RECONSTRUCTING THE VIRTUES: THE ETHOS OF DELIBERATIVE DEMOCRACY

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Virtues, or habituated excellences of character, have been understood as having important roles in political regimes since the very beginnings of Western political thought.[1] Across remarkable variation in theorists' contexts and perspectives, the virtues are considered central to the flourishing of regimes beyond otherwise abstract norms and formal institutions.[2] In Greek thought, for example, ethics (*ethike*), habit (*ethos*), and

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[1] According to MacIntyre's definition: "A virtue is an acquired human quality, the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods." Alasdair C. MacIntyre, *After virtue : a study in moral theory* (Notre Dame, Ind.: University of Notre Dame Press, 1984), 178.

[2] For example, the virtues figure prominently in the accounts of civic republicanism in Roman, Christian, Renaissance, and American political thought in J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, N.J.: Princeton University Press, 1975) and Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols., (Cambridge ; New York: Cambridge University Press, 1978). For a detailed comparison of Aristotelian and Confucian virtue ethics, see Jiyuan Yu, *The Ethics of Confucius and Aristotle: Mirrors of Virtue* (Routledge, 2007).

character (a slightly different spelling of *ethos*) were closely related, both linguistically and conceptually, and Aristotle held habituation in the city to be of the highest importance for its political health.[3] Virtues provide guidance for the *practices*, in MacIntyre's distinctive sense, that constitute human activity, including political life.[4]

The core claim of this paper is that virtue can and should play a similar role within theories of deliberative democracy. Deliberative democracy as proposed by Habermas holds that the essence of democracy is collective will-formation under

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[3] Aristotle, *The Politics* (Chicago: University of Chicago Press, 1984, 1310a).

[4] Alasdair C. MacIntyre, *After virtue : a study in moral theory* (Notre Dame, Ind.: University of Notre Dame Press, 1984). MacIntyre defines practice as "socially established cooperative human activity through which goods… are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity…" (175). Jill Frank, drawing upon Aristotle, similarly argues that the essence of democratic politics is "activity" in which civic virtue and institutions mutually reinforce one another in an ongoing process: "Which comes first, then, character or institutions? …Aristotle, in my reading, seeks not to resolve the circularity but to exploit it… When they are understood in terms of activity, individual character and political structures become less static and are able to accommodate the dynamism that is the key to political analysis" (13). Jill Frank, *A Democracy of Distinction: Aristotle and the Work of Politics* (Chicago: The University of Chicago Press, 2005), 13.

conditions of freedom and equality.[5] Deliberative theory is most often opposed to social choice and pluralist models of democracy, which hold that democracy is defined by institutions that fragment power among competing interests.[6] The goal of deliberative democracy is to develop procedures that can guarantee their legitimacy. For this reason, deliberative democracy has developed out of deontological moral philosophy, a tradition often viewed as hostile toward virtue ethics, with its emphasis on habit and character (I

[5] Unfortunately, extensive engagement with the vast literature on deliberative democracy is beyond the scope of this paper. My proxy for this literature will be Habermas's theory of deliberative democracy, especially Jürgen Habermas, "Three Normative Models of Democracy," *Constellations* 1, no. 1 (1994): 1–10. See also Seyla Benhabib, "Toward a Deliberative Model of Democratic Legitimacy," in *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton, NJ: Princeton University Press, 1996), 67-94; Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge, MA: Belknap Press, 1996); Joshua Cohen, "Deliberation and Democratic Legitimacy," in *Deliberative Democracy* (Cambridge, MA: MIT Press, 1999), 67-91; John Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, and Contestations* (Oxford, UK: Oxford University Press, 2000).

[6] For example, Simone Chambers defines deliberative democracy as "talk-centric" rather than "voting centric." Simone Chambers, "Deliberative Democratic Theory," *Annual Review of Political Science* 6 (2003): 307-26; see also John Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, and Contestations* (Oxford, UK: Oxford University Press, 2000).

will say more about these tensions later in the paper). For this reason, deliberative theory has by and large neglected the virtues.[7]

Attention to the role of the virtues can help resolve two challenges within deliberative theory. First, attending to the virtues can help to illustrate the ethos of a deliberative democracy beyond its formal institutions. As Habermas himself argues, government and market "systems," steered by money and power, when "uncoupled" from the "lifeworld" of everyday communication, are insufficient on their own to accomplish tasks of social integration.[8] However, rather than proposing radically different institutions, deliberative theory seeks to show how the pluralist system depends for legitimacy upon a "public sphere" or "deliberative system" in which the public will is

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[7] As far as I can tell, the single exception to this lacuna is Michael Neblo, "The Virtue of Deliberation: Sophrosyne & Epistemic Democracy," paper prepared for the Conference on Epistemic Democracy in Practice, Yale University, October 20-22, 2011, which focuses specifically on developing a deliberative understanding of the specific virtue of *sophrosyne* (temperance or moderation).

[8] "…modern societies attain a level of system differentiation at which increasingly autonomous organizations are connected with one another via delinguistified media of communication: these systemic mechanisms – for example, money – steer a social intercourse that has been largely disconnected from norms and values." Jurgen Habermas, *The Theory of Communicative Action, Volume 2: Lifeword and System: A Critique of Functionalist Reason* (Boston, MA: Beacon Press, 1985), 154.

formed.[9] This suggests that whether or not a regime achieves legitimacy turns not purely on its formal institutions but also on the character of its public sphere and the practices that occur therein. Deliberative democracy incorporates the formal institutions of the pluralist system, but provides that system with a radically different ethos. For this reason, deliberative theory should be fundamentally concerned with the virtues—the ethos of the regime as constituted by shared norms that guide practices and are habituated over time.

Second, at the same time, engaging with the virtues can also help to distinguish deliberative democracy from "unitary" political theories with which it is sometimes confused. Because deliberative democracy argues for stronger forms of legitimacy than pluralist liberalism, some scholars dismiss the theory as a form of communitarianism with no ability to account for conflict or power.[10] In anticipation of this critique,

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[9] Jurgen Habermas, *The Structural Transformation of the Public Sphere* (Cambridge, MA: MIT Press, 1989); Jane J. Mansbridge, "Everyday Talk in the Deliberative System," in *Deliberative Politics: Essays on Democracy and Disagreement* (New York, NY: Oxford University Press, 1999), 211-239.

[10] For example, see Ian Shapiro, "Enough of Deliberation: Politics Is about Interests and Power," in *Deliberative Politics: Essays on Democracy and Disagreement* (New York, NY: Oxford University Press, 1999), 28-38. "Agonistic" critics also tend to assume that deliberative democracy reflects a unitary ideal of consensus. See Chantal Mouffe, "Deliberative Democracy or Agonistic Pluralism," *Social Research* 66, no. 3 (1999): 745–758; Iris Marion Young, "Communication and the Other: Beyond Deliberative Democracy," in *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton, NJ: Princeton University Press, 1996), 120–135.

Habermas has usefully identified deliberative democracy as aiming toward a middle ground between the pluralistic understanding of modern society and the civic republican yearning for social unity.[11] Deliberative democracy rejects any thick substantive general will, but holds out for the possibility of consensus limited to the process of deliberation itself. This sort of "procedural" consensus is regarded as both necessary and sufficient for legitimacy. Inquiry into the collective practices and shared norms that might provide the basis for such a procedural consensus could be of great importance in helping deliberative democracy conceptualize its ethos realistically and account for the pluralism of modern society.

In developing a deliberative theory of the virtues, my goal is not to simply defend the traditional virtues as historically understood. Rather, this paper attempts to reconstruct the virtues from a specifically deliberative perspective that complicates their association solely with unitary political theories. To do so, however, deliberative democracy cannot simply defend the virtues as they have traditionally been understood, but rather must engage with and reimagine them in light of modern conditions. Deliberative theory needs its own understanding of the virtues.

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[11] "Discourse theory invests the democratic process with normative connotations stronger than those found in the liberal model but... has the success of deliberative politics depend not on a collectively acting citizenry but on the institutionalization of the corresponding procedures and conditions of communication." Jurgen Habermas, "Three Models of Democracy," in *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton, NJ: Princeton University Press, 1996), 7.

In this paper, I articulate a framework for thinking about the virtues that correspond to a deliberative theory of democracy. First, I attempt to better understand why deliberative theorists, particularly Habermas, have generally viewed the virtues with suspicion. Second, I sketch a reconstruction of the classic cardinal virtues – justice, judgment, courage, and moderation -- as understood from the perspective of deliberative democracy. I adopt the cardinal virtues as my starting point precisely because of their civic republican heritage. If such virtues can be reconstructed to be compatible with, and indeed necessary to, deliberative democracy, then *ipso facto* the virtues as a whole cannot be dismissed. Finally, I reflect on the potential implications of this account of the deliberative virtues for future research in deliberative theory. Although Habermas himself is skeptical toward the virtues, his theory of deliberative democracy implies, is strengthened by, and indeed requires a distinctive understanding of the virtues. Deliberative theory and the virtues can be brought into a productive conversation to yield a more comprehensive understanding of deliberative legitimacy, and a new deliberative understanding of the virtues.

Beyond Classical Virtue

Before turning attention to the deliberative virtues, one should first consider why deliberative democracy has by and large not engaged with the virtues. The virtues have not simply been neglected within deliberative theory. Rather, for good reasons deliberative democracy has turned to competing political and philosophical traditions and at times explicitly rejected the virtues.

Deliberative democracy has from its very beginnings considered itself to be a *procedural*, rather than substantive, theory of political legitimacy. Deliberative democracy is concerned with devising procedures that can, like Kant's categorical imperative, guarantee the legitimacy of any outcome. Its formalistic quality is precisely the point: "The principle of discourse ethics (D) makes reference to a *procedure*… To that extent discourse ethics can properly be characterized as *formal*, for it provides no substantive guidelines but only a procedure: practical discourse."[12] As a strictly procedural theory, deliberative democracy embraces what has been called the "priority of the right over the good" at the center of liberal democratic theory.[13] While deliberative democracy may be opposed to pluralist liberalism in its aspiration for more robust forms of legitimacy, it is also distinct from civic republican and communitarian theory in that it embraces the pluralism of modern society and seeks procedures capable of generating that legitimacy without any prior agreement over the common good.

In contrast to the procedural orientation of deliberative democracy, the virtues have traditionally been associated with substantive notions of the good life, especially within civic republican thought. In contemporary political theory, the virtues have figured most prominently in various "unitary" political theories, including civic republicanism,

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[12] Jurgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge, MA: Massachussetts Institute of Technology, 1990), 103.

[13] See Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge, UK: Cambridge University Press, 1982).

civic humanism, and communitarianism.[14] According to this view, the virtues are seen as

enabling individuals to set aside their private interests for the common good. Bellah and

colleagues, for example, see "habits of the heart" as antidotes to the individualism of

contemporary society.[15] As standards of excellence, virtues reflect the values of cultural

systems (including religious beliefs) about which deliberative procedures are supposed to

be neutral. However, from a deliberative point of view, habituation in such standards

could appear to constrict good deliberation from considering all possible interpretations

of the general will. Habermas, for example, has associated the virtues with a

communitarian "ethical consensus" that is incompatible with free and unconstrained

deliberation.[16] To predetermine the outcome of deliberation according to a thick

substantive notion of the general will is, from Habermas's deliberative perspective, an

"ethical constriction of political discourse," which would either make deliberation

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[14] For communitarian theories that emphasize civic virtue, see Michael J. Sandel,

Democracy's Discontent: America in Search of a Public Philosophy (Cambridge, MA:

Belknap Press, 1996); William M. Sullivan, *Reconstructing Public Philosophy*

(University of California Press, 1986). On the concept of unitary politics generally, see

Jane J. Mansbridge, *Beyond Adversary Democracy* (Chicago: University of Chicago

Press, 1983).

[15] Robert Bellah et al., *Habits of the Heart: Individualism and Commitment in American

Life* (Berkeley, CA: University of California Press, 1985).

[16] Jurgen Habermas, "Three Normative Models," 4. I will consider Habermas's view of

the virtues in greater detail below.

unnecessary or compromise the neutrality of the procedure.[17] According to Habermas, this is incompatible with deliberative democracy, which seeks to replace the communitarian ethical consensus rooted in civic virtue with democratic will-formation achieved through deliberative procedures:

> In its communitarian interpretation the republican model… is dependent on the virtues of citizens devoted to the public weal. This expectation of virtue…was supposed to be secured in advance by a substantive ethical consensus. In contrast, a discourse-theoretic interpretation insists on the fact that democratic will-formation does not draw its legitimating force from a previous convergence of settled ethical convictions, but from the communicative presuppositions that allow the better arguments to come into play during various forms of deliberation, and from the procedures that secure fair bargaining processes (4).

Such an ethical consensus, Habermas argues, assumes a "metaphysical characterization of the polis" that is no longer feasible under modern pluralism of "individual life-projects and collective forms of life."[18] If we are to reimagine the virtues in light of deliberative democracy and modern pluralism, they must leave open room for substantive

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[17] Jurgen Habermas, "Three Models of Democracy," in *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton, NJ: Princeton University Press, 1996), 4.

[18] Torben Hviid Nielsen and Jürgen Habermas, "Jürgen Habermas: Morality, Society and Ethics: An Interview with Torben Hviid Nielsen," *Acta Sociologica* 33, no. 2 (January 1, 1990): 93–114.

disagreement, generating legitimacy from their communicative value rather than from any pre-existing consensus about the common good.

Related to its procedural orientation, deliberative democracy has drawn primarily from deontological moral philosophy, a school of thought that has historically been defined in opposition to virtue ethics. Deontological ethics apply rules derived directly from first principles to particular situations. Abstracting from first principles of freedom and rationality, much of deliberative theory has focused on developing broad moral criteria (such as reciprocity, publicity, and rationality, for example) that guarantee legitimate outcomes of deliberative procedures.[19] The great strength of deontological thinking is its claim that any rules derived from its first principles are universally valid regardless of circumstances. Deliberative democracy proposes that certain procedures can thus be understood as guaranteeing political legitimacy in just this way; as Habermas argues, deliberative procedures "guarantee the impartiality of the process of judgment."[20]

By contrast, at least since Hegel's critique of Kant's "empty formalism,"[21] critics of deontology have turned from abstract rules to character and habituation for practical guidance. Indeed, virtue ethics as a distinct school of contemporary moral philosophy

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[19] Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge, MA: Belknap Press, 1996); Joshua Cohen, "Deliberation and Democratic Legitimacy," in *Deliberative Democracy* (Cambridge, MA: MIT Press, 1999), 67-91.

[20] Jurgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge, MA: Massachussetts Institute of Technology, 1990), 122.

[21] *PR*, §135, 90.

historically developed explicitly in reaction to deontological ethics.[22] Stemming from its

deontological roots, deliberative theory is implicitly suspicious of the role of habituation

in virtue ethics and its connotations of cultural embeddedness. The virtues are defined

and habituated within particular cultural contexts that may be irrational or coercive,

which Habermas refers to as "the naïve validity of the context of the lifeworld."[23] If

deliberative theory is to accept the virtues, they must be reformulated to allow for rational

criticism of non-democratic habits and folkways.

      Finally, the implicit notion of "excellence" in the virtues suggests a basic

incompatibility with democratic equality. The virtues developed in Western thought

within hierarchical societies (such as the Greek city-state) and were used in part to

demarcate free citizens from slaves and barbarians. A common criticism of deliberative

theory is that by privileging "rational" forms of discourse, deliberative democracy may

inhibit agonistic and activist types of political discourse often associated with social

movements and marginalized groups.[24] A simple return to the classical virtues could

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[22] Rosalind Hursthouse, *On virtue ethics* (Oxford; New York: Oxford University Press,

1999). A full-fledged defense of virtue ethics against deontological moral philosophy is

beyond the scope of this paper. My primary interest is limited to how specific virtues can

function *politically* within a deliberative system.

[23] Jurgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge, MA:

Massachussetts Institute of Technology, 1990), 109.

[24] Iris Marion Young, "Activist Challenges to Deliberative Democracy," *Political Theory*

29, no. 5 (2001): 670-690; Lynn Sanders, "Against Deliberation," *Political Theory* 25,

reinforce these criticisms by forcing minorities to conform to norms that privilege elite groups.

In fact, deliberative theory has responded to criticisms of exclusivity and hyper-rationalism in part by turning away from deontological rule-based views of deliberation. Without explicitly endorsing virtue ethics, recent deliberative theory scholarship, for example, has attempted to integrate the emotion, narrative, rhetoric, and other forms of communication into a more inclusive and humanistic view of deliberative democracy.[25] These scholars fully acknowledge that these communicative practices can at times be

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no. 3 (1997): 347-376; Diana C. Mutz, *Hearing the Other Side: Deliberative Versus Participatory Democracy* (Cambridge: Cambridge University Press, 2006).

[25] John Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, and Contestations* (Oxford, UK: Oxford University Press, 2000), 68-71; Iris Marion Young, "Communication and the Other: Beyond Deliberative Democracy," in *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton, NJ: Princeton University Press, 1996), 120-135; Bryan Garsten, *Saving Persuasion : a Defense of Rhetoric and Judgment* (Cambridge, Mass.: Harvard University Press, 2006); Sharon R. Krause, *Civil Passions: Moral Sentiment and Democratic Deliberation* (Princeton: Princeton University Press, 2008). Indeed, this literature has drawn heavily upon Aristotle, a philosopher often associated with virtue ethics. On rhetoric and deliberation in Aristotle's thought, see Bernard Yack, "Rhetoric and Public Reasoning: An Aristotelian Understanding of Public Deliberation," *Political Theory* 34, no. 4 (2006): 417-438. For an Aristotelian view of emotion and deliberation, see Susan Bickford, "Emotion Talk and Political Judgment," *Journal of Politics* 73, no. 4 (2012): 1025-1037.

coercive or inhibiting of deliberation, suggesting implicit views of proper habituation and excellence versus excess and deficiency. While such questions could lead naturally into the virtues, however, this scholarship has not explicitly or systematically turned to the virtues. Renewed attention to the virtues offers the possibility of a more humanistic model of deliberation that includes multiple cognitive faculties. Indeed, in moral philosophy virtue ethics seems to be moving toward this sort of approach, seeing itself not as a critique of deontology but as providing practical guidance where rules derived deontologically appear insufficient or contradictory.[26] This suggests an opening for political theorists to work out the implications of this approach for democratic legitimacy. However, rather than simply recovering the virtues as they have been understood by previous political theories, deliberative theory will need to reconstruct the virtues from its own perspective appropriate to the pluralism of modern society. To propose a new way of thinking about the virtues consistent with the core goals of deliberative democracy, I next bring the each of the classical virtues of justice, judgment, courage, and moderation into conversation with Habermas's theory of deliberative democracy.

The Deliberative Virtues: Reconstructing Justice, Judgment, Courage, and Moderation

Despite recognition of the virtues across political theories, particular theories have radically different understandings of the virtues depending on how they view the conditions and purposes of politics. Pluralist liberalism assumes that individuals are atomized and self-interested; that there is no general will or common good; that pluralism

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[26] Rosalind Hursthouse, *On virtue ethics* (Oxford; New York: Oxford University Press, 1999), 3-4.

is not only a fact of modern life, but also a positive good; and that the function of politics is to maintain a balance of power among competing interest groups.[27] Pluralist liberalism would seem to reflect a hedonistic worldview, but recent scholarship has argued that in fact liberalism prizes virtues that contribute to a culture of healthy competition.[28] By contrast, unitary political theories assume that individuals are social and that it is possible to discover thicker forms of agreement than are generally recognized. Unitary political theories have long been associated with virtues that foster social harmony and habituation in common values. In contrast to both pluralist liberalism and civic republicanism, deliberative democracy rejects a thick substantive view of the common good, but formulates the common good in terms of procedures that are capable of generating legitimacy regardless of their outcomes. In between the struggle for power among separate individuals and the harmonious consensus of a collective public, deliberative democracy proposes an ideal image of communication among free and equal individuals. Despite understanding itself as a mean between civic republicanism and pluralist liberalism, however, deliberative democracy has neither an established list of virtues nor a familiar ethos. How might deliberative democracy understand the virtues? What is deliberative democracy's implicit view of the excellent citizen?

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[27] This rendering of pluralist liberalism and the following account of civic republicanism are admittedly simplistic. I do not claim that any thinkers actually hold purely to these positions. I use them for the limited purpose of disclosing the deliberative virtues.

[28] William A. Galston, *Liberal purposes : goods, virtues, and diversity in the liberal state* (Cambridge; New York: Cambridge University Press, 1991).

I begin to answer these questions by sketching how deliberative democracy, in contrast to both pluralist liberalism and civic republicanism, might understand the classical virtues of justice, judgment, courage, and moderation. With this initial list, my limited goal is to provide a framework for reconstructing the virtues within a deliberative orientation toward democratic theory, and a glimpse of the ethos of a deliberative democracy.

Justice   Rather than an abstract quality of institutions, justice understood as a virtue is the habituated inclination to act in the right way with respect to relationships with others and obligations to larger communities. As the virtue most directly concerned with others, justice is at the core of virtue. According to Aristotle, justice (*dikaiosune*) is the "perfect" (*telia*) virtue because it is directed toward others (*pros heteron*) and concerns how the other virtues (such as courage and moderation) are exercised on others' behalf: "for there are many who can practice virtue in their own private affairs but cannot do so in their relations with another" (1129b). While there might be widespread agreement that justice in general concerns our obligations to others, however, how we understand these obligations will vary greatly depending upon how the aims and conditions of politics are understood. With radically different assumptions, pluralist liberalism, civic republicanism, and deliberative democracy each imply different understandings of the virtue of justice.

Despite its rejection of any common good, pluralist liberalism has an implicit view of justice, albeit a minimalist one. Beyond constitutional protections of individual freedom, a flourishing pluralist democracy also has a larger social ethos of respect for the

selfhood and autonomy of others, that is, a sense of *generalized individualism*. At the

center of liberal justice is the "negative" imperative to refrain from domination and

coercion. Pluralist liberalism holds that individuals are free to hold and advocate for their

own beliefs, but it also values the freedom of others. Individuals should moderate their

attachments so as to encourage fluidity among groups that might otherwise create

constraints and obligations.[29] Furthermore, pluralist liberalism sees diversity of values

and beliefs as a positive good for society. Accordingly, a key component of generalized

individualism is toleration, the inclination to respect the freedom of others to have

conflicting values and beliefs. Indeed, for some scholars, toleration is perhaps the

cardinal liberal virtue.[30] Since its historical origin in response to religious persecution,

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[29] This teaching is at the heart of the *Federalist* case for the large republic, which

considers it a virtue that its anonymity would enable a greater degree of freedom:

"Moreover, the small community lays hold of the affections of the individual and leads

him to accept the very restraints on his interest and liberty that are inherent in

smallness…Madison rejected small states because he rejected that sort of restraint. Small

communities limit opportunities and meddle with the soul." Wilson C. McWilliams,

Redeeming Democracy in America, edited by Patrick J. Deneen, and Susan Jane

McWilliams (Lawrence: University Press of Kansas, 2011), 17-18.

[30] See William A. Galston, *Liberal Purposes : Goods, Virtues, and Diversity in the

Liberal State* (Cambridge: Cambridge University Press, 1991), 7, 222, 259-63. According

to my understanding, since tolerance concerns individuals' relations with others, it is a

component of the larger virtue of justice according to the perspective of liberalism.

Galston speaks of toleration as a separate virtue rather than a sub-virtue of justice, but

religious toleration has been especially important to the liberal ethos.[31] Nevertheless, toleration is a liberal virtue in that it does not require substantive unity, but rather is satisfied with lukewarm respect for others who are otherwise regarded as separate and autonomous.[32] Liberal justice requires no actual sympathy or agreement with others' worldviews, and indeed views solidarity with others as suspect for creating potential bonds of dependency and enabling domination.

In contrast, from a civic republican point of view liberal justice is insufficient. With the ultimate priority of the common good, civic republicanism implicitly sees

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this is largely a semantic difference. For a critical view of tolerance discourse in liberalism, see Wendy Brown, *Regulating Aversion : Tolerance in the Age of Identity and Empire* (Princeton, N.J.: Princeton University Press, 2006).

[31] For example, Rawls situates both modern moral philosophy and the political philosophy of liberalism as responses to the historical context of religious conflict following the Protestant Reformation, and views political liberalism as a solution to the problem of conflict among "comprehensive doctrines," such as religions, in a pluralistic society. John Rawls, *Lectures on the History of Moral Philosophy*, edited by Barbara Herman (Cambridge, Mass.: Harvard University Press, 2000), 5-8; John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), xxvi-xxvii.

[32] For this reason, Rawls argues that toleration, while creating certain obligations for individuals, is consistent with political liberalism: "Thus, if a constitutional regime takes certain steps to strengthen the virtues of toleration and mutual trust…it does not thereby become a perfectionist state…This is very different from the state's advancing a particular comprehensive doctrine in its own name." *PL*, 195.

justice as sense of *collective identity*, a "positive" inclination of individuals to seek agreement and social harmony. Rousseau, for example, speaks of the spirit underlying the social contract in these terms: "…by this same act that body acquires its unity, its common *ego*, its life and its will. The public person thus formed by the union of all other persons was once called the *city*, and is now known as the *republic* or the *body politic*" (*SC* I:6). Far beyond liberal toleration, civic republican justice requires habituation in empathy, the thick sense of mutual identification that inclines individuals toward the general will. Beyond mere recognition of difference, empathy involves the ability to see the world from others' perspectives and in the process transcend ones own values and experiences. Since civic republicanism believes that general agreement on substantive issues is possible and desirable, it should place a high value on conflict resolution skills and accommodation of others, even if that means giving up individual preferences. To take again the example of religion, civic republicans in the past have prescribed as the basis for social unity an integrative "civil" religion based upon core teachings common to all religions that support the rule of law.[33] While modern civic republicanism surely accepts religious pluralism, for example, it implicitly prescribes robust dialogue efforts

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[33] "There is thus a profession of faith which is purely civil and of which it is the sovereign's function to determine the articles, not strictly as religious dogmas, but as expressions of social conscience…The existence of an omnipotent, intelligent, benevolent divinity that forsees and provides; the life to come; the happiness of the just; the punishment of sinners; the sanctity of the social contract and the law…" Rousseau, *Social Contract* IV:8, 186.

among faiths to find thicker forms of solidarity and shared understanding beyond the mere toleration of others' right to exist.

Because it reflects complex views of the purposes and conditions of politics, a deliberative sense of justice may be harder to distill. Deliberative democracy seeks for a thicker sense of commonality than atomized individualism, but less than full the collective identity of a fraternal citizenry. Rather than a communitarian "collective actor" or pluralist aggregation of "many isolated private subjects," Habermas locates sovereignty in favor of "higher-level intersubjectivity of communication processes" (8). By this, Habermas refers to the networks and associations in civil society, which are more differentiated than a collective body politic, yet they perform communicative functions beyond that of pluralist institutional checks and balances. However, this tells us little about how citizens might understand their sense of collective identity and obligations toward others when this public sphere attains a deliberative ethos. After all, pluralist systems also have civil society networks and associations. This raises the question of how to understand a sense of generalized justice among the citizenry that could strengthen the public sphere to perform its communicative functions.

I propose that a sense of justice that corresponds to a flourishing deliberative democracy is a sense of *mutual communicability*. Beyond the toleration of others, but without any presumption of reaching a sense of thick unity, deliberative democracy requires a common willingness to engage in discourse. Citizens must be able to see themselves as part of a larger society with common institutions and procedures, and yet one that lacks a common good in the thick substantive sense. Communicability is consistent with this image of a differentiated civil society, yet without reducing society to

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a collection of atomized individuals. Rather, justice understood as mutual communicability could enable groups to understanding each other's legitimate interests, even and especially when their interests are in conflict.

Judgment   Judgment, also referred to as prudence or practical wisdom, is the faculty of making decisions in conditions of uncertainty. Judgment is a central topic in virtue ethics because it concerns matters for which deontological rules are insufficient.[34] As Ronald Beiner has argued, judgment is the mean between, "the twin stranglehold of methodical rules and arbitrary subjectivism."[35] Because political issues by their very nature involve complexity and uncertainty, judgment has been recognized as an essential political faculty.[36]

One would think that judgment, which was intimately tied to deliberation in Aristotle's ethics (*NE* 1140a), would figure centrally in deliberative democracy scholarship. Aristotle describes judgment as, of all the virtues, "the one that forms opinions" (1140b). If so, a critical question for deliberative democracy would seem to be how citizens exercise judgment in the public sphere, which is charged with the crucial

[34] On judgment in virtue ethics, see, for example, Martha Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy*. Cambridge: Cambridge University Press, 1986, 290ff.

[35] Ronald Beiner, *Political Judgment* (Chicago; London: University of Chicago Press ; Methuen, 1983), 2.

[36] Benjamin Barber, *Strong Democracy: Participatory Politics for a New Age* (Berkeley, CA: University of California Press, 1984), 167-73, 198-209.

task of will-formation. However, perhaps because of its linkage with virtue ethics and its focus on particular situations over generalizable procedures, judgment does not figure prominently in Habermas's thought. For example, in an essay in which Habermas considers the applicability of Hegel's critique of Kant to discourse ethics, he argues that discourse ethics unapologetically concerns moral reasoning rather than judgment. The latter he dismisses as bound within particular contexts:

> Hegel is right in another respect too. Moral theories of the Kantian type are specialized. They focus on questions of justification, leaving questions of application unanswered…Like any moral theory, discourse ethics cannot evade the difficult problem of whether the application of rules to particular cases necessitates a separate and distinct faculty of *prudence* or judgment that would tend to undercut the universalistic claim of justificatory reason…The neo-Aristotelian way out of this dilemma is to argue that practical reason should forswear its universalistic intent in favor of a more contextual faculty of judgment…In contrast to the neo-Aristotelian position…Kant's achievement was precisely to dissociate the problem of justification from the application and implementation of moral insights. I argue that even in the prudent application of norms, principles of practical reason take effect…Such principles as these promote the idea of impartial application, which is not a prudent but a moral point of view.[37]

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[37] Jurgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge, MA: Massachussetts Institute of Technology, 1990), 206-7.

Indeed, following the publication of Hannah Arendt's lectures on Kant, which found key similarities between political and aesthetic judgment, judgment has appealed more often to agonistic critics of deliberative democracy as an alternative to the deontological, rationalistic, and rule-bound orientation of deliberative democracy.[38] While Habermas's discourse ethics serve many of the functions of judgment in classical virtue ethics, his thought begs the question of how this important virtue might be reconstructed from a specifically deliberative perspective.[39]

Again, useful comparison can be made to both pluralist and civic republican theories of democracy. Judgment takes many forms, depending upon the kind of practice in which one is engaged, with possibilities ranging from playing chess to artistic

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[38] Hannah Arendt, *Lectures on Kant's Political Philosophy*. Chicago: University of Chicago Press, 1982. As an example of Arendtian scholarship on judgment, see Linda M. G. Zerilli, "'We Feel Our Freedom': Imagination and Judgment in the Thought of Hannah Arendt," *Political Theory* 33, no. 2 (April 1, 2005): 158-188. Against Habermas, Zerilli argues, "What Habermas calls 'the rationality claim immanent in speech' risks becoming what Wittengenstein calls the 'hardness of the logical must'" (160).

[39] Two recent works consider judgment from a deliberative democracy perspective: Sharon R. Krause, *Civil Passions : Moral Sentiment and Democratic Deliberation* (Princeton: Princeton University Press, 2008); Bickford, Susan. "Emotion Talk and Political Judgment." *Journal of Politics* 73, no. 4 (2012): 1025–1037. However, the primary concern for both is to rehabilitate the role of the emotions within impartial deliberative judgment, rather than to reconstruct the virtue of judgment as such. See also

appreciation.[40] Within the category of political judgment, we should expect no less variation in the forms of judgment that might be supportive of various political regimes. From a pluralist perspective, in which society is seen as lacking a common good and politics is regarded as a competition for power, *instrumental judgment* is an important political virtue. Pluralism assumes that citizens have various conflicting ends which are unlikely to change and therefore not subject to deliberation with others. However, even within a pluralist paradigm, individuals may engage in internal deliberation about their own ends and interests. Indeed, pluralist theory assumes that, in order to prevent a single faction from dominating, the public sphere should consist of widespread interests, each advocating effectively for its own point of view.[41] Citizens may have genuine uncertainty when personal values are in conflict, requiring judgment about their own priorities. Instrumental judgment helps citizens interpret conflicting information about how various policies might affect their interests. Even if pluralism conceives of legitimacy as nothing more than a balance of power among competing interests, a functioning and flourishing pluralist regime nevertheless requires that citizens have the ability to distinguish accurate and unbiased information from rhetorical manipulation and deception. If large numbers of citizens were to lose the capacity to exercise judgment of their own interests, the integrity of the system could be compromised.

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[40] See again Ronald Beiner, *Political Judgment* (Chicago; London: University of Chicago Press ; Methuen, 1983).

[41] James Madison, Alexander Hamilton, and John Jay, *The Federalist Papers* (New York: Penguin, 1987).

By contrast, unitary political theories require excellence in *substantive judgment*. In any complex modern society, the common good is far from self-evident, yet civic republicanism holds that substantive common goods exist and the purpose of politics to move toward them. If justice gives citizens a general inclination toward empathy and public spirit, judgment is the intellectual ability to actually make thoughtful and informed decisions from a public perspective. Aristotle, for example, describes leaders like Pericles has having *phronesis* "because they can envisage what is good for themselves and for people in general" (*NE* 1140a). Similarly, Rousseau speaks of the "sublime reason" of the lawgiver, who correctly anticipates that the laws he proposes will be found universally acceptable: "he must have recourse to an authority of another order, one which can compel without violence and persuade without convincing" (*SC* II:7). From a civic republican perspective, an especially important quality in judgment is impartiality, understood as the ability to set aside personal values and interests to see from the perspective of the general will.

From a deliberative perspective, instrumental judgment is insufficient to command public legitimacy, and yet substantive judgment is too restrictive to accommodate substantive disagreements. As a procedural theory, deliberative theory has no concern for the substantive outcome of political judgments, but it does have implications for how judgments are made. If deliberative democracy sees the virtue of justice as disposition to engage in discourse, I propose that judgment means the intellectual faculty of actual *mutual understanding* of each other's legitimate interests. Mutual understanding is the intellectual ability to actualize one's disposition toward communicability. In a pluralistic society, deliberation requires approaching political

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issues from the basic assumption that others have legitimate conflicting interests. While

pluralist judgment asks, "What's in it for me?" and unitary judgment asks, "What's in it

for others?" In contrast to both, deliberative judgment asks, "What's at stake in our

disagreement?"

Like communicability, mutual understanding does not aim at substantive

agreement, but it does aim at clear and comprehensive communication of each other's

values and perspectives. For example, public opinion researcher Daniel Yankelovich has

introduced the term "public judgment" to distinguish mature collective consideration of

issues from unreflective public opinion. A critical stage in his account of public judgment

is "working through" choices, which requires recognition that for complex issues any

option will require tradeoffs with legitimate conflicting values. In his view, the resulting

public judgment is not a thick substantive consensus over the general will, but rather a

collective of sense of having made a responsible choice with a clear view of the problem,

including its moral and emotional implications.[42]

If politics in a pluralistic society inevitably involves winners and losers, mutual

understanding in this sense can at least provide for both sides a sense of their legitimate

differences. Indeed, Jane Mansbridge argues that, rather than a thick substantive

consensus, one of the most important functions of deliberation is "clarifying conflict,"

such that citizens at least understand the valid reasons of those with whom they are in

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[42] Daniel Yankelovich, *Coming to Judgment: Making Democracy Work in a Complex World* (Syracuse, NY: Syracuse University Press, 1991). Rather than the abstract logic of deliberative theory, Yankelovich's concept of public judgment is interestingly based primarily upon empirical research on collective decision-making.

disagreement.[43] Habituation in mutual understanding would seem to be essential for the deliberative public sphere to perform this function. This may be of little consolation to those who are in the minority, yet the clarification of conflict in deliberation represents an important advance over the pure struggle for power that characterizes politics in a pluralist system. Understood in this way, judgment as mutual understanding leaves ample room for disagreement in the context of a pluralistic public sphere, and yet moves politics beyond a struggle for power among competing interests.

Courage   Broadly speaking, courage is excellence in risking one's life or livelihood for higher purposes. As Richard Avramenko notes, courage has figured prominently in the history of political thought, yet remains largely neglected in contemporary political theory.[44] Deliberative democracy is no exception; as far as I can tell, courage is entirely absent in this literature. Indeed, agonistic critics implicitly suggest that deliberatively democracy encourages cowardice in the avoidance of conflict with adversaries.[45] A

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[43] Jane J. Mansbridge, "Everyday Talk in the Deliberative System," in *Deliberative Politics: Essays on Democracy and Disagreement* (New York, NY: Oxford University Press, 1999), 226.

[44] Richard Avramenko, *Courage: the Politics of Life and Limb* (Notre Dame, Ind.: University of Notre Dame Press, 2011). For another recent exception, see Nancy L. Schwartz, "'Dreaded and Dared': Courage as a Virtue," *Polity* 36, no. 3 (April 1, 2004): 341–365.

[45] See Chantal Mouffe, "Deliberative Democracy or Agonistic Pluralism," *Social Research* 66, no. 3 (1999): 745–758. The term courage is never used, but Mouffe is

deliberative concept of courage could help to answer this critique and illustrate the types

of action that might be considered acceptable and even praiseworthy from a deliberative

point of view. However, while all regimes require the courage to defend the regime, as is

also clear from Avramenko's work, courage is not a single phenomenon, but a category,

and various political theories implicitly prioritize differing specific forms of courage.

This raises the question of what type of courage might be especially relevant to

deliberative democracy.

In civic republican theory, courage is naturally understood as heroic *self-sacrifice*

on behalf of the common good. Although martial courage is not necessarily unique to

civic republican virtue, this tradition is replete with familiar ideals of the loyal soldier and

patriotic citizen.[46] Beyond that, a unitary civic culture values courage such that citizens

not only care for others in an abstract sense, but also habitually demonstrate their public

spiritedness through noble deeds.[47]

Pluralist theory, with its ideal of politics as a healthy competition among

adversarial groups, is less explicit but nevertheless values certain forms of courage.

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centrally concerned with "confrontation," "mobilization," and so on: "Far from

jeopardizing democracy, agonistic confrontation is the very condition of its existence"

(756).

[46] For example, Aristotle appeals to Hector to illustrate "civic courage" for facing his fear

both out of a desire for honor and to avoid the shame of dishonor (NE 1116a).

[47] For example see the discussion of Rousseau's understanding of compassion and

courage in Richard Avramenko, *Courage: the Politics of Life and Limb* (Notre Dame,

Ind.: University of Notre Dame Press, 2011).

Deeply concerned with power, pluralism admires the heroism of rugged individuals who have the courage of *independence*. From this point of view, dissent from the majority exemplifies an especially important form of intellectual courage. Pluralist liberalism affirms civil disobedience, for example, and often regards practitioners of civil disobedience as heroic individuals, despite representing a potential threat to substantive unity.[48] In economic affairs, from a pluralist perspective, it is courageous to sacrifice one's sense of comfort and security, even in a harsh and competitive society, in order to maintain one's natural freedom from authority. Of course, pluralist liberalism would never make acts of courage a formal requirement; apathy and disengagement are perfectly respectable.[49] However, in a flourishing pluralist regime, individuals have not only negative freedom from interference, but also the courage to actively assert their individuality, and in so doing build a civic ethos of autonomy and healthy competition.

With its complex view of the sovereignty and the common good, deliberative democracy's concept of courage may be somewhat harder to distill. On the one hand, with its rejection of a substantive common good and decentered view of sovereignty, deliberative democracy places no necessary value on public-spirited sacrifice. On the other hand, with its goal of creating a sense of procedural consensus, deliberative democracy does not necessarily romanticize individual protest or agonistic exacerbation

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[48] For example, see John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 382ff.

[49] See John R. Hibbing and Elizabeth Theiss-Morse, *Stealth Democracy: Americans' Beliefs About How Government Should Work* (Cambridge, UK: Cambridge University Press, 2002).

of conflict. Nevertheless, deliberative democracy requires a particular kind of courage understood as *making difficult decisions*. If decisions are regarded as inherently difficult, citizens must be open to a kind of self-criticism that is also at the essence of deliberative courage. As Nancy Schwartz writes, "Courage may be especially needed in a deliberative democracy, where dialogue can risk the self. If one exposes one's values and identity to discussion and listens to others in an open way, self-identifications can be challenged" (365).

If political problems are regarded as inherently complex and lacking objectively correct solutions, any given decision will inevitably involve painful sacrifices that citizens must acknowledge. As Aristotle suggests, deliberation is closely connected to the emotion of fear, for deliberation acknowledges the negative consequences of action: "A sign of this is that fear makes men deliberate, whereas no one deliberates about things that are hopeless" (*Rhet.* 1383a6-7). This is not to say that citizens must give up their perspectives and defer to the majority, but that in voicing their preferences they must also have the courage to acknowledge to others the negative consequences of their proposed actions.

One might say that many of the most intractable social and political issues in current affairs reflect a democratic deficit of courage in this sense. For example, those who propose to cut taxes and reduce the size of government must be prepared to sacrifice important public services, such as social security and defense. Those who propose to expand access to health care must be prepared to pay higher taxes or compromise the quality of health care. Such issues seem to be intractable because of a manifest lack of political will among both citizens and leaders to be explicit about the sacrifices that

would be necessary for radical change in public policies.[50] Yet in a polarized political system without a deliberative ethos, adversarial public discourse serves to obscure these complexities and further "dis-courage" citizens and policymakers from facing the sacrifices they might have to make. While adversarial rhetoric can embolden citizens in some ways, it can also create a culture of political cowardice in this important sense.

At the same time, if making difficult decisions is seen as an ongoing practice of citizenship, citizens must feel empowered to perform this critical democratic task. A deliberative process aims not only at a general recognition of the complexity of political issues, but also at developing an actual public will—a general sense of each citizen having thought through the issue and voiced a choice. If citizens see difficult decisions as their responsibility, deliberative democracy inevitably requires citizens to have some ability to assert themselves against authorities. As Ronald Beiner suggests, this sense of citizens as capable of political judgment is incompatible, for example, with a culture of deference to expertise: "If all human beings share a faculty of judgment that is sufficient for forming reasoned opinions about the political world, the monopoly of the expert and technocrat no longer possesses legitimacy" (2-3).

Moderation   *Sophrosyne*, moderation or temperance, broadly defined is the virtue of self-control, a mean state with regard to *hedone*, enjoyment or pleasure, and

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[50] For the best description of the complexity of political problems, see Horst W. Rittel and Melvin M. Webber, "Dilemmas in a General Theory of Planning," *Policy Sciences* 4 (1973): 155–169. I would also include here the long-term health of the social security system and global warming as paradigmatic issues of this sort.

epithumia, or desire or yearning (NE 1117b-18a). Through moderation, individuals

habituate themselves to gain control over impulses that would otherwise occur naturally

or reflexively. For moderation in general, the paradigmatic desires to be controlled

concern food, drink, and sex. However, unitary, adversarial, and deliberative political

theories may seek control over other more specific forms of desire depending upon how

they view the self and the goals of politics.

From the perspective of unitary political thought, according to which politics is an

educative process in which individuals are socialized into a thick sense of social

solidarity, a necessary virtue will be the *mastery of competitive impulses*. For civic

republican thinkers, differentiated societies place individuals in competition with one

another, leading to a dangerous cycle of escalating desire and conflict. *Pleonexia*, often

translated as "desire," refers particularly to excessive greed or acquisitiveness, was a

central concern in Greek political thought, embodied, for example, in Plato's description

of the "feverish city" in Book II of the *Republic* (373e). Similarly Rousseau's critique of

amour-propre is a paradigmatic for modern civic republican thought. Rousseau is not

concerned with desire as such, but rather specifically with socially constructed forms of

desire that are caused by the inclination of individuals to compare themselves against

their peers.[51] According to Rousseau, *amour-propre* becomes habituated in differentiated

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[51] Jean Jacques Rousseau, *Emile, or On Education* (New York: Basic Books, 1979). See

especially Book IV: "Love must be reciprocal. To be moved, one must make oneself

more lovable than every other… This is the source of the first glances at one's fellows;

this is the source of the first comparisons with them; this is the source of emulation,

rivalries, jealousy… With love and friendship are born dissensions, enmity, and

societies so as to take on the appearance of a natural impulse. From the perspective of unitary political theories, this process is virtually inherent in a differentiated society, demanding a thorough program of civic education and socialization in self-control.

Pluralist theory also values-self control, but again it is concerned with a much different set of impulses. An important aspect of liberal freedom is to *mastery of social impulses*. Built upon a fear of collective power, pluralist theory sees social pressure toward homogeneity as an important political challenge. The large and diverse public sphere is embraced because such pressures are more intense within local communities. As Wilson C. McWilliams writes of the *Federalist*, "All 'face to face' communities are suspect… The affections are too intense, the bonds of community too strong."[52] While perhaps not rising to the level of hunger or alcohol addiction, such pressures can take on a sort of unconsciousness that must be actively resisted. While the institutional fragmentation of power may serve as the foundation of the regime, individuals can help preserve their freedom by mastering their social instincts, reducing emotional and psychological attachments that might obscure a rational view of their interests.

From a deliberative point of view, neither social impulses nor social differentiation as such need be eliminated. Deliberative democracy is certainly concerned

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hate….Extend these ideas, and you will see where our *amour-propre* gets the form we believe natural to it" (214-15). On the naturalization of acquisitive desire, see C. B Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Clarendon Press, 1964).

[52] Wilson C. McWilliams, *Redeeming Democracy in America*, ed. Patrick J. Deneen and Susan Jane McWilliams (Lawrence: University Press of Kansas, 2011), 18.

preserving social pluralism and diversity thought, but rather than reduce politics to struggle for power, it seeks to restore the possibility of communication across substantive differences. At the same time, deliberative democracy is concerned with the total disintegration of shared norms under conditions of *pleonexia*, but rather than a restoring thick sense of substantive unity, it seeks merely to reconstruct a common sense of procedural legitimacy.

Nevertheless, deliberative democracy is committed unconditionally to an ideal of free and equal discourse. For this reason, I propose that the theory implicitly carries within itself a notion of moderation as *mastery of the will to domination*. The will to domination is the impulsive drive to impose one's values and beliefs on others. This goes beyond mutually beneficial competition to a desire for victory by any means necessary. While deliberative democracy affirms the pluralist value of healthy competition under conditions of substantive differences, it seeks a process capable of generating legitimacy beyond a struggle for power. In a deliberative democracy, citizens should be committed to the idea that the better argument will emerge from the process even if the outcome disagrees with their individual preferences. While citizens are fully expected to advocate for their values and interests, they must also restrain themselves from using coercive means to alter the outcome. Any unconscious impulse to do so would need to be moderated and controlled. Thus in a deliberative democracy, citizens should obviously refrain from intimidation or using personal resources to gain influence over the process. Their commitment to the deliberative process should be able to override their particular substantive commitments. Without a sense of common habituation in such self-restraint,

participants in deliberation cannot be assured that the process is anything more than an extension of the struggle for power in the pluralist system.

Moreover, deliberative self-restraint from the will to domination contrasts with the rise of a debate culture in public discourse. There is a qualitative difference between a deliberative culture, in which all recognize their common interest in a fair procedure to come to decisions on questions of substantive difference, and a debate culture, in which each intends to defeat the other by any means necessary. Under current conditions the public sphere may in its discourse internalize the system's view of politics as a zero-sum struggle for power as, for example, the news and talk show media increasingly promote a debate culture just as the political parties have reached a new state of polarization.[53] Participants in deliberation may be expected to make passionate arguments and employ rhetorical tools, but should also allow opponents to put forth arguments of their own, and consider others' arguments in their strongest form. Thus, recent scholarship (noted above) has convincingly defended emotion and rhetoric from a deliberative perspective, but arguments for these discourses hinge on distinguishing their non-coercive from coercive forms.[54] Deliberative citizens need not be "moderate" in the sense of ideologically centrist on substantive issues, but they should moderate any tendencies to approach public discourse with the express intention of defeating one's opponents, a tendency which seems to be taking on the appearance of a natural impulse in the current media and political climate.

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[53] {CITATION NEEDED}

[54] See especially John Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, and Contestations* (Oxford, UK: Oxford University Press, 2000).

Conclusion: Clarifications and Implications

The deliberative virtues thus understood – communicability of differences, mutual understanding, making difficult decisions, and restraint from domination – are capable of doing important work in a democracy while leaving open ample room for disagreement. Consistent with a procedural perspective, they concern excellence in reaching collective decisions under conditions of disagreement and uncertainty without any expectation of substantive consensus. The aspiration is not for a deep sense of substantive unity (indeed, some degree of substantive differentiation is viewed as a necessary condition and positive good for democratic politics). The deliberative virtues thus defined all fall within the categories of habituation in relationships with others, understanding of moral conflicts, facing the consequences of action, and control of negative impulses. However, these deliberative virtues have been developed explicitly within a communicative framework appropriate to conditions of substantive disagreement. With a public sphere infused with such virtues, the political process can rightly be regarded as an attempt to reach legitimate collective decisions. A functional deliberative democracy without such a deliberative ethos is difficult to imagine, and indeed would seem to be indistinguishable from a simple pluralist system.

At this point, a few important clarifications are in order. I have been considering the virtues from within the perspective of deliberative democracy to help answer questions about the types of habituation that would be necessary for such a regime to work according to its own terms. My intention is limited to demonstrating the basic complementarity of deliberative democracy and the virtues. At least for the purposes of

this paper, I am not making any larger claims about the normative superiority of the deliberative virtues over those of other political theories. Indeed, as the argument has developed, I am struck that pluralist, unitary, and deliberative theories of democracy each have coherent understandings of both politics and civic virtue. This suggests that an adversarial democracy, for example, could at least in principle achieve a sort of normative coherence (if not legitimacy in the strict procedural sense) so long as its particular understanding of civic virtue is widely shared.

The above list of deliberative virtues is not exhaustive of the possible virtues that might help make a democracy more deliberative. Rather, just as Aristotle's *Ethics* contains dozens of virtues, additional theoretical discussion could identify potentially dozens of virtues that might be implicit in or complementary to deliberative democracy. I suspect that such virtues could be subsumed under the larger categories of justice, judgment, courage, and moderation; indeed, it is possible that all of the deliberative virtues can be subsumed under the virtue of justice understood as mutual communicability. Regardless, the precise number of the deliberative virtues and their relationship to the cardinal virtues goes beyond the scope of this paper.

Additional empirical research is also necessary in order to fully understand how (or whether) the deliberative virtues work in practice. A critical empirical question is whether citizens are in fact capable of exercising the deliberative virtues. While they do not require a thick sense of substantive unity, pluralists may still be rightly suspicious that the deliberative virtues may be asking too much of citizens to respect procedures when the outcomes are in conflict with their personal preferences. And agonistic theorists

may object that habituation in deliberation, even when intended to allow for substantive disagreement, may in practice privilege consensus.

Finally, I wish to conclude by raising a troubling implication of this inquiry into the virtues. As I have noted, deliberative democracy does not do away with electoral politics and representative government but rather seeks a public sphere in which decisions of adversarial institutions have legitimacy. This means that even in a fully functional deliberative democracy, its decision-making institutions are expected to embody a fundamentally different ethos from its will-forming public sphere. This disconnect becomes even more evident when a deliberative understanding of the virtues is contrasted with that of pluralist theory. That is, the adversarial system and the public sphere embody not only different general notions of the self and politics generally, but also differ down the line with respect to the core domains of ethical life. A key claim of virtue-centered political theory is that for a regime to be sustainable, its formal institutions and its ethos must be mutually reinforcing. Seen in this light, deliberative democracy proposes a regime in which the best-case scenario is for the two to exist in tension, with the public sphere continuously habituating citizens to aspire to a sort of civic excellence with which the institutions are by design incompatible.

If democratic legitimacy is to be achieved on a more meaningful level, deliberative democrats (practitioners as well as theorists) cannot be content with a deliberative public sphere autonomous from the state, limited to will-formation without any decision-making authority. Rather, more conscious efforts must be made by deliberative organizations to exercise power within and over the adversarial system. Indeed, according to research by Archon Fung and Eric Olin Wright, a distinguishing

factor of the most successful deliberative democracy movements around the world is that they "colonize state power and transform formal governance institutions."[55] Nevertheless, as long the state reflects a fundamentally different set of virtues from the public sphere, such efforts are likely to provide at best local and temporary respite rather than any definitive resolution to the ongoing crisis of democratic legitimacy.

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[55] Archon Fung and Erik Olin Wright, "Deepening Democracy: Innovations in Empowered Participatory Governance," *Politics & Society* 29, no. 5 (2001), 23. See also Elena Fagotto and Archon Fung, *Sustaining Public Engagement: Embedded Deliberation in Local Communities* (East Hartford, CT: Everyday Democracy and the Kettering Foundation, 2009). Iris Young also helpfully proposes greater attention to "linking" institutions to connect the deliberative public sphere to the state. See Iris Marion Young, "De-centering Deliberative Democracy," *Kettering Review* 24, no. 3 (2006): 43–53.