

Towards Respectful Deliberation

Deep Disagreements and Liberal Democracies

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Abstract: *In the context of the climate crisis, this paper examines the challenge deep disagreements (DD) pose to liberal democracies (LD), especially when mutual respect, pivotal in Rawlsian public reason, becomes elusive. Valentini (2013) posits that thick reasonable disagreement (TRD), rooted in mutual respect, is essential for LD. Contrarily, De Ridder (2021) argues that deep disagreements exacerbate political polarization. Analyzing these perspectives, the paper underscores the imperative of mutual respect in effective deliberation, advocating for its intentional cultivation to uphold democracy's normative value.*

Keywords: *Deep Disagreements, Liberalism, Democracy, Polarization, Respect*

1. Introduction

The climate crisis has an inevitably big impact across societal as well as environmental systems. Policies have to be agreed upon that react to the scientific findings of climate change research in the best possible way – but it seems to be difficult to agree upon the right way of conduct. It is not only policies that are at stake: it is also deeper principles such as moral values that people disagree about.

In liberal democracies, in the tradition of the Rawlsian public reason view, rules and policies have to be justifiable to all reasonable citizens to whom they will apply, based on the principle of justice and equal respect for all. At the core of liberalism is pluralism: citizens might hold fundamentally differing political views and personal preferences. According to Rawlsian theory, it is possible to justify decisions to all citi-

zens by exercising public reason – under the condition that no party holds inconsistent views or thinks they are epistemically/morally superior. Thus, to come to a politically relevant decision, Rawlsian public reason works only under the exclusion of straightforward unreasonable and inconsistent views (Rawls 1993). But how do we justify democratic procedures as the correct method to achieve mutual justifiability if we deeply disagree about the deeper lying issue surrounding the question at hand?

Laura Valentini elaborates on this in her essay “Justice, Disagreement and Democracy” (2013) and concludes that even though deeply disagreeing parties pose a challenge to both deliberation and majority rule, the latter two are the best way to achieve an outcome that is as just as possible (and therefore mutually justified). I will use De Ridder’s descriptive, realist critique of deli-

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beration under deep disagreements (DD) in his chapter “Deep Disagreements and Political Polarization” (2021) to point to a weakness of this view. He states that if people deeply disagree, they do not see each other as reasonable, the disagreement rather deepens the issue of political polarization. Especially in the case of the climate crisis, this seems a real problem that should be considered in the context of democratic procedures to come to a just outcome for all.

In this paper, I am analyzing how *deep disagreements* (DD) are a danger to *liberal democracies* (LD). The structure of my argument is the following:

- 1) DD under the presupposition of mutual respect which Valentini calls *thick reasonable disagreement* (TRD) is intrinsically necessary for LD (Valentini 2013).
- 2) DD is a danger and hindrance to deliberation since it undermines the assumption of mutual respect and causes polarization (De Ridder 2021).

Conclusion: Therefore, DD is a danger to the intrinsic value defense of LD. I will conclude that despite the realistic danger DD poses it does not undermine the normative, theoretical value of democracy for justice. The normative ideal of justice is crucial for how we enter political discourse and deliberation – and serves as a reminder that to solve the feedback loop of DD and polarization we need to return to deliberation based on mutual respect.

To begin with, I will compare and contrast Valentini’s and De Ridder’s understanding

of thin and deep disagreements and reasonableness. A few additional key terms will be defined in this paragraph. Then, I will summarize Valentini’s normative argument for the intrinsic value of democracy for which she considers TRD necessary. Secondly, I will sketch De Ridder’s descriptive argument about the interplay of DD and polarization that poses a challenge to Valentini’s TRD and her intrinsic defense of democracy. Thirdly, I will apply the challenges to the advantages of democratic procedures. I will use examples from the climate change debate to illustrate my points. In the end, I am pointing out the necessity of the normative ideal of justice for deliberation qua equal respect in our political landscape.

2. Analysis of Valentini’s TRD and De Ridder’s DD

2.1 Key Terms: TD, OD, TRD, and DD

Disagreement can occur in the realm of epistemology (empirical) and in that morality (normative). The two are intertwined and it is rather uncontroversial that both are important for political decision-making. It is also undeniable that we disagree while reasoning about things. A body of philosophical work argues that there is a distinction between superficial and deeper disagreements – while the definitions of each instance differ.²⁵

I will understand democracy as a “set of real-world collective decision-making processes [deliberation and majority rule] in which those who belong to a particular

²⁵ An assumption that can be debated is whether deep disagreements do exist or not. In this paper, I will assume that they do, since there is no room to open this debate, too.

group (society in the case at hand) have a right to an equal say in establishing the rules that apply to them” (Valentini 2013, 179). At the core of the liberal notion of justice (as a set of principles distributing entitlement to valuable social goods) is equal respect for all, which entails the decisions of the state being justifiable to all rational agents: “equal respect in terms of mutual justifiability” (ibid.).

Thin Disagreements (TD) and Ordinary Disagreements (OD)

For Valentini, in thin disagreement (TD) parties agree upon the truth conditions of a claim about justice. They are mostly about empirical questions in which one party can have more expertise than the other. The TD can be resolved through reasoning:

“When there is thin disagreement about justice, people disagree about the policies required by justice in particular circumstances but agree about the conditions that must be satisfied for those policies to count as just” (Valentini 2013, 183).

Looking at the climate change debate, two utilitarians might disagree on the right policy for fossil fuel reduction. Their disagreement might simply be because utilitarian A knows less about the matter at hand than B – but they both agree generally upon the utilitarian understanding of what would make the policy just. They will come to a resolution on which policy is better due to B’s expertise.

De Ridder’s *ordinary disagreement* (OD) is mostly the same, although not considering justice specifically. It is also rationally re-

solvable and participant parties share a normative framework. He adds the characteristic of being localized, meaning the disagreement is about issues surrounding the matter in question (cf. De Ridder 2021, 239). In the following, I will thus use the abbreviation OD for talking about Valentini’s and De Ridder’s understanding of disagreements, where parties share a common framework/truth conditions/definition of expertise about claims that are hence resolvable.

Thick Reasonable Disagreements (TRD) and Deep Disagreements (DD)

Thick disagreements are those in which parties “have conflicting claims about justice and disagree about the truth conditions of those claims” (Valentini 2013, 7). Thick reasonable disagreements (TRD) are those where participants in general adhere to the liberal standard of equal respect for persons, do not relate to obvious empirical falsehoods, and disagree about the truth conditions of the claims to justice made (Valentini 2013, 7 ff.). Valentini’s account, though inspired by Rawlsian reasonable disagreement about the conception of the good (see Rawls 1993), extends it towards disagreements about not only the good but also the just. Similar to Rawls, the justification is limited to those who hold a reasonable view “from a liberal perspective” (Valentini 2013, 10). Consequently, we will work with the following definition: in TRD parties reasonably (no evident epistemic falsehood and equal respect qua mutual justifiability) disagree about the truth conditions and substance of the matter discussed. A utilitarian might disagree with an egalitarian about the policy from the example above – but it is impossible for them to

decipher an expert in this case because their view of what would make the policy just differs at its core (thick disagreement). They, however, while deliberating on the policy, adhere to the standard of equal respect and both their views are not wrong based on false empirical evidence (TRD).

DD are for De Ridder

“those disagreements in which parties disagree about (or are committed to disagreeing about) relatively fundamental epistemic or moral values and principles even after full disclosure” (De Ridder 2021, 228).

DDs are not peer disagreements because it is difficult to say whether a person who has fundamentally different epistemic/moral frameworks can still be called a peer. Thus, DD is difficult/impossible to resolve since parties do not share a common framework. He calls the norms and principles linking an action or belief to rationality *epistemic framework* (e-framework). The respective norms and principles, linking an action to morality he calls the moral framework (m-framework). For him, reasonable means conforming with the usual standards of epistemic or moral goodness. The link between the cognitive position of the person, e-/m-framework, and action is consistent. There are different e-/m-frameworks people can adhere to rationally (from an objective viewpoint) because of their upbringing, surroundings, etc. independent of the fact whether there is one correct framework or not (cf. De Ridder 2021, 233).

To conclude, while the definitions of thin disagreement (Valentini) and OD (De Ridder) are similar, TRD and DD differ since for TRD equal respect is a necessary con-

dition for reasonableness while it is solely objective rationality in terms of consistency of the link between framework and cognitive position for DD.

2.2 TRD and the Intrinsic Defense of Democracy

To begin with, I will outline how Valentini argues for the claim that democracy should be intrinsically valued as a requirement of justice in the presence of TRD. She first shows why under OD democracy could hardly be defended even only instrumentally. She makes three distinct points (cf. Valentini 2013, 12-14):

- 1) If there were only OD, there would be no reason for us to not consider an epistocracy a better solution than democracy.
- 2) Democracy under OD would only be valuable as an instrument to keep authorities from abusing their power.
- 3) The epistemic, instrumental justification of democratic majority rule as truth tracking in the best possible way (Condorcet) does only work if we assume that there is a distinguishable right and wrong answer – which means only under OD.

Following 1) and 2) it becomes clear that we need TRD to justify democracy as something more than simply its implementation to reduce power abuse. Under the condition that we have TRD, there is no reason for us to defend the majority rule on the grounds of being a good truth tracking device (3) since the competence condition (that most citizens have more than a 50% chance of getting the answer right) is not fulfilled (cf. Valentini 2013, 15). If we have

more than OD, there is not necessarily only one right answer. Having shown that the majority rule cannot be defended epistemically under TRD, deliberation has epistemic benefits even if the goal is not truth tracking:

- 1) deliberation leads to a greater agreement without reaching the utopian ideal of full consensus since it considers all different views (cf. Valentini 2013, 17 f.)
- 2) deliberation in groups leads to less manipulation and lies since other parties and participants can check the facts and hold each other accountable (cf. Valentini 2013, 21)
- 3) deliberation gives parties the feeling of discussing a common problem (ibid.)

Besides these epistemic benefits of reasoning, deliberation does not produce any outcome under TRD at all since it might just agree to disagree. Deliberation always has to be followed by some form of aggregation (majority rule) to come to a justified decision. Under TRD, this decision is not necessarily the correct one – since there is not only one definition of correct and the majority does not necessarily mean truth: “universal suffrage and majority rule cannot be justified to all rational persons on epistemic grounds” (Valentini 2013, 15). But it can rely on intrinsic grounds: the majority rule comes closest to portraying which views are mostly being mutually justified (cf. Valentini 2013, 16; 19–20) – and is thereby most conforming to the ideal of justice.

She concludes that if we assume that TRD exists, democratic procedures are the best way to strive towards the ideal of justice – and therefore democracy is intrinsically

defended by TRD being a condition to justice entailing equal respect qua mutual justifiability (cf. Valentini 2013, 22). Valentini anticipates criticism of her assumption of equal respect: it seems like asymmetry to assume equal respect since we could also deeply disagree about this. However, she states that most moral frameworks contain equal respect in some form or other if they are not based on obvious epistemic falsehoods such as racist assumptions about differing intelligence levels. In addition, it would be very difficult to consider justice nowadays without any notion of equal respect – thus, taking it as a starting point seems to her adequately justified (cf. Valentini 2013, 21 f.).

2.3 DD and Polarization

Valentini (2013, 15) claims that deliberation can be defended epistemically under TRD since citizens “have an interest in exchanging reasons” which is necessary for “epistemic progress” (Valentini 2013, 191). The problem with DD is that e-/m-frameworks of the parties involved most likely hardly overlap. Thus, even if the other person reasoned for her claim consistently (and objectively rational) out of her framework, we consider them mistaken, irrational and unreasonable based on our framework. To have a productive outcome or make epistemic progress, we have to recognize the other’s reasonability since otherwise “[r]ather than produce mutual learning, then, deep disagreements can easily lead to mutual rejection” (De Ridder 2021, 234). Thus, for De Ridder, DD causes people not to equally respect each other – TRD is not possible since equal respect is undermined by differing frameworks. The more we disagree, the more we want to treat the other

as irrational or immoral, and the less we want to recognize their reasons as rational in a debate (cf. De Ridder 2021, 233) – hence not having equal respect. To this normative argument, he adds a descriptive problem: polarization. He states that DD causes and is caused by polarization and their interplay hindering any kind of rational deliberation – and therefore is a danger to democracy as such.

He distinguishes between two related forms of polarization: cognitive and practical polarization. Cognitive polarization is related to how individuals think about each other (rational vs. irrational, moral vs. immoral). In the case of DD, people tend to discredit the other's arguments. De Ridder uses the psychological phenomenon of myside bias/confirmation bias to argue for this process: we treat evidence asymmetrically. Thus, evidence not conforming to the agent's positions gets criticized more. In case the evidence is unclear, agents interpret it to fit their prior beliefs. An experiment even shows that the more knowledge agents have about a specific issue, the more they use their reasoning skills to make it conform to their prior views. Deeply disagreeing with the other party increases the effect of myside bias even more. Additionally, social identities in the context of group dynamics have proven to enhance the sturdiness of beliefs and biases. Practical polarization is concerned with how agents treat each other. DD leads to cognitive polarization individually and as a group creating a divide between us and them which leads to practical polarization and biased behavior (cf. De Ridder 2021, 235-236). De Ridder stresses, however, that the relationship goes both ways: DD increases polarization, polarization also dee-

pens DD. However, DD is not sufficient nor necessary for polarization, it is just an important factor and cause sometimes, especially when the disagreement concerns emotionally charged issues that are central to people's lives and social identities (cf. De Ridder 2021, 239). Looking at the argument above, De Ridder concludes that polarization and DD in their interplay undermine rational deliberation since they change our attitude towards the other party:

“The result is increasing cognitive and practical polarization, which leads to even stronger and more extreme social identities. So we end up with a feedback loop in which social identities imply deep disagreements, deep disagreements lead to increased polarization, and increased polarization to even more entrenched and radically opposing social identities” (De Ridder 2021, 240).

Lastly, De Ridder connects social identities to polarization in saying that social identities shape the e-/m-frameworks citizens commit to. The subject of social identities is strongly developed by political realists, such as Jason Brennan. Political realism states that deliberation is less about rational reasoning, Rawls' public reason, checking facts, agreement, and respect but more about partisanship and social identities. Most citizens, therefore, are not driven by political ideology or have anything close to coherent views and frameworks (cf. Brennan 2021, 137). De Ridder takes this up and states that even if people do not completely adhere to the entire e-/m-framework of their group, the principles they do accept will most likely trigger DD with other social groups, which have committed to other e-/m- frameworks. According to him (and political realism), it is not

because people build these frameworks on their own, but because they fit into their social identities (cf. De Ridder 2021, 240). In the following paragraph, I will illustrate how this feedback loop poses a danger to Valentini's approach.

3. Climate Crisis: Real-World Politics and TRD/DD

Valentini states that the best way to address the problem of having different e-/m-frameworks and therefore not coming to a universal agreement but still showing equal respect for all citizens is through democratic procedures of deliberation and majority rule (cf. Valentini 2013, 17). We have established earlier that universal agreement is not the goal but a rather utopian ideal. Furthermore, a state cannot claim to have equal respect for its citizens if it imposes one view of justice – at least from a liberal standpoint. The epistemic advantages of deliberation seem to stagger in the light of De Ridder's attack – and also in the light of Sandel's technocratic conceit. In the former, parties end up in a feedback loop, Sandel's technocratic conceit is an example of what can come out of the loop: the assumption that everything else but the own view is immoral, irrational, and does not even have to be considered or is simply an OD. If the majority of the public does not agree with measures that are to be taken – rather than trying to elaborate on the best convincing strategies– governments should note that it means that the policies are not sufficiently mutually justified. As discussed above, the majority rule is supposed to show what most people consider justified after there has been rational deliberation about different reasons for different policies. It is undoubtedly true

that there is a real-world problem with this deliberation and that it is seriously impaired by DD and polarization but the ideal Valentini presents – the ideal of debating with mutual respect – is an ideal worth striving for, an ideal necessary for democracies and therefore for justice as such. If we give up on DD, we cannot defend democracy. If we give up on equal respect, we cannot have deliberation or mutual justification and solely land in a partisan shouting match. If we cannot defend democracy intrinsically and strive toward its ideal, we cannot have a just society if we define justice through liberal terms.

4. Political Paths

But how can we sketch political paths towards equal respect? Let me start with an example how I think democratic transformation does not adhere to the standard of equal respect. Jiwei Ci (2019) in *Democracy in China* tries to make a prudential argument for democratization processes in China with giving examples for normative reforms that could be taken in this direction. I will not reconstruct my entire criticism of his argument, but I want to point shortly to the fact that he sees a unitary democracy with strong central authority providing the soil for democratic moral education as a necessary, *instrumental* step on the path towards a liberal democracy. If we want to politically integrate pluralism and mutual respect, changes, transformations and political decisions in general need to include and be justified by more participation from society. Implementing changes for the instrumental goal of ultimately reaching justice top down. There needs to be more room for deliberation involving more stakeholder groups from civil society – be-

cause people need to, from the start *decide for themselves* while having had all kinds of disagreements. Otherwise, the lesson learnt will again be that there are people who know best what to do next.

Thus, one option would be to aim for a stakeholder democracy as proposed by Bäckstrand (2006). She proposes the design of “deliberative spaces mediating between state, civil society and economy” (Bäckstrand 2006, 476). She pledges for representation with more flexible constituencies that are not only based on nation states and accountability with more focus on external accountability in terms of transparency, reputation, and answerability than electoral and hierarchical structures (cf. *ibid.*, 478; 490). I think it would help a big deal to focus more on these kinds of spaces as a space of encounter in nation states such as Germany. Yet, it does not lead to any political decision if we assume that there can be DD and thus no consensus. It needs to be followed by some form of aggregation or voting mechanism. It would go beyond the scope of this paper to sketch forms of fair voting mechanism and discuss their (dis-)advantages.

Aikin (2019, 432) argues in his paper that we can argue for theoretical optimism regarding deep disagreements since, according to him, absolute deep disagreements cannot exist in reality. We always share some concept or other and even if it is only the concept of disagreement as such – there is a framework of arguing at the core. Thus, politically we can distinguish the depth of disagreements only in varying degrees – which leaves room for finding common ground and solutions in the end. Yet, his paper does not give clear political pathways for DD, it only gives a theoretical relief hea-

ring that even followers of the “Dark Enlightenment” use some form of argumentative language shared with liberals. Thus, maybe the e-framework of both sides contains similar terms of rationality, belief and knowledge. Yet, the definitions of these terms might differ greatly between “Dark Enlightenment” and liberalism. Additionally, the link to the m-framework, to moral actions – might be consistent and regarding the discernible background “rational”, yet still hardly overlap with the conclusions of the other side. We should therefore ask for epistemic benefits of keeping disagreements of this kind going, no matter the depth and overlap of terminology, and Valentini gives an answer for that (see 2.2). Thus, to conclude, it is of course a correct, realistic diagnosis that we always share something with the other side – otherwise we could not even disagree. Yet, the overlap might not be enough to come to a consensus about political matters. Thus, we need democratic procedures of political decision making and they need to be focused, as I have shown, more on equal respect.

5. Towards Equal Respect

It is of course frightening to sail into unknown waters of ambiguous moral questions – but this might be needed to regain trust in government decisions. Valentini assumes that equal respect is a given, a starting point we all share as reasonable citizens of a state, from which onwards we can head into deliberation. But maybe, instead of assuming this, we should rather establish it as an objective we want to reach. De Ridder’s feedback loop can be a reminder that we should put more effort into exercising this equal respect even in the

face of barely overlapping, different frameworks. Equal respect is necessary for deliberation to have any benefits under TRD, and it might be the only cure to the deadlock and polarization of DD. If we want to save democracy from instrumental justifications that are too weak to carry its weight, if we want to reap the epistemic fruits of different frameworks in deliberation and if we want to have an outcome that is justified to the most people possible, we need to focus on a political debate that is defined by equal respect. Sandel is a reminder to liberal modern-day parties to not forget this fundamental aspect of their m-framework. I suggest that focusing on Valentini's defense of the democratic procedures and the ideal they adhere to, might be an option to break the cycle and remember why and how we should be conducting democratic procedures.²⁶

In order to end, I want to quickly summarize the points I made in this paper. At the start, I have shown that De Ridder and Valentini differ in their definition of reasonableness. Valentini presupposes equal respect – De Ridder denies its possibility and considers rationality rather as consistency. The main part was dedicated to opposing Valentini's intrinsic value defense with De Ridder's polarization. In the first paragraph, I have shown that Valentini connects TRD to the intrinsic defense of democracy by deducting the advantages of democratic procedures despite the challenge of TRD. Without TRD, democracy could only be defended instrumentally which is not enough to justify why an epis-

ocracy would not be better. In opposition, I have shown the challenge De Ridder's feedback loop of DDs and polarization poses to Valentini's normative arguments by undermining the condition of mutual respect. After that I have illustrated the points above with the debate about the climate crisis, pointing out the tensions underlying the political debate around it. Following this, I have argued for the value of striving toward the liberal ideal of justice and therefore equal respect for all. Therefore, I have stated that Valentini's normative argument should be taken as a reminder of the value of democracy as such. I have concluded, that rather than landing in a deadlock and desperation in the face of DD and polarization, we should once more focus on equal respect for differing fundamental frameworks to break De Ridder's cycle. I have at the end shown an attempt at sketching a political path toward more equal respect through more deliberative spaces.²⁷

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²⁶ Elizabeth Ettenberg (2021, 5) argues on similar grounds: we need a moral basis to be able to cooperate politically and our goal should be a "political community based on mutual respect".

²⁷ Of course, the discussion of only one option is insufficient and would have to be discussed in much greater detail. However, this would go beyond the scope of this paper.

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