedback they receive from listeners, and revise their views accordingly. I think this claim is very much in line with my view, as well as being consistent with Rawls’s position about the duties of speakers.