ACTA POLITOLOGICA

Emancipation through the Use of Liberal Democratic Values?

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Abstract:

Liberal democracies today face a number of challenges. One arises from the fact their citizens often have different philosophical and religious convictions. How can a liberal democracy draw up a constitution that all of them can accept in spite of those differences? Political liberalism is Rawls' solution to this. Feminists like Susan Okin and Iris Marion Young point out that liberal democracies face another – arguably much more potent – challenge from their citizenries. Citizens differ not just in terms of their religious and philosophical convictions, but also in terms of class, gender, race, sexuality, and other socially-salient traits. Those traits structure how each citizen perceives her society. They shape her day-to-day experience of it. Can all citizens accept a liberal democratic constitution despite their socially-salient differences?

Rawls thinks that his political liberalism can meet this challenge. Yet it is nonetheless unclear whether everyday folk – i.e. non-philosophers in civil society – are able to voice their concerns wholly in terms of the political values – values like equality, reciprocity, liberty, etc. – engendered by his political liberalism. Indeed, history reveals that women (and structurally oppressed people in general) often expressed their concerns using alternative communication forms – such as stories, oral history, and rhetoric.

I recommend that political liberalism incorporate a stage during which people can express their concerns using alternative communication forms. Society is thence more likely to detect more people's political concerns in the first place. Each of those concerns can then be "translated" into one or more of the liberal democratic values that could capture and express gender difference.

Key words: *political liberalism, John Rawls, pluralism, democracy, public reason, religion, gender, race, discrimination, Jürgen Habermas*

Introduction

This paper articulates a modified version of (Rawls') political liberalism, one that incorporates a stage for participants' storytelling, rhetoric, and greeting. Afterwards, it suggests a mechanism – one I call 'distributed deliberation' – that ensures that those alternative communication forms are translated into (Rawlsian) public reason. Such translation is important – it ensures that none of these alternative communication forms will usurp Rawlsian liberal democratic institutions. It is not the case, though, that the speaker is required to translate his alternative communication utterance into public reason himself. He may struggle to discern the (Rawlsian) public reason that would account for it. Someone else in the polity may spot a public reason that could account for it though. If so, she ought to provide it on his behalf. That is why I use the word "distributed" in the naming of this translation mechanism.

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The first section shows why political liberalism should include a space for alternative communication forms. Also, it provides an account of the mechanism of "distributed deliberation". How though can I normatively justify that mechanism, given that it potentially places the burden of translation on one of the listeners (rather than on she who uttered the story, rhetoric, or greeting in the first place)? To help answer that question, I turn to Habermas' essay 'Religion and the Public Sphere' in the second section. Habermas says that non-religious people ought to translate devout people's religious reason into (Rawlsian) public reason. It is apparent, then, that he too redistributes the duties of public reasoning: in his case, away from religious citizens and much more on secular citizens. I study how he redistributes it, and what burdens he places on religious and secular citizens. In the third section, I argue analogously that those who are adept at public reason ought to translate the stories, rhetoric, greetings, and oral histories of those who are not adept at it.

Why Political Liberalism Needs to Accommodate Alternative Communication Forms

Political Liberalism [1993] sought to sensitise Rawls' theory of justice to what he calls the fact of reasonable pluralism; that is, to the fact that in contemporary liberal democratic societies different citizens have different religious and philosophical convictions. The book introduces the concept of a freestanding (liberal) political conception of justice, and thereafter sets out to show that all citizens, with their diverse religious and philosophical convictions, could affirm a (liberal) political conception of justice as fairness. This represented a significant development compared with *A Theory of Justice* [1971], which had instead assumed that all citizens would accept justice as fairness when it was presented as a comprehensive Kantian philosophy, even if such a philosophy was not part of their personal or cultural worldview or commitments.

One complaint about political liberalism's account of pluralism, though, is that it is too thin [Young 1995]. Contemporary liberal democratic societies differ not only in terms of religious and philosophical convictions, but also in terms of gender, race, sexuality, class, and the like. Rawls acknowledges that conflicts do arise from the latter[2]. Yet he insists that they can be resolved with a liberal conception of justice that presupposes the former. He says:

> "*I believe also, though I do not try to show in these lectures, that the alleged difficulties in discussing problems of gender and the family can be overcome. Thus, I still think that once we get the conceptions and principles right for the basic historical questions, those conceptions and principles should be widely applicable to our own problems also. The same equality of the Declaration of Independence which Lincoln invoked to condemn slavery can be invoked to condemn the inequality and oppression of women.*" [Rawls 1993: xxix]

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[2] Rawls [1999: 804-5] says: "*Three main kinds of conflicts set citizens at odds: those deriving from irreconcilable comprehensive doctrines; those deriving from differences in status, class position, or occupation, or from differences in ethnicity, gender, or race; and finally, those deriving from the burdens of judgment.*"

In a later essay, Rawls makes an even stronger claim:

> "*I believe that [a political conception of justice] can resolve the second kind of conflict, which deals with conflicts between citizens' fundamental interests-political, economic, and social. For once we accept reasonable principles of justice and recognize them to be reasonable (even if not the most reasonable), and know, or reasonably believe, that our political and social institutions satisfy them, the second kind of conflict need not arise, or arise so forcefully*." [Rawls 1999: 805]

That seems less plausible. It is one thing to claim that a liberal political conception of justice can condemn inequality and oppression, and help resolve some of the complaints that arise from them. It is quite another, though, to claim that such complaints will not even arise in the first place, or will not arise as forcefully, if everyone accepts a liberal political conception of justice (and we have its ideal institutions).

An account of structural oppression seems necessary – that is, structural oppression like that experienced by women as a group, or that experienced by ethnic and racial minorities in many political and social settings – if we are to test both of Rawls' claims. Unfortunately, Rawls has not provided us with any such account. A 1998 letter to his editor reveals that he had hoped to write a third edition of *Political Liberalism* that would say more about gender oppression: "*A third major change [envisaged in a new edition of Political Liberalism] is in Lecture VII (reprinted from 1978) which will contain a new section of seven pages from "The Idea of Public Reason Revisited" on feminism. This is a topic I never wrote about before, although I often give lectures on it*" [Rawls 2011: 440]. Yet he never did write that third edition.

Structural oppression is a notoriously difficult concept to define and account for. It can be said to refer to the legal, social, and cultural rules and norms that have constraining effects on people's day-to-day actions. Some theorists ignore structure completely. They think of people as autonomous agents who will and perform actions: people have intentions, purposes, motivations, and reasons that they can cite for their actions. Yet these theorists often ignore or under-theorise the (constraining) effects that legal, social, and cultural rules can have upon people's actions. Young refers to these theorists as 'action theorists'. Giddens uses the categories of 'interpretative sociologies' and 'hermeneutics' to describe them. Other theorists – such as structuralists and functionalists – recognise the existence of structures. Yet they conceptualise structure as an *external* constraint on humans' actions; that ignores the fact, though, that human actions themselves feed back into, and indeed replenish and sustain, the structure(s). As an example, norms of social etiquette – e.g., listening to others and giving them the opportunity to speak too – place a constraint on how we act and speak in our society. That particular norm is unwritten, though; it is certainly not, for example, codified in law. It only survives because people in our society reinforce it in their day to day interactions with one another.

Young [1990: 28] draws on Giddens' theories of structuration and structure[3]. For him, structures and agents co-exist. Moreover, they recreate, reinforce, and shape each other. He calls this 'the duality of structure' [Giddens 1984: 26].[4] There are many different actions (by agents) that reproduce structure. Some actions are ones that the agent is explicitly aware of, or conscious of – and he or she can offer reasons, if asked, for why she performs them. Giddens calls this discursive consciousness. Most actions that people perform in their day to day lives, that said, are ones that the agent simply does – often automatically – and she would often struggle to find reasons to explain each of those actions. Giddens calls this practical consciousness. Examples of practical consciousness actions include the myriad of small complex tasks that one performs when starting a car and steering it through traffic: one's success in manoeuvring the car relies more on intuitive reactions and on the habits as well as knowledge of space that one has acquired from driving a car on previous occasions, than on deliberate choice between options.

Young relies on Giddens' notion of practical consciousness to account for sexism and racism in present day western societies.[5] Such societies are formally committed to equality. Their citizens are often, for the most part, committed to it in some form too. Many of them are not explicitly sexist or racist in their verbal pronouncements or actions. Yet sexism, racism, and other forms of social oppression continue in these societies nonetheless. Why? How so? In Young's view, it is because these citizens often have unconscious reactions – including moments of inadvertent aversion[6] – to those who are different from themselves.

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[3] She also rejects action theorists' accounts, because they "*abstract from the temporal flow of everyday life, and instead talk about isolated acts of isolated individuals*"; she likewise rejects structuralists' and functionalists' accounts of structure, because they "*also abstract from the temporal flow of everyday interaction... [T]hey tend to hypostatise these regularities and patterns and often fail to connect them with accounts of individual action*" [Young 1990: 28].

[4] See also p. 25 of that same book; there he says: "*The constitution of agents and Structures are not two independently given sets of phenomena, a dualism, but represent a duality. According to the notion of duality of structure, the structural properties of social systems are both medium and outcome of the practices they recursively organise, Structure is not 'external' to individuals: as memory traces, and as instantiated in social practices, it is in a certain sense more 'internal' than exterior to their activities in a Durkheimian sense.*"

[5] Young says: "*Racism, sexism, homophobia, ageism, and ableism, I suggest, have receded from the level that Giddens refers to as discursive consciousness. Most people in our society do not consciously believe that some groups are better than others and for this reason deserve different social benefits (see Hochschild, 1988, pp. 75-76). Public law in Western capitalist societies, as well as the explicit policies of corporations and other large institutions, has become committed to formal equality and equal opportunity for all groups. Explicit discrimination and exclusion are forbidden by the formal rules of our society for most groups in most situations... Self-conscious racism, sexism, homophobia, ageism, and ableism are fuelled by unconscious meanings and reactions that take place at the levels Giddens calls practical consciousness and the basic security system.*" [Young 1990: 132-133]

[6] Young draws on Kristeva's account of abjection. She says: "*Abjection, Kristeva says, is a peculiar experience of ambiguity. 'Because, while releasing a hold, it does not radically cut off the subject from what threatens it—on the contrary, abjection acknowledges it to be in perpetual danger' (Kristeva, 1982, p. 9). The abject arises potentially in 'whatever disturbs identity, system, order. What does not respect borders, positions, rules' (Kristeva, 1982, p. 4). Any border ambiguity may become for the subject a threat to its own borders. Separation between self and Other is the product of a violent break from a prior continuity. As constructed, the border is fragile, because the self experiences this separation as a loss and lack without name or reference. The subject reacts to this abject with loathing as the means of restoring the border separating self and other. This account of the meaning of the abject enhances, I suggest, an understanding of a body aesthetic that defines some groups as ugly or fear some and produces aversive reactions in relation to members of those groups. Racism, sexism, homophobia, ageism, and ableism, are partly structured by abjection, an involuntary, unconscious*"

The following passage from *Justice and the Politics of Difference* provides some examples of this phenomenon:

> *"A Black man walks into a large room at a business convention and finds that the noise level reduces, not to a hush, but definitely reduces. A woman at a real estate office with her husband finds the dealer persistently failing to address her or to look at her, even when she speaks to him directly. A woman executive is annoyed that her male boss usually touches her when they talk, putting his hand on her elbow, his arm around her shoulder, in gestures of power and fatherliness. An eighty-year-old man whose hearing is as good as a twenty-year-old's finds that many people shout at him when they speak, using babylike short sentences they might also use to speak to a preschooler [Vesperi 1985: 50-59]."* [Young 1999: 133]

If it is to tackle structural oppression of this sort, political liberalism will need to detect and account for the inadvertent phenomena that contribute to the oppression of women and others. A freestanding liberal political conception of justice does not seem as though it could successfully do that. Admittedly, it consists of political values – such as equality of opportunity and the social bases of self-respect – that could account for and be used to condemn stereotyping. Yet political liberalism will surely struggle to detect such inadvertent phenomena in the first place if it continues to encourage people to express their grievances wholly in terms of political values.

Unconscious stereotyping, and inadvertent aversion, tends to be difficult to detect, even for one who is subject to it. This follows from the fact that it resides at the level of what Giddens calls practical consciousness. The victim might wonder if she is mistaken. She might think that she is jumping to conclusions and reading too much into the actions of others. Here it can help if she has the opportunity to share her suspicions with others: she can tell her story to them, or provide her testimony, she can shout with rage, share her feelings, tell a joke about it, or wax rhetorically about some of her experiences[7]. Consciousness-raising activities that took place within the women's movements in the 1960s allowed women to engage in storytelling, rhetoric, greeting, and joke-telling. Women found

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judgment of ugliness and loathing. This account does not explain how some groups become culturally defined as ugly and despised bodies. The symbolic association of some people and groups with death and degeneracy must in every case be explained socially and historically, and is historically variable. Even if abjection is a result of any subject's construction, nothing in the subject's formation makes group loathing necessary. The association between groups and abject matter is socially constructed; once the link is made, however, the theory of abjection describes how these associations lock into the subject's identities and anxieties. As they represent what lies just beyond the borders of the self, the subject reacts with fear, nervousness, and aversion to members of these groups because they represent a threat to identity itself, a threat to what Giddens calls the 'basic security system'." [Young 1990: 145]

[7] Fraser uses the term '*subaltern counterpublics* ' to describe these discursive spaces for structurally oppressed people. They are "*parallel discursive arenas wherein members of subordinated social groups invent and circulate counterdiscourses to formulate oppositional interpretations of their identities, interests, and needs*" [Fraser 1990: 67]. Fraser attributes the term '*subaltern counterpublics*' to Gayatri Spivak's 'Can the Subaltern Speak?' in Cary Nelson and Larry Grossberg's *Marxism and the Interpretation of Culture* (1988), pp. 271-313 [Fraser 1990: 79].

it easy to share their grievances and suspicions with one another when they used those other speech forms. This helped them to recognise and detect inadvertent phenomena that were impacting and oppressing all of them qua women. By contrast, they may have failed to detect them – instead thinking that they were perhaps imagining it – if they had instead restricted themselves to invoking only political values like equality, reciprocity, and fairness, and using conventional forms of political speech.

Rawls claims that the political values of a liberal political conception of justice "*can be invoked to condemn the inequality and oppression of women*" [Rawls 1993: xxix]. However, oppression would be more likely recognised and detected in the first place, if political liberalism were to provide space for storytelling, rhetoric, jokes, and emotional appeals; that is, for alternative forms of communication, and the exchange of understandings and experiences by political actors. These communicative strategies might also have the effect of alerting the perpetrators of structural oppression to the workings of those structures. As we have noted, those people do not intentionally oppress, and without those communicative strategies they might remain unaware of the systematic and structural effects of their actions. Perhaps the best way, then, for political liberalism to ensure that gender conflict "*[does] not arise, or [does] not arise so forcefully*" [Rawls 1999: 805], is for it to include a space in which perpetrators, too, can hear victims' stories, rhetoric, jokes, oral histories, and emotional appeals.

Here now is a short sketch of my solution.[8] I take political liberalism – understood as a process through which citizens come to share and endorse a set of (liberal democratic) principles about rights, distribution and redistribution, and a set of institutions that administer those processes, and make judgements about them – and I include a stage or "sequence" of communication just prior to it. In that first stage or sequence, people share their stories, rhetoric, greetings, and oral histories with one another. This will facilitate their substantive participation. After all, many more people in everyday life can account for their experiences using stories, rhetoric, greeting, and oral histories – compared with the number of people who are able to use Rawlsian public reason to articulate their experiences. The first sequence will also help the participants detect and articulate their grievances about structural oppression. Perpetrators will furthermore hear how their actions have created oppression, and – insofar as that moves them to modify their behaviour – this in turn can help eliminate some of the sources of structural oppression. It is thanks to the inclusion of this first sequence, then, that political liberalism will (as was Rawls' hope) detect and help eliminate gender oppression.

A second stage or sequence will immediately follow the first sequence. In the second sequence, people cease sharing their stories, rhetoric, greetings, and oral histories and they instead try to construct, justify, stabilise, and use liberal political conceptions of justice. What they heard in the first sequence will help them in the second sequence. For example, the stories about unfreedom and inequality that one hears in the first sequence can help one to better understand what (liberal democratic) freedom and equality consist of, and that in turn can help one to construct a liberal political conception of justice. This suggests, then, that – not only will the first sequence help detect and eliminate oppression

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[8] My two-staged Rawlsian model is inspired by the two-staged Habermasian model proposed by Bachtiger et al. [2010]. They do not speak of "*distributed deliberation*", even though I suspect that they must surely imply such a mechanism, if their proposal is to successfully accommodate people who are not adept at using public reason.

– it furthermore strengthens liberal democracy itself by helping more and more people to construct, justify, stabilise, and use (liberal democratic) political conceptions of justice.

I should say more about how the sharing of stories, rhetoric, greetings, and oral histories in the first sequence can help citizens construct a liberal political conception of justice in the second sequence. Many, if not all, citizens have stories and rhetoric and oral histories that can account for their experiences. However, only a few of them will spot the political values of public reason that could account for what is said via those alternative communication forms. In view of this, I rely upon a mechanism that I call distributed deliberation. This is where she who spots a political value of public reason that could account for what she heard in a story or in someone's rhetoric or in an oral history, will utter it on behalf of he who told the story or oral history, or voiced the rhetoric. The storyteller or rhetorician can then use that political value of public reason (along with other political values of public reason) to construct a liberal political conception of justice. This does not strike me as asking too much of a listener. For it is often the case in day-to-day conversations that if a speaker is struggling to pin down and express exactly what he or she means, a listener may interject and clarify whether some idea or other is what the speaker is alluding to. Distributed deliberation seems like something that regularly takes place in day-to-day conversations. I recommend a place for it within political liberalism. Additionally – by drawing on Habermas' account of deliberative burdens in his *Religion and the Public Sphere* – I offer a normative justification for distributed deliberation; i.e., I will explain why it is that a listener morally should (if he or she happens to discern it) offer a liberal democratic value on behalf of another person's story or rhetoric.

Translating Nonpublic Reasons – Habermas' Modified Account of Rawls' Proviso

Habermas' essay 'Religion and the Public Sphere'[9] examines who ought to translate nonpublic religious reasons into public reason within Rawls' political liberalism. In 'The Idea of Public Reason Revisited' – in what has come to be known as "the proviso" – Rawls says that a citizen may invoke nonpublic (e.g. religious) reasons in "*public political discussion at any time, provided that in due course proper political [i.e. public] reasons... are presented that are sufficient to support*" whatever that religious reason was used to support [Rawls 1997: 784]. Rawls does not, though, insist that she who invoked the nonpublic reason should be the one who eventually translates it.[10] Yet she must at the very least think that that there will be a public reason to account for her nonpublic reasoning; and she should not invoke that nonpublic reasoning if she thinks that that is not the case. Habermas worries, though,

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[9] I use the following translation of this essay whenever I cite it in this paper, unless I say otherwise: http://www.sandiego.edu/pdf/pdf_library/habermaslecture031105_c939cceb2ab087bdfc6df291ec0fc3fa. pdf. The essay is also available in Chapter 5 of Habermas' *Between Naturalism and Religion* (Cambridge: Polity Press, 2006, translated by Jeremy Gaines).

[10] Rawls says: "*Obviously, many questions may be raised about how to satisfy the proviso. One is: when does it need to be satisfied? On the same day or some later day? Also, on whom does the obligation to honor it fall? It is important that it be clear and established that the proviso is to appropriately satisfied in good faith. Yet the details about how to satisfy this proviso must be worked out in practice and cannot be feasibly be governed by a clear family of rules given in advance. How they work out is determined by the nature of the public political culture and calls for good sense and understanding.*" [Rawls 1997: 784]

that this is still too great a burden on religious believers.[11] I disagree.[12] Nonetheless, it is worth studying how Habermas proposes to ease the religious citizen's burden; that is, to reassign the public reason burdens between religious and secular citizens: away from the former and more on the latter.

According to Habermas, a religious citizen may rely upon and invoke her nonpublic (religious) reason.[13] The onus falls then on her non-religious co-citizens to, then and there, translate it into public reason.[14] Such translation is necessary. Otherwise, a nonpublic (e.g. religious) reason could end up being cited as justifications for legislation, supreme court judgments, and bureaucratic decisions;[15] that would violate the principle that all citizens are entitled to receive justifications that they can understand and evaluate.[16]

The translation is to occur in the public sphere itself; i.e. prior to the public political forum that is occupied by the legislature, the supreme court, and the bureaucracy.[17]

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[11] Habermas says: "*[M]any religious citizens would not be able to undertake such an artificial division [between their public and nonpublic reasoning] within their own minds without destabilizing their existence as pious persons.*" According to Habermas, they are not able to toggle between public and religious reasoning. Indeed, their religious doctrine will often tell them what ought to be the case in society – on gay marriage, abortion, etc. – and they will "not view it as an option" to weigh their religion's prescription on such matters against what public reason says about them [Habermas 2006b: 8].

[12] It is simply not the case that all religious believers are necessarily predetermined to simply imbibe and regurgitate whatever their religion happens to say about a matter. Indeed, a number of changes within Roman Catholic doctrine – e.g. the recognition by Vatican II of the principle of religious toleration – have come about because, to begin with, at least some Catholics questioned and criticised some of the Church's positions and, thereafter, several Catholics within the Church hierarchy took those criticisms seriously, and modified the Church's positions in light of them. Rawls' own theory – as it is interpreted by Freeman for example – acknowledges that religious believers are able to critically assess and eventually 'liberalise' their doctrines; it is an inevitable (albeit slow) consequence of them living under liberal democratic institutions and seeing the benefits (of freedom of religion etc.) that such institutions provide them with. As Freeman says: "[Rawls'] *overlapping consensus assumes that the reasonable comprehensive religious, philosophical, and moral doctrines that gain adherents in a well-ordered society will evolve doctrinally so as to endorse liberal political values and liberal principles of justice as part of their comprehensive accounts of morality and the good*" [Freeman 2007: 367]. It is difficult to understand why Habermas – by contrast – suggests that many religious believers "*are incapable of discerning any 'pull' from public reason*" [Habermas 2006b: 8], given that his democratic theory relies on the very idea that public sphere participants challenge, question, and communicate with one another about the various norms and values that govern their lives and civil society associations.

[13] Habermas says: "*Every citizen must know that only secular reasons count beyond the institutional threshold that divides the informal public sphere from parliaments, courts, ministries and administrations. This awareness need not deter religious citizens from publicly expressing and justifying their convictions by resorting to religious language.*" [Habermas 2006b: 10]

[14] Habermas says: "*...the secular citizens must open their minds to the possible truth content of those [religious reason] presentations and even enter into dialogues [during which they clarify the truth content of those religious reasons with their religiously-minded co-citizens, and] from which religious reasons then might well emerge in the transformed guise of generally accessible arguments.*" [Habermas 2006b: 12]

[15] Habermas says: "*Without the requirement of any institutional filter between the state and the public domain [i.e. without translation into public reasons], there remains always the possibility that policies and legal programs will be implemented solely on the basis of the religious beliefs of a ruling majority.*" [Habermas 2006b: 12]

[16] Habermas says: "*...majority rule turns into repression if the majority, in the course of democratic opinion and will formation, refuses to offer those publicly accessible justification which the losing minority, be it secular or of a different faith, is able to follow and to evaluate by its own standards.*" [Habermas 2006b: 12]

[17] Habermas says: "*...the institutional thresholds between the 'wild life' of the political public sphere and*

This reflects the fact that in liberal democracies (which is what Rawls theorises about), there is a clear and important separation between church and state.

Observe how Habermas assigns burdens between non-religious and religious citizens. First consider the non-religious citizens. It is up to them to translate religious citizens' nonpublic (religious) reasons. To do this, they must surely possess a certain cognitive openness towards the content of religious doctrines. They cannot view religions as necessarily and consistently idiosyncratic, ridiculous or dogmatic. Instead, they are to "*open their minds to the possible truth content of those [religious co-citizens'] presentations and even enter into dialogues from which religious reasons then might well emerge in the transformed guise of generally accessible arguments*" [Habermas 2006b: 11-12]. There are good grounds for the non-religious to think this way about religions; for at least some ideas that originally arose from within religious doctrines have since found a place within non-religious political thinking too.[18]

Now consider religious citizens' burden. They must concede that only public reasons may ultimately hold sway in judicial, legislative, and government bureaucratic forums[19] (even though the onus – in Habermas' modified account of Rawls' "proviso" – lies with their non-religious co-citizens to provide those public reasons). They also shoulder two additional burdens as a consequence of living in modern (pluralistic and scientific) times. First, whereas in the distant past there was one dominant religion, today's western societies have many religions; as such, a religion no longer has a monopoly on truth claims, and

the formal proceedings within political bodies are also a filter that from the Babel of voices in the informal flows of public communication allow only secular contributions to pass through. In parliament, for example, the standing rules of procedure of the house must empower the president to have religious statements or justifications expunged from the minutes. The truth content of religious contributions can enter into the institutionalized practice of deliberation and decision-making only if the necessary translation already occurs in the pre-parliamentarian domain, i.e., in the political public sphere itself." [Habermas 2006b: 11-12]

[18] Habermas speaks at length of the cross-pollination of ideas between religions, philosophies, and politics: "*... philosophy itself took on board and assimilated many religious motifs and concepts of redemption, specifically those from the history of salvation. Concepts of Greek origin such as 'autonomy' and 'individuality' or Roman concepts such as 'emancipation' and 'solidarity' have long since been shot through with meanings of a Judaeo-Christian origin. Philosophy has recurrently found in its confrontation with religious traditions (and particularly with religious writers such as Kierkegaard, who think in a post-metaphysical, but not a post-Christian vein) that it receives innovative or world-disclosing stimuli. It would not be rational to reject out of hand the conjecture that religions – as the only surviving element among the constitutive building-blocks of the Ancient cultures – manage to continue and maintain a recognised place within in the differentiated edifice of Modernity because their cognitive substance has not yet been totally exhausted. There are at any rate no good reasons for denying the possibility that religions still bear a valuable semantic potential for inspiring other people beyond the limits of the particular community of faith, once that potential is delivered in terms of its profane truth content. In short, post-metaphysical thought is prepared to learn from religion while remaining strictly agnostic. It insists on the difference between certainties of faith and validity claims that can be publicly criticised; but it refrains from the rationalist temptation that it can itself decide which part of the religious doctrines is rational and which part is not. Now, this ambivalent attitude to religion expresses a similar epistemic attitude which secular citizens must adopt, if they are to be able and willing to learn something from religious contributions to public debates - provided it turns out to be something that can also be spelled out in a generally accessible language.*" [Habermas 2006b: 18-20]

[19] Habermas says: "*Religious citizens must ...develop an epistemic stance toward the priority that secular reasons enjoy in the political arena. This can succeed only to the extent that they convincingly connect the egalitarian individualism and universalism of modern law and morality with the premises of their own comprehensive doctrines. For this operation Rawls has offered the image of a module fitting into different contexts.*" [Habermas 2006b: 15]

it must ward off any challenges issued by other religions to its version of the truth[20]. Second, the esteem with which scientific knowledge is held in our epoch means that a religious doctrine must also insulate itself against scientific challenges.[21]

Translating Alternative Communication Forms – My Account of 'Distributed Deliberation'

Analogously to Habermas, I propose that alternative communication forms might be translated by people other than those who voiced them in the first place. Not by structurally oppressed people, but instead by citizens who are adept in public reasoning.

This is a moral obligation; it is not one that is legally enforced. That is in keeping with how Rawls regards his political liberalism thesis; i.e., as a working through of what is morally (though not legally) required of liberal democratic citizens.

To be clear, though, the moral obligation is merely a *prima facie* one, since it may well transpire that she who uttered the alternative communication form happens on her own to discern the public reason that it speaks to. If so, I propose that she should articulate it. Indeed, in general, whoever sees it (or thinks they see it) should articulate it. Discussion between the participants can then follow: during it, they clarify the meaning of one another's stories, rhetoric, and jokes; and they work through and try to a reach agreement about which public reason(s) could best account for them.

Such translation is necessary. Stories, rhetoric, and jokes can, after all, be idiosyncratic, and hence misunderstood. Even more worryingly, parts of them may implicitly support values that are incompatible with liberal democratic arrangements. Some elements of a story, for example, could intimate that certain people ought to be denied their basic liberties, such as the right to vote or the right to a fair trial. Suppose it is only those elements that happen to sway the participants and convince them to support a particular collective option. An illiberal value or values would then underwrite their collective choice. This is especially troubling (at least for Rawlsians and liberal democrats) if the collective choice concerns the fundamental character – Rawls says "the basic structure" – of their liberal democratic association, i.e. the essentials of their constitution and/or matters of basic justice. If so, that story could then put their ongoing liberal democratic association in jeopardy. That is precisely the sort of outcome that Rawls' political liberalism project sets out to avoid. For that reason, alternative communication forms are translated into (liberal democratic) public reasons. That way, when a story supports a collective option, its liberal democratic value will be made manifest, and hence recognised by all participants.[22] None

[20] Habermas says: *"…traditional communities of faith must process cognitive dissonances that do not equally arise for secular citizens: - Religious citizens must develop an epistemic attitude toward other religions and world views that they encounter within a universe of discourse hitherto occupied only by their own religion. They succeed to the degree that they self-reflectively relate their religious beliefs to competing doctrines in such a way that their own exclusive claim to truth can be maintained."* [Habermas 2006b: 15]

[21] Habermas says: *"…religious citizens must develop an epistemic stance toward the independence of secular from sacred knowledge and the institutionalised monopoly of modern science on what we know and can know about states and events in the world. They will only succeed if from their religious viewpoint they conceive the relationship of dogmatic [i.e. religious] and scientific beliefs in such a way that the autonomous progress in secular knowledge cannot come to contradict their faith."* [Habermas 2006b: 15]

[22] Not all participants will necessarily support the collective option for that (liberal democratic) public reason. Some may have illiberal reasons for supporting it. Indeed, any one person may actually have multiple reasons

will think that an illiberal value has gained traction. None will think that a precedence has been set for a series of illiberal decisions. Liberal democracy is hence preserved.

What if an alternative communication form implicitly supports only illiberal values? My proposal allows even them to be uttered in the first sequence. This is in keeping with my wish to facilitate substantive participation and to allow everyone to voice their grievances. Such an utterance will not be translated by anyone in the second sequence, though, since only illiberal values can account for it. But that is a good thing. It ensures that the illiberal values that are implicit in this utterance are not proclaimed as justifications for any decisions about the basic structure. Liberal democratic arrangements are more likely to be maintained as a consequence.

A critic might offer the following objection. Why admit an illiberal story in the first place, if its contents are ignored when the time comes to actually make a decision? Such inclusion seems token and superfluous, since neither she who told the story (nor anyone else for that matter) will be able to draw on its values, when they make decisions qua constitutional court judges, candidates for office, bureaucrats, or voters.

But what are the alternatives (for one who wants to preserve Rawls' liberal democratic institutional arrangements)? One option is to rule out all alternative communication forms. But that would defeat the very purpose of my project, which is to find a place for them within political liberalism. In any case, some alternative communication utterances are actually very valuable to a liberal democracy; they can help us clarify what certain liberal values look like. For example, as noted above, stories told within the women's movement in the 1970s about unwanted sexual advances of some male colleagues helped liberal democracies to better appreciate what equal opportunity in the workplace does and does not look like.

Another option might be to allow alternative communication forms, but disallow those that are illiberal. Such a stipulation is vague, though. Surely it is best, in any case, to leave it to the participants themselves to allow and disallow utterances during their communication and discourse. That is certainly in keeping with what Young and Habermas want. Additionally, any attempt to, in advance, disallow some utterances as 'illiberal' is unnecessarily essentialising. A story that speaks to some illiberal values may, after all, also speak to at least some liberal ones. For example, one woman's story about the humiliation she felt due to her boss' sexual advances could well be laced with a number of illiberal suggestions about what she would like to see done to him (e.g. public flogging; hung, drawn and quartered); yet that does not mean that the rest of us cannot glean some (liberal) value from what her testimonial reveals – at very least, we might be shaken into poignantly recognising some of the barriers to equal opportunity that women face in the workplace.

Note that the translation could occur either in the public sphere or in the public political culture. Indeed, it could occur in both. This implies that alternative communication forms could be voiced even inside parliament, constitutional courts, and government bureaucracies (with translation occurring then and there). Habermas did not allow nonpublic (religious) reasons to be voiced inside those forums, since that would violate the principle

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for supporting it, not all of which are liberal. Recall what Markovits [2006] says: it is unrealistic to think that people's decisions are made on the basis of a single motivation; more often, they are underpinned by a myriad of different motivations. The existence of some illiberal support for the collective choice is fine. All that matters, if we are to safeguard liberal democracy, is that there *is* a (liberal democratic) public reason to support the collective's choice, and it is that reason that is made manifest and proclaimed.

of separation of church and state. Yet alternative communication forms, by contrast, do not necessarily generate that particular violation; that is because many stories are in no way tied to religion. As such, they can be aired even in the public political culture (as long as the translation occurs straight away).

Observe how burdens are distributed between participants who are adept at public reasoning and participants who are more comfortable using alternative communication forms. First consider those participants who are adept at public reasoning. They must be prepared to listen attentively to other participants' alternative communication forms and try to discern public reasons that might account for them. A certain cognitive openness on their part is assumed. They cannot view alternative communication forms as necessarily and consistently idiosyncratic, ridiculous, or dogmatic. Instead, they are to open their minds to the possibility that public reasons may be discernible within them. There are good grounds for them to think this way about alternative communication forms. For history shows that those alternative communications have helped uncover a number of oppressive practices that might otherwise have gone undetected by us; that in turn helped us better clarify what certain liberal democratic public reasons do and do not consist of. Here again, I point to the example of women's narratives about workplace sexual harassment, which helped us refine our understanding of what equal opportunity does and does not consist of.

Now consider the burden imposed on those people who are more comfortable using alternative communication forms. They must concede that only public reasons may ultimately hold sway in judicial, legislative, and government bureaucratic forums; they air their alternative communication forms, yet they nonetheless recognise that (liberal democratic) translation of them is required. I do not think that this is too heavy a burden. Perhaps a person is willing to shoulder it, because she wants the liberal democratic association to continue. She enjoys the fact that it grants everyone basic liberties. She also likes that it provides everyone with a basic socioeconomic minimum. She wants neither of those provisions to be jeopardised by anyone's verbal pronouncements during basic structure decision-making.

A critic might counter, though, that some structurally oppressed people might actually find liberal democratic institutional arrangements oppressive. Such a gripe about institutional oppressiveness is, at least in some cases, more with how the liberal democratic values have been realised in practice; rather than the liberal democratic values themselves. For example, many structurally oppressed people would affirm the value of equal opportunity, even if they think that liberal democracy is yet to fully realise that value in practice – especially prior to the 1970s, when liberal democracies spoke of equal opportunity, yet were at the time blind to certain discriminatory practices against women.

Conclusion

This paper argued that Rawls' political liberalism needs to incorporate a space for story-telling, rhetoric, oral histories, and greeting if it is to successfully accommodate feminists' concerns about gender-based oppression. I proposed two stages of communication: one for these alternative communication forms; and then a later stage in which only Rawlsian public reason is used, and in which those alternative communication forms are translated into Rawlsian public reason. I argued that the task of translation ought to be performed by whoever in the polity happens to discern the public reason(s) that could account for the

grievances that people expressed via the alternative speech forms. Potentially, the translation is distributed from the speaker (of an alternative communication form) and instead assigned to one of the listeners (if she happens to successfully discern the public reason that could account for what the speaker says). To justify this 'distributed' arrangement, I drew on what Habermas says in *Religion and the Public Sphere.* He argues for a strikingly similar (re)distribution of the duties of (Rawlsian) public reasoning; in his case, away from religious citizens and much more on secular citizens.

Many pluralists would object to the translation mechanism I describe in this paper. They would rather see the alternative communication forms given an equal footing with argumentation (rather than have them subjugated to the use of (Rawlsian) public reason at the crucial stages of public decision-making). I maintain, though, that my translation mechanism could help many structurally oppressed people who need to air their grievances within our existing (and indeed pervasive) liberal democratic institutions. Take indigenous oral histories, and their use in Canadian courts. Judges in such courts – even those who are sympathetic to indigenous grievances – are nonetheless trained in (and expected to apply) legal and public reasoning when they make their judgements. Many judges often struggle to work out how an oral history can and should feed into their legal thought processes.[23] The translation mechanism that I describe in this paper could help. The indigenous people first tell their oral histories. Someone helps them translate it into public reason. The judge can then immediately see the values that she will need to weigh during her legal reasoning. As a consequence, the indigenous people are more likely to win their court case, and to hence shore up their cultural and territorial interests. Translation will then have worked for them.

Of course many theorists would prefer to radicaly overhaul liberal democratic institutions and replace them with more plural or agonistic arrangements. Such an overhaul is surely some time off, though. How can we accommodate structurally oppressed people's grievances prior to such an overhaul? My paper provides one way of helping them, within, rather than without, liberal democratic institutions (such as those liberal democratic institutions that Rawls argues for in his political liberalism).

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[23] Roness and McNeil provide an excellent description of the difficulties that Canadian judges face when they hear indigenous people's oral histories: "*Part of the problem stems from the fact that Aboriginal claims are obliged to go to Canadian courts, which have to apply Canadian law. That law reflects the world views of Euro-Canadians, not of Aboriginal peoples. So no matter how sympathetic the judges may be and how willing they are to take account of Aboriginal perspectives, at the end of the day their decisions must be made in a manner that, in Chief Justice Lamer's words, 'does not strain the Canadain legal and constitutional structure'.*" [Roness, McNeil 2000: 73]

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