

Comments on Talisse's *Democracy and Moral Conflict*

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1. Introduction

“Public philosophy” isn’t easy to do well. It requires threading the needle between the desire to connect meaningfully with a non-professional audience on matters of decidedly everyday import, of practical rather than merely theoretical concern, on the one hand, and the demanding professional standards that one must acknowledge when attempting theoretical solutions to practical problems, on the other. While writing for a non-professional audience, the philosopher nevertheless hopes that there will be some pros that come along for the ride, and he doesn’t want to lose them, doesn’t want to be accused of cutting any uncuttable corners. But while careful to exhibit the appropriate fidelity to philosophy, the socially minded writer cannot forget the public nature of his primary audience, nor of the problem he has taken pen to paper to address.

With respect to his learned, insightful, probing, clever, and earnest *Democracy and Moral Conflict*, Robert Talisse should have little to worry about from the pros keeping tabs to see whether he’s crossed his t’s and dotted his i’s.¹ But whether he has convinced his popular readership—indeed, his fellow citizens—that he has a workable solution to their problem, the problem of providing a justification of democratic society under conditions of deep moral pluralism, is another matter.

I believe that he hasn’t—not because the attempt is fumbled, because his prose isn’t up to the task, or because his solution to the problem of contemporary democracy leans on faulty arguments (though I am not without nits to pick), but rather because we have reason to think that no such attempt *could* succeed. To borrow and bend a remark of John Rawls (which is quoted in Talisse’s book), the question that *Democracy and Moral Conflict* tries to answer in fact has no answer. That is, there is no philosophically principled solution to the problem of “deep politics,” or so I’ll argue here.

¹ Robert B. Talisse, *Democracy and Moral Conflict* (Cambridge: Cambridge University Press, 2009). All parenthetical page references within the body of the article will refer to this text, unless explicitly specified.

2. The Problem of Deep Politics

The problem of “deep politics” is the problem a democracy faces when its citizens have become divided (antagonistically) over the core values that they believe to be the basis of their communal bond and which they believe their democratic institutions are ultimately meant to serve. What can be said to members of such a divided polity? How can we *justify* to them—to each and every one of them—their continued commitment to their democracy *whether or not* their particular version of the core values is upheld? How can we prove to them that their sustained membership in the democratically regulated political community is appropriate *even though* their understanding of the nature and purpose of that community has been publicly repudiated?

We do this by appealing to them in their capacity as proper epistemic agents, agents who operate in a “social-epistemic system” (p. 142), that is, fundamentally defined by the pursuit of true beliefs fixed and maintained via a process of “open reason-exchange” (pp. 104-5 and 143-44). Talisse argues that our interest in believing what is true, an interest each of us has regardless of our peculiar moral positions and simply in virtue of being believers, commits us to remaining “open to the kind of epistemological engagement that is possible only within a democratic political order” (p. 144). The advertised merit of this proposal is its putative moral-neutrality: it does not attempt to sustain democratic allegiance by appealing to some *moral* value—be it justice, equality, liberty, opportunity, or what have you—that the democrat might especially be expected to cherish. Any such attempt is bound to fail, Talisse insists, because the problem of deep politics just *is* the lack of agreement on the interpretation and importance of these values. If we could rely on every democratic citizen not only to understand, say, justice in the same way, but also to insist on it with equal fervor, we wouldn’t find ourselves in the deeply contentious state we’re in.

Before sizing up Talisse’s epistemological solution, it behooves us to dwell a bit more on the problem as well as the alternative solutions that he rejects.

3. Whose Politics

We find ourselves in deep conflict with one another, but it would seem from Talisse’s repeated characterization of the problem, that this wasn’t always so. Consider some of his claims:

Increasingly we find that the political issues we must face unavoidably call into play our most fundamental moral commitments, our judgments concerning what is really important, what is ultimately valuable, what makes life worth living. (p. 2, bold mine)

[T]here is good reason to think that, under **current** conditions, freedom, autonomy, dignity, liberty, and equality are *essentially*

controversial—no elaboration of the details of their content can win widespread and sustainable agreement. (p. 4, bold mine)

The paradox of democratic justification pervades our politics; **contemporary** democratic societies are plagued with controversies and clashes that emerge from the need for a democratic political order to justify itself to a morally and religiously conflicted citizenry. (p. 15, bold mine)

[D]emocracy is **losing** its grip on citizens who feel **increasingly** that the **current** state of politics is morally intolerable. (p. 36, bold mine)

But if we are being confronted with a recently emerging (and worsening) phenomenon, we should ask *why now?* What has changed? What's *happened* to our politics? More pointedly, what's happened to *us*?

Of course this last question suggests another: *who* is “us”? This question isn't, I believe, idle. Whether this is a problem for contemporary *American* democracy, rather than a problem for contemporary democracy, as such, would presumably affect how it might be addressed. I'm not sure that Talisse takes this possibility seriously. While he acknowledges that his discussion is decidedly American-centric, he attributes this to his relatively superior knowledge of the American political landscape. He also insists that “folk epistemological” principles at the heart of his solution are not cultural-specific, but that is a different issue from whether the problem is.

Nonetheless, that Talisse thinks that the problem is endemic to democracy as such (or perhaps *liberal* democracy as such),² is evident from his acceptance of Rawls's characterization of the ethical landscape of liberal democracy, which takes “a reasonable pluralism” of “comprehensive doctrines,” doctrines according to which their adherents come to understand what counts as a *good* life, to be a “fact” of a free society. As Rawls in one place puts the point:

[T]he diversity of comprehensive religious, philosophical, and moral doctrines found in modern democratic societies is not a mere historical condition that may soon pass away; it is a permanent feature of the public culture of democracy. Under the political and social conditions that the basic rights and liberties of free institutions secure, a diversity of conflicting and irreconcilable comprehensive

² While Talisse finds the qualifier “liberal” not particularly illuminating, the account of democracy he gives importantly embodies many of the individual rights and protections—of speech, thought, press, religion—that are often taken as essential to “liberal” regimes. See Talisse, *Democracy and Moral Conflict*, p. 14 n. 1, as well as the discussion at pp. 43ff.

doctrines will emerge, if such diversity does not already exist. Moreover it will persist and may increase.³

Talisso concurs, acknowledging that “[d]emocratic politics cannot proceed from a settled consensus on a comprehensive moral doctrine because no such consensus is likely to exist among free and reasonable persons” (p. 153). The seeds of the contemporary problem of democracy, a problem that threatens to tear it apart, would seem to have been sown right from the start, and *necessarily so*. The problem must therefore be structural. The establishment of a (liberal)⁴ democratic political order begins with the official enshrinement of a public/private distinction regarding normative matters. In a democracy the public institutions, and in particular the law, are exclusively in the service of *political* interests, such as access to and distribution of various goods and powers that can be expected to be needed and coveted by *every* citizen, regardless of the *moral* interests they might hold. By constitutionally excluding those substantive moral interests over which disagreement can be expected from the purview of these institutions (save for charging them with the responsibility of guaranteeing each individual’s liberty to decide those matters for herself), they are effectively privatized. But once these matters are handed over to the individual, disagreement about them will not merely be expected but essentially guaranteed to increase. And what the problem of deep politics implies is that there is a tipping point in a democratic society when its moral diversity has become so rich—or so divisive—that its political unity is under threat. Sufficiently deep moral fragmentation augurs political fragmentation.

It is among the virtues of Talisso’s book that it helps us to recognize just how moral fragmentation occurs. Appealing to recent work in economics and epistemology, Talisso draws our attention to the phenomenon known as “group polarization,” whereby “members of a deliberating group, predictably move toward a more extreme point in the direction indicated by the members’ predeliberation tendencies.”⁵ Applied to the present topic, the privatization of the moral domain encourages group polarization: individuals who share certain comprehensive doctrines will naturally seek each other out, sharing

³ John Rawls, “The Domain of the Political and Overlapping Consensus,” in *Debates in Contemporary Political Philosophy*, ed. Derek Matravers and Jon Pike (London: Routledge, 2003), pp. 160-81; quotation at p. 161.

⁴ I will assume, rather than explicitly state, this qualifier in my subsequent use of the term “democracy,” unless I specify otherwise. It might be worthwhile to mention here that the present comments would be more carefully stated by using the qualifier “legitimate.”

⁵ The quotation is from legal scholar Cass Sunstein, “The Law of Group Polarization,” in *Debating Deliberative Democracy*, ed. James Fishkin and Peter Laslett (Oxford: Blackwell, 2003); quoted in Talisso, *Democracy and Moral Conflict*, p. 56.

their views with each other rather than with those who are likely to be less receptive to them, with the result that their shared doctrine will become increasingly peculiar to them, overlapping less with the increasingly peculiar doctrines of other groups of like-minded individuals who have been sequestering themselves as well. Crisis occurs when one or more groups finds intolerable the structural exclusion of their doctrinal views from the political sphere. So, what, then, is a democracy to do?

4. Talisse's Rejection of the "Politics of Omission"

For all intents and purposes, Talisse sees three options. The first is the normatively minimalist attempt to secure a "mere *modus vivendi*" (p. 47),⁶ essentially a "truce" among the various conflicted parties, motivated by a shared "desire to avoid all-out conflict" (p. 47). This is normatively minimalist in that it makes no pretense of *justifying* the democratic order beyond the purely instrumental case for avoiding a war of all against all. Talisse, again following Rawls, quickly dismisses this proposal on the basis of its inherent instability: since there is no guarantee that every party *will* prefer a truce to taking their chances in war, the preservation of democracy cannot be guaranteed.

This leads to the Rawlsian proposal of a "freestanding" justification of democracy. Rawls, like those advocating a *modus vivendi*, eschews the possibility of a "comprehensive," or morally non-neutral, justification of democracy (for the very reasons mentioned above), but thinks that we can stabilize its status as a going proposition by explicitly defining the polity in terms of the "shared fund of implicitly recognized basic ideas and principles" (p. 47)⁷ to which the various groups, despite their differences, were already committed by virtue of there being a part of the democracy in the first place. As a practical corollary, the Rawlsian proposal requires that each citizen of the democracy conduct all of his public *political activity*—from arguing to lobbying to voting—in terms that every other citizen can necessarily agree with simply in virtue of *his or her* membership in the democracy.

Talisse thinks that this won't do; rather than being a program for preventing the political fire we're facing, it spills gasoline on it. In response to the potential divisiveness that is built in from the start of a democratic regime, Rawls insists that we double-down on the public-private distinction, not only accepting it in our institutions, but also demanding it in our discourse. But given the phenomenon of group polarization, Rawls's "politics of omission," which requires that *moral inquiry* be relegated to the private sphere, won't enable us to overcome or transcend our partisan differences, but will only exacerbate them.

⁶ The quotation is originally from Rawls, *Political Liberalism*, 2nd ed. (New York: Columbia University Press, 2005), p. 142.

⁷ *Ibid.*, p. 8.

Talisse's real target, however, is not Rawls's solution, but rather the justificatory pessimism that rationalizes it. Democracy can be justified, Talisse argues, just not morally. There is indeed a "comprehensive doctrine" from which democracy can be justified, a comprehensive doctrine to which every citizen can be guaranteed to subscribe, and it is epistemological. Proper believers not only take their beliefs to be true, but are importantly committed to believing them only if they have good reasons for thinking them true. Moreover, such reasons are in principle available to all believers, and can be offered and exchanged with other believers in properly conducted deliberative engagements. Talisse insists that such engagements, as noted above, are only really possible within a democratic political structure, one that guarantees each citizen the opportunity freely to pursue the truth. Since we want to hold our beliefs only if they're true, and since our beliefs are more likely to be true if they withstand the scrutiny of other truth-seekers in deliberative engagement, and since such engagement is only realizable within a properly functioning democracy, we each have a reason—an essentially infeasible reason—to be democrats.

5. The Paradox of Reasonable Pluralism

There is a fair amount of "proper" and its derivatives in the foregoing sketch of Talisse's position, and that is because Talisse makes crucial use of them in his own exposition. And no doubt he needs to: if every believer is *ipso facto* committed to a democratic political order and if belonging to a democratic political order is a necessary condition for being a believer, no resident of a non-democratic society has ever had beliefs. Hence only democrats can be *proper* believers, for only they can be sufficiently self-aware of the reasons they have their beliefs, reasons that "do not recede when the believer recognizes the way in which they are generated. Thus the distinction between genuine and specious belief is a distinction between 'self-aware' and 'deluded' epistemic agents" (p. 133). Talisse continues:

Our claim is that self-aware epistemic agents—agents whose epistemic practice reflects their epistemic commitments—must uphold the epistemic norms that can be practiced and can flourish only within a democratic political framework. Anti-democrats surely hold anti-democratic beliefs, but such believers are deluded about their own implicit epistemic commitments; were their epistemic commitments made explicit to them, they would see that anti-democratic beliefs are inconsistent with their conception of themselves as truth-seekers. (p. 133)

That the manifest absurdity of the descriptive version of this thesis is only slightly mitigated by the introduction of normative notions needn't unduly concern us here, since the normative version threatens to undermine the prospects of the justificatory project itself. The relevant sense of "justification" for Talisse is an argument that would rationally persuade its

audience. But Talisse's epistemic justification must certainly prove ineffective when directed toward deluded epistemic agents, agents who are unable to practice the epistemic norms proper to belief (*ex hypothesi* for the reason that they aren't in a democratic political framework). For them, the attempted justification must fail. Of course the justification in question was never meant for them; it is meant for members of a divided democracy, as a solution to *their* problem of "deep politics." And surely they are the proper audience, for presumably only self-aware agents, agents who manifest the appropriate concern for the fact that their beliefs are properly reasoned, could take Talisse's epistemic argument on its merits and be persuaded that they should *be* democrats. The only problem with this is that such agents already—and necessarily—are democrats. Why should they need a justification to remain so?

This brings us full circle to the questions I raised above, which I might recast as follows: What's going wrong here? Why are we—good democratic epistemic agents—now failing? Why do we face the problem of deep politics? While these are questions that I believe Talisse assumes to be legitimate, I don't believe that his account is well-suited to provide answers to them; indeed, it seems to render them paradoxical. Recall that Talisse joins Rawls in taking a "reasonable pluralism" of comprehensive doctrines to be a "fact" of contemporary democratic society, claiming that "the sentiment that in large part drives the Rawlsian program is sound. . . . Democratic politics cannot proceed from a settled consensus on a comprehensive moral doctrine because no such consensus is likely to exist among free and reasonable persons" (p. 153). But if that is so, if *disagreement among democrats* over comprehensive doctrines is neither unexpected nor unreasonable, then why insist on remaining committed to an "open reason-exchange" for the purpose of arriving at *true* comprehensive doctrines? Being democrats, we have already been operating within an environment of open reason-exchange and we've got incompatible comprehensive doctrines to show for it. Why think that more reason-exchange is going to reverse this trend?

Talisse isn't blind to this difficulty. He admits that though "each of us is committed to the truth of our comprehensive doctrine . . . we find by dialogically engaging with others that our best arguments and reasons do not move all of those who disagree" (p. 153). Yet rather than abandon the epistemological solution as misguided, Talisse responds to this fact by *recommending* to divided democrats that they voluntarily and for "pragmatic" reasons, adopt Rawlsian restrictions on their public discourse, that they essentially partake in the politics of omission "in order to facilitate democratic decision and *so that* argument over fundamental value commitments can continue in the future" (p. 154). Talisse thinks that such a self-imposed politics of omission "falls out of our commitment to the truth of our most deeply held beliefs," and enables us to "preserve democracy and thereby secure the conditions under which proper epistemic practice can continue" (p. 154). What it seems we would be preserving with such a move are the conditions proper to dividing us over the truth of our most deeply held beliefs.

6. The Politics of Practical Identity

I believe that the foregoing suggests that we take seriously the possibility that the problem of deep politics isn't really the problem Talisse (and perhaps Rawls) thinks it is. If a reasonable pluralism of comprehensive doctrines is indeed "a permanent feature of the public culture of a democracy,"⁸ then either democrats have *always* been divided—in which case the problem is not a contemporary one—or the ethical divisions that currently threaten our democracy are not best understood in terms of commitments about which our society can reasonably allow a plurality of views. Since the first disjunct raises the thorny question of how any democracy could survive its formation, the second might be worth exploring.

A great many things can be deliberated about and decided upon within the open reason-exchange emblematic of a democratic framework, but what is ethically most significant to the deliberating community, what gives it its practical identity, isn't one of them. The idea of a practical identity I borrow from Christine Korsgaard, who uses it to refer to a "description under which you value yourself, a description under which you find your life to be worth living and your actions worth undertaking."⁹ A person's life has the meaning or shape that it has in virtue of the practical identity it has; what one has reason to do or not to do is determined by one's identity. A community's practical identity might best be understood in terms of an understanding of the kind of life that is worth living that is sufficiently shared by its members. Communities, we might say, *are* communities, rather than mere collections of individuals, only to the degree that the individuals who comprise them understand themselves to belong to or participate in a shared way of life. The "way of life" a people pursues determines what is acceptable and unacceptable for them, what they will allow, encourage, or demand from anyone who wishes to join them. This is not at all to say that every individual member of the same community possesses the very same practical identity, but it is to say that both the individual and her fellows must see their respective identities as variations on a common theme, a theme that each individual takes her own particular identity to manifest. What matters is that it is part of the individual's identity that she *belongs* to her community, and that the identities of the other members of her community allow them to judge that she is "one of us."

We can expand on this last point and say that if a pluralism concerning comprehensive moral doctrines is going to count as *reasonable*, it must be seen by members of the community as existing *within* the normative constraints that demarcate their way of life. If a comprehensive doctrine shared by a minority of the community is not understood to be in practical

⁸ Rawls, "The Domain of the Political and Overlapping Consensus," p. 161.

⁹ Christine M. Korsgaard, *The Sources of Normativity* (Cambridge: Cambridge University Press, 1996), p. 101.

conflict with the prevailing identity of the community, it is tolerable. What is intolerable are those doctrines that appear to manifest a distinct communal identity that impedes the political action of the community which the political structure was erected to serve. And I am assuming that the assembling of a democratic political structure presupposes a distinct community that chooses to have equal access to institutionalized authority. If this line of reasoning is sound, then people in possession of different comprehensive doctrines can come together in a democratic arrangement only if they are capable of seeing each other as members of the same community, as sharing in the same way of life. Catholics and Protestants, say, or secular French and Muslims, can only participate with one another in a functional democracy to the degree that they understand their doctrinal differences to be encompassed by a larger, shared identity which both groups believe themselves to belong. Both groups must, despite their differences, see themselves *and each other* as, say, Northern Irish (less plausibly, as Irish or British), or as French.

I said above that these identities, including their variants expressed by one or another comprehensive doctrine, are not acquired by a process of open deliberation and reason-exchange. Despite our rather indiscriminate use of the truth-predicate, *how* we come to believe (and so believe to be true) that a certain way of life is most worth living is quite different from how we come to believe any of the myriad propositions, both empirical and theoretical, that enable us effectively to live that life. Whereas the latter kinds of beliefs are acquired through experience, study, discussion, and debate, our practical identities are generally inheritances, or the result of epiphanies, gestalt switches, and road-to-Damascus conversions. They are rarely, if ever, the result of rational persuasion or arrived at by “the exercise of proper epistemic agency” (p. 149). Moreover, precisely in virtue of the intimacy and emotional nature of such commitments, instead of subjecting them to the discursive scrutiny of those with whom we disagree, we find ourselves naturally motivated to seek out like-minded fellows with whom to share it. Group polarization begins at home.

I submit that this picture of things is far more plausible than what seems to follow from the account presented by Talisse. Consider, for example, a person who identifies herself as a Catholic. According to Talisse, to the extent that the Catholic believes her various “deep” Catholic claims to be *true*, she has, and importantly takes herself to have, arrived at those beliefs via the exercise of her epistemic agency—by a proper exercise to the degree that it was arrived at the result of “open reason-exchange,” and deluded if arrived at otherwise. Moreover, if the Catholic is properly committed to maintaining those beliefs so long as they are *true*, then she will be committed to “keeping the logical space of giving reasons open” to those with whom she disagrees (p. 144). But how many Catholics have come by their deep commitment by way of reasoned argument, and how many are to be found in collaborative investigation of the truth of their commitments with Jews, Muslims, Mormons, or atheists? What we find, rather, is that in matters of faith, Catholics seek guidance from other Catholics.

Moreover, we find that over time, what any collection or group of Catholics believes might not be exactly the same as what some earlier generation believed, and yet the latter group still understands themselves to *be* Catholic. In other words, by a process of group polarization the set of beliefs Catholics are committed to will be seen (perhaps more obviously from the outside, perhaps not) to have changed from some conception C_1 to C_2 . According to Talisse, this is evidence that they haven't conducted themselves in an epistemically proper way, for, according to Catholics who hold C_1 , C_2 is *ex hypothesi* false (p. 144). But this misunderstands the relationship that obtains between oneself and the core beliefs that comprise one's identity. If a Catholic's identity-defining set of beliefs has evolved from C_1 to C_2 , then the *Catholic* has changed. If some self-described Catholics undergo the change from C_1 to C_2 and some others don't, then there is the potential for dispute about who is "really" a Catholic and who isn't. While there might be ample reasons to wish that the "truth" of the matter could be, and perhaps only be, arrived at by engaging in open-reason exchange, there seem considerably fewer reasons to believe that such is the case.

So what if they can't settle their differences, can't find their way to *seeing* them as reasonable variations on a commonly shared Catholic identity? Depending on their circumstances, their aspirations, and what they now hold to be tolerable or not, they might agree to some sort of brokered peace or truce that permits them to get on with practical business of a less tendentious nature. But they might also come to a very different conclusion, and become convinced that the time has come to go—perhaps violently, perhaps peacefully—their separate ways. What is implausible to suppose, however, is that there is justification for remaining equal partners in a joint venture of living that each side must find rationally compelling in virtue of their having properly fixed beliefs.

7. American Identities and Others

In closing, I want to offer a few comments, brief and impressionistic, that are in keeping with the thought that the contemporary problem facing democracy is very much a problem about communal identity and that this problem takes a peculiar, and particularly pressing, form in the case of the United States. Many democracies begin within a community defined in historical, primarily ethnic, terms: they are French, Argentine, Irish, or Israeli. Such democracies are, other things being equal, functional insofar as their ethnic minorities sufficiently identify with the majority to be participating in a uniform political life (importantly, the majority must also see the minorities as, for political purposes, equal members of the community). The dangers that such "ethnic" democracies face is likely to be found in minorities not only growing in relative size but increasingly insisting on institutionalizing elements of their peculiar identity that the shrinking majority cannot abide.

The United States is, in a certain sense of the term, an exceptional democracy. While it was established by people primarily of English and Christian heritage, *American* identity, even at the founding, was understood to

be more notional or ideological than ethnic. To be an American, so it seemed, required holding certain commitments, such as those asserted in the Declaration of Independence; it was to see oneself as belonging to a community and a land where the respectful, yet individually determined pursuit of happiness was not only promised but guaranteed. Being notional, it was relatively unproblematic for a French, Chinese, or Puerto Rican to *become* American.

But it is only unproblematic to become American as long as being American is a relatively stable notion. Notional identities, however, seem considerably more susceptible to change (and more rapid change) and development within particular sociological niches than ethnic identities seem to be. And what is driving some of the deepest divisions in contemporary American society may well be the widening gulf among competing ideas of what it *is* to be American. Among the myriad differences to be found among Americans, what is arguably the most divisive is the apparently growing split between those who are likely to see themselves as embodying the American ideal and those who are increasingly *rejecting* the notional understanding of American identity in favor of one defined in historical, ethnic, and religious terms. The great divide in American society might well be the result of a growing intolerance between a (predominantly) white, Christian community, protective of their historical sense of American identity, openly nationalistic, and more likely to be rooted to the land over generations, and a more ethnically diverse swath of citizens who are generally more secular, more cosmopolitan, less tethered to their community, and understand American heritage in a more open-ended, free-floating way. These latter are also far more likely to read—and agree with—Rawls.

To what degree the foregoing characterization of contemporary American society is accurate is, for present purposes, not particularly relevant. Nonetheless, if the crisis facing America's democracy—and, indeed, any democracy—is ultimately a matter of divergent and disputed communal identity, then we should not expect the crisis to be resolved by a rational argument that convinces the disputants that their commitment to the truth of their identities requires they remain committed to "their" democracy. We might, at most, allow that the considerations Talisse calls to our attention should convince all parties to remain committed to democracy, but we have little reason to believe that they should be convinced to remain committed to the same one.

