

Procedural Democracy and Civic Friendship: Reply to Leland and van Wietmarschen

Abstract

Leland and van Wietmarschen have recently argued that political liberalism's Reciprocity Principle is justified because it makes possible a valuable form of political community, which realises both joint rule and civic friendship. In this reply I argue that an alternative model of democratic decision-making, the joint procedural commitment account, also realises both of these values. Leland and van Wietmarschen accept this with regard to joint rule, but I seek to show that it is also true with regard to civic friendship. Leland and van Wietmarschen's defence of political liberalism by appeal to the realisation of political community is therefore unsuccessful. Political community does not give us reason to prefer political liberalism to an alternative model of democratic decision-making that does not include the Reciprocity Principle.

Keywords

Civic friendship; Political community; Political liberalism; Political philosophy; Procedural democracy; Reciprocity Principle

1. Introduction

In a recent article in *Journal of Moral Philosophy*, R.J. Leland and Han van Wietmarschen argue that general compliance with the political liberal 'Reciprocity Principle' makes it possible for citizens to realise a valuable form of political community, in the face of

profound and persistent reasonable disagreement.¹ Leland and van Wietmarschen here follow the lead of Kyla Ebels-Duggan and Andrew Lister.² Paul Billingham has previously argued that Lister's defence of political liberalism by appeal to political community fails.³ One of the reasons for this failure is that there is alternative model of democratic decision-making, the 'joint procedural commitment account',⁴ which also enables citizens to realise a valuable form of political community but does require citizens to comply with the Reciprocity Principle. According to Billingham, Lister has not shown that the model of political community that he defends is superior to this alternative.⁵

Leland and van Wietmarschen seek to overcome this deficiency in Lister's account by distinguishing between two distinct values of political community that are realised through general compliance with the Reciprocity Principle: joint rule and civic friendship. They acknowledge that the joint procedural commitment account is on a par with the political liberal (i.e. Reciprocity Principle-based) account with regard to securing joint rule, but claim that their argument from civic friendship discriminates between these competing accounts. General compliance with the Reciprocity Principle realises a form of civic friendship that cannot be realised by the joint procedural commitment account. Political liberalism thus makes possible a more valuable form of political community than merely procedural liberal democracy.

¹ R.J. Leland and Han van Wietmarschen, 'Political Liberalism and Political Community', *Journal of Moral Philosophy* (forthcoming).

² Kyla Ebels-Duggan, 'The Beginning of Community: Politics in the Face of Disagreement', *The Philosophical Quarterly* 60 (2010), pp. 50-71; Andrew Lister, *Public Reason and Political Community* (London: Bloomsbury Academic, 2013). Rawls's work also contains hints in this direction. See John Rawls, *Political Liberalism*, expanded edition (New York: Columbia University Press, 2005), p. 447.

³ Paul Billingham, 'Does Political Community Require Public Reason? On Lister's Defence of Political Liberalism', *Politics, Philosophy & Economics* 15 (2016), pp. 20-41.

⁴ This is Leland and van Wietmarschen's term for the model that Billingham calls 'argumentative democracy'.

⁵ Billingham, 'Does Political Community', pp. 23-26.

In this brief reply I will argue that the joint procedural commitment account does in fact realise civic friendship, as that concept is understood by Leland and van Wietmarschen. For them, a core part of civic friendship, like interpersonal friendship, is a shared partial conception of each other's good. In order to make this plausible as a claim regarding interpersonal friendship, we must recognise that this shared conception can be fairly thin or minimal. The joint procedural commitment account of democratic decision-making includes a thin shared conception of this sort. It thus makes civic friendship possible. Further, it is not obviously the case that interpersonal friendship is more valuable when the shared conception of each other's good is thicker. Similarly, therefore, the form of civic friendship realised by general compliance with the Reciprocity Principle is not obviously more valuable than that realised by the joint procedural commitment account, even though the former contains a thicker shared conception of citizens' good. Leland and van Wietmarschen's argument therefore does not successfully discriminate between these two accounts. Finally, even if one *were* to hold that a thicker shared conception of each other's good makes for a more valuable form of civic friendship, the difference between the two accounts in this regard is not particularly great, and the political liberal account involves costs that are absent from the joint procedural commitment account. The defence of the Reciprocity Principle by appeal to the realisation of political community thus remains unsuccessful.

The paper is structured as follows. In Section 2 I review the main features of the two accounts of democratic decision-making, and show that they both secure joint rule. Section 3 summarises Leland and van Wietmarschen's conception of civic friendship and their reasons for believing that the political liberal account realises this value in a

way that the joint procedural commitment account does not. Section 4 presents my central argument: the joint procedural commitment account also realises civic friendship, and the appeal to civic friendship does not discriminate between it and the political liberal account.

I should make it clear at the outset that my aim is not to defend the joint procedural commitment account of democratic decision-making. There might be good reasons to reject this account, and to endorse the Reciprocity Principle. My more limited aim here is to argue that political community has not (yet) been shown to be such a reason.

2. Two Accounts of Democratic Decision-Making

Leland and van Wietmarschen state the Reciprocity Principle as follows: “When making political decisions, citizens must rely only on considerations that they can reasonably expect all reasonable citizens to accept.”⁶ Political liberals endorse this principle.⁷ They thus hold that citizens should not base their political advocacy or voting on controversial religious, moral, and philosophical convictions, but should exclusively rely on political values that can be shared by all reasonable citizens. Many political liberals defend this view by claiming that compliance with it is necessary if the imposition of law is to treat all citizens with adequate respect.⁸ Leland and van Wietmarschen instead

⁶ Leland and van Wietmarschen, ‘Political Liberalism’, p. 2. [NB: page references are to the Accepted Manuscript version of this article.]

⁷ More precisely, so-called ‘consensus’ political liberals endorse this principle. As Leland and van Wietmarschen helpfully note (see *ibid.*, pp. 6-7), their Reciprocity Principle is ‘premise-targeting’. So-called ‘convergence’ political liberals endorse a ‘conclusion-targeting’ principle of mutual justifiability instead. Lister, *Public Reason*, pp. 15-23, calls this the distinction between the ‘reasons-for-decision frame’ and ‘coercion frame’.

⁸ For example, see Charles Larmore, ‘The Moral Basis of Political Liberalism’, *The Journal of Philosophy* 96 (1999), pp. 599-625; James W. Boettcher, ‘The Moral Status of Public Reason’, *The Journal of Political Philosophy* 20 (2012), pp. 156-177.

argue that general compliance with the Reciprocity Principle makes possible a valuable form of political community, featuring robust forms of civic friendship and joint rule.

Advocates of the joint procedural commitment account reject the Reciprocity Principle. They hold that citizens are morally permitted to base their political decisions on any considerations that they consider relevant, even if those considerations are grounded in controversial values or ideals that other reasonable citizens reject. Citizens do nothing wrong by relying solely on religious or other comprehensive reasons within their political advocacy and voting. Decisions should be made using deliberative democratic procedures, which guarantee every citizen an equal right to full participation in political deliberation and decision-making, enable all viewpoints to be heard and respected, and then allow citizens to vote on the basis of their best judgment of the overall balance of reasons. Citizens should be committed to this kind of democratic rule. This commitment has two parts. First, all citizens are committed to engaging in open and sincere public deliberation as to what decisions best promote justice and the common good. Each commits to seeking to understand others' points of view, take others' arguments seriously, and defend her own position. Second, citizens are committed to the use of democratic procedures which give each citizen an equal voice and equal influence over outcomes, since they recognise that the views of each matter equally. Under the joint procedural commitment account, therefore, all citizens endorse and engage in deliberative democratic procedures, but they are unconstrained by the requirements of the Reciprocity Principle.⁹

⁹ For defences of this kind of account, see Nicholas Wolterstorff, 'Liberal Democracy as Equal Political Voice', in his *Understanding Liberal Democracy: Essays in Political Philosophy*, ed. Terence Cuneo (Oxford: Oxford University Press, 2012), pp. 113-142; Christopher J. Eberle, *Religious Conviction in Liberal Politics* (Cambridge: Cambridge University Press, 2002), pp. 84-108.

We therefore have two competing accounts of democratic decision-making, and advocates of both accounts claim that they enable citizens to realise a valuable form of political community. According to Leland and van Wietmarschen, both accounts indeed enable one aspect of political community: rule by the people, or joint rule.

The political liberal account enables joint rule because reasonable citizens' shared commitment to complying with the Reciprocity Principle, as long as others also do so, involves them "in a shared activity of justifying political decisions. The resulting decisions are the people's decisions because they are the outcome of such a shared activity of political justification."¹⁰ Leland and van Wietmarschen use a Bratmanian account of shared deliberation to show that general endorsement of the Reciprocity Principle "provides a key component of a set of interlocking attitudes and activities that together constitute a process of shared deliberation, which in turn forms of the basis for a joint decision."¹¹

The joint procedural commitment account also enables joint rule, due to citizens' joint commitment to treating the outcome of a fair and deliberative democratic decision-making procedure as determining their decision.¹² Each citizen is committed to engaging in open and sincere deliberation with others, as long as others also do so, and to accepting the democratically chosen outcome as determinative of the group's decision and thus as legitimately directing her own actions. Again, therefore, citizens have a set of interlocking attitudes and activities that constitute a process of shared deliberation and joint decision.

¹⁰ Leland and van Wietmarschen, 'Political Liberalism', pp. 11-12.

¹¹ *Ibid.*, p. 21. The full Bratman-inspired argument is on pp. 14-21.

¹² *Ibid.*, pp. 22-23.

When it comes to the joint rule component of political community, these two accounts are on a par. Appeal to the value of joint rule thus does not justify the Reciprocity Principle.

3. Civic Friendship and the Reciprocity Principle

The second aspect of political community identified by Leland and van Wietmarschen is civic friendship. John Rawls claimed that the role of the Reciprocity Principle was “to specify the nature of the political relation in a constitutional democratic regime as one of civic friendship.”¹³ Leland and van Wietmarschen seek to justify this claim. To do so, they first analyse the nature of the mutual concern that is an indispensable part of *interpersonal* friendship.

It is uncontroversial to claim that interpersonal friendship includes a mutual non-prudential concern for one another’s interest. But according to Leland and van Wietmarschen friendship also requires more than this. It requires “an at least partially shared conception of what *is* in one another’s interest.”¹⁴ Friends need to agree on a certain set of interests that belong to each of them, so that they can each act in ways that they both can believe to be in the other’s interest. A friend neither (regularly) imposes her own conception of the other’s interest nor completely defers to the other’s conception of their own interest even when she disagrees with it. Instead, friends must have a partially shared conception of what is in each of their interest, in order that they can manifest their mutual concern by acting on this conception.

¹³ Rawls, *Political Liberalism*, p. 447.

¹⁴ Leland and van Wietmarschen, ‘Political Liberalism’, p. 26.

It is this feature of interpersonal friendship that Leland and van Wietmarschen argue is shared by civic friendship. Civic friends have a non-prudential concern for one another's interest, and this concern must be manifested through citizens seeking to advance each other's interests "in ways that all parties regard as genuinely beneficial."¹⁵ For this to occur, citizens must have a partially shared conception of what is in the good of all citizens. This is what the Reciprocity Principle provides. It specifies a conception of the good of people as citizens, based on a set of distinctively political values. All reasonable citizens can endorse this conception of citizens' political good, despite their many reasonable religious, philosophical, and moral disagreements. Reasonable citizens disagree in many ways about what is in the interest of all citizens. Alf believes that it is in every citizens' interest to engage in some inherently valuable activity. Betty endorses a vision of the common good that is grounded in her specific comprehensive doctrine. But both Alf and Betty can share the conception of citizens' interests contained within a reasonable political conception of justice. General endorsement of the Reciprocity Principle thus allows each citizen to "(1) act on her non-prudential concern to benefit her fellow reasonable citizens, (2) regard the actions of those citizens as being in her interest, and (3) expect her actions to be regarded by those citizens as being in their interest."¹⁶ General compliance with the Reciprocity Principle therefore "realises relationships of civic friendship despite conditions of reasonable pluralism."¹⁷

Leland and van Wietmarschen claim that the joint procedural commitment account does not realise civic friendship in this way. If Alf and Betty each rely on their

¹⁵ Ibid., p. 28.

¹⁶ Ibid., p. 31.

¹⁷ Ibid.

controversial comprehensive views within their political decision-making then neither can recognise that the other is acting in ways that promote his or her interests. Betty believes that the policy she advocates and votes for on the basis of her comprehensively-grounded conception of the common good advances the interests of all citizens. But Alf rejects this conception of the common good, since he rejects Betty's comprehensive doctrine. Alf therefore cannot recognise the policy that Betty supports, or Betty's actions in supporting it, as promoting his interests. Thus, if all citizens base their political activity on their comprehensive doctrines then the resulting decisions, though democratically enacted, cannot be regarded "as aiming to advance a shared conception of one another's interests."¹⁸ General compliance with the joint procedural commitment account of democratic decision-making thus does not constitute citizens' relationships as ones of civic friendship. The value of civic friendship, as a component of political community, favours political liberalism over the joint procedural commitment account. At least, this is what Leland and van Wietmarschen claim.

4. Revisiting Civic Friendship and the Joint Procedural Commitment Account

An advocate of the joint procedural commitment account might respond to Leland and van Wietmarschen's argument by rejecting their account of civic friendship. There are two ways that one could do so. First, one could argue that the kind of partially shared conception of each other's good that Leland and van Wietmarschen describe is not in

¹⁸ Ibid., p. 33.

fact necessary for friendship of any sort. Friends, both interpersonal and civic, can have and manifest a mutual concern for one another's interest even in the absence of this kind of shared conception. Second, one could accept that such a shared conception is a core part of interpersonal friendship but argue that there are relevant disanalogies between the interpersonal and political domains that make this aspect of interpersonal friendship an inappropriate goal or ideal within civic friendship. In order to make this second argument one would of course have to show that a partially shared conception of citizens' good was unnecessary or inappropriate as a feature of civic friendship, despite the fact that Leland and van Wietmarschen have shown it to be realisable. This might be a tall order, which perhaps suggests that the first way of rejecting Leland and van Wietmarschen's account of civic friendship is more promising than the second.

I will not take either of these routes, however. Instead, I will argue that the joint procedural commitment account does realise civic friendship, on Leland and van Wietmarschen's own characterisation of this value.

Leland and van Wietmarschen are certainly right that political decisions made in accordance with the joint procedural commitment account cannot be seen by all citizens as advancing a shared conception of their interests. Those who supported and voted for a policy will believe that it is in the interests of all, but those who opposed the policy will disagree, and will reject the conception of their own interests that was used to justify the law. We saw this in the case of Alf and Betty, above.

Nonetheless, the shared commitments that *are* involved within the joint procedural commitment account are sufficient to realise civic friendship. At minimum, all citizens

are committed to participating in deliberative democratic decision-making and to complying with the results of such decision-making. They are thus committed to listening to one another, taking one another's arguments seriously, and seeking to persuade one another of the merits of their respective political positions. In this way, each citizen manifests her concern for others, demonstrating her non-prudential concern for others' interests, by seeking to show how the policy she favours best promotes justice and the common good, according to her best understanding of the reasons that apply. All citizens can thus recognise that others are acting on a conception of everyone's interests, not merely to promote their self-interest. They can be assured of this through their deliberative interactions.

It is true that a citizen's understanding of the reasons that apply can be grounded in her comprehensive doctrine, such that others reject her view and believe that her favoured policy does not promote their interests. Nonetheless, each citizen can recognise that others are seeking to advance the interests of all.

Further, citizens can also recognise one another's commitment to giving each citizen an equal voice and to taking each citizen's views equally seriously. Citizens do not simply impose their views of others' interests. They are committed to making decisions *together*, by deliberating with one another, voting, and complying with the policies that are enacted. This joint commitment can itself be seen to constitute a shared conception of one another's good. All citizens agree that they can promote all citizens' interests in a way that respects all as free and equal by participating in, and complying with the results of, deliberative democratic decision-making. Citizens thus do have a shared

partial conception of their good, and a manifested non-prudential concern for one another's interests.

Leland and van Wietmarschen are right that this shared partial conception of citizens' good is thinner than the conception that reasonable citizens share within their political liberal model. It is important not to exaggerate the extent of the shared conception within that model, however. While citizens who are committed to the Reciprocity Principle rely within their political decision-making only on considerations that all reasonable citizens can reasonably be expected to accept, they will interpret those considerations in different ways. Citizens share a set of political values, but these can be interpreted and weighed in many different, yet reasonable, ways. This means that those who lose out in democratic voting might well believe that their interests are not advanced by the decision, since the majority have voted on the basis of an interpretation and ordering of political values that the minority considers mistaken. Political liberalism thus does not guarantee that all will regard political decisions as promoting their interests. All citizens can recognise their mutual concern for one another's interests, manifested in each citizen's acting on a reasonable interpretation of considerations that all can reasonably be expected to accept – i.e. a reasonable political conception of justice. But this does not mean that all citizens will believe that their interests are in fact advanced by the decisions that are made.

Recognising this fact somewhat narrows the distance between the political liberal and joint procedural commitment accounts of democratic decision-making with regard to the extent of the shared conception of citizens' good featured within each. Under the joint procedural commitment account, all citizens can recognise their mutual concern

manifested in their shared commitment to deliberative democratic decision-making and shared belief that compliance with the results of this decision-making enables them to make decisions together, and even to advance everyone's good, in a way that respects all as free and equal. But citizens can consider the actual decisions made to be against their interests, and the reasons that their compatriots relied upon to be based on a mistaken conception of those interests. Under the political liberal account, all citizens can recognise their mutual concern manifested in their shared commitment to relying only on considerations that all can accept. But citizens can consider the actual decisions made to be against their interest, and the specific political conception(s) of justice that their compatriots relied upon to be mistaken. The shared conception of citizens' good is undeniably somewhat more extensive within the political liberal model. But the difference is not very great. Both accounts enable the realisation of civic friendship.

There are at least two ways that Leland and van Wietmarschen might respond to this. First, they might argue that the partially shared conception of citizens' good that I have argued is present within the joint procedural commitment account is too thin to realise civic friendship. Second, they might argue that the fact that the shared conception of citizens' good within the political liberal model is thicker is sufficient to show that a general commitment to the Reciprocity Principle realises a more valuable form of civic friendship than is possible under the joint procedural commitment account.

The first response appears to be unavailable, because Leland and van Wietmarschen acknowledge that friendship does not require a very thick shared conception of each other's good. They discuss this for the interpersonal case, and the same point presumably extends to civic friendship. Interpersonal friendship can be based on

something as thin as a shared belief that it is good for each individual to live in accordance with her own choices, even in cases where one individual believes that the other would do better by making a different choice. The partially shared conception of one another's good can simply consist in a shared endorsement of "the good of making one's own choices."¹⁹ Thus, while interpersonal friendship requires a shared partial conception of each other's good, this shared conception need not be very thick or substantive. Indeed, we might even say that the shared conception can be 'procedural', as in the case where it simply consists in a shared endorsement of the good of living in accordance with one's own choices. This is important for the plausibility of Leland and van Wietmarschen's account of interpersonal friendship, since it is what enables individuals with radically different and conflicting values to nonetheless be counted as friends by their view.

These observations extend to the case of civic friendship. The requirement here is that citizens have *some* shared conception of their good. This need not be thick or substantive. The largely procedural conception that citizens share within the joint procedural commitment account thus appears sufficient for civic friendship.

Even if this is true, Leland and van Wietmarschen could still offer the second response: general commitment to the Reciprocity Principle realises a deeper and more valuable form of civic friendship, due to citizens endorsing a more extensive shared conception of one another's good. However, it is not clear in the case of interpersonal friendship that a thicker shared conception of one another's good equates to a better or more valuable friendship. Leland and van Wietmarschen seem to present the requirement

¹⁹ Ibid., p. 27.

that friends have such a shared conception as a sufficiency condition, rather than claiming that friendship has more value if the shared conception is more extensive. If this is right, then it is presumably also the case for civic friendship. We can establish that citizens enjoy relationships of civic friendship within the joint procedural commitment account by showing that they share a partial conception of one another's good. The fact that this shared conception is thinner or less substantive than the one shared by citizens within the political liberal account does not show that the civic friendship is inferior or less valuable in the former case than in the latter.

Indeed, Leland and van Wietmarschen do not provide an account of the value of friendship in general, or of civic friendship in particular.²⁰ In order to defend the claim that friendships are more valuable when the shared conception of one another's good is more extensive, one would need to both provide an account of the value of friendship and demonstrate that on this account the friendships have greater value when friends endorse a more extensive shared conception. Even if one *were* to do this, however, the difference between the political liberal and joint procedural commitment accounts in this regard is one of degree rather than of kind. As I argued above, Leland and van Wietmarschen somewhat overstate the extent of the shared conception within the political liberal account and somewhat understate the extent of the shared conception within the joint procedural commitment account. While there is indeed a difference here, and one might thus hold that citizens enjoy a *somewhat* deeper or more valuable civic friendship when they are committed to the Reciprocity Principle, this is not so great a difference as to clearly justify the political liberal account.

²⁰ As they admit. See *ibid.*, p. 36.

This is particularly the case given the costs that citizens face in complying with the Reciprocity Principle. As Leland and van Wietmarschen note, the fact that general compliance with the Reciprocity Principle helps realise values of political community only provides *pro tanto* reasons for compliance.²¹ The benefits of compliance need to be weighed against the costs, and in particular the cost of not being able to appeal to one's religious, moral, and philosophical conviction within political decision-making. As has often been claimed, many citizens will consider compliance with the Reciprocity Principle to be a strain on their integrity.²² This integrity cost is one that citizens do not face under the joint procedural commitment account. That account might therefore be all-things-considered preferable to the political liberal account even if it can be shown that citizens enjoy somewhat less valuable relationships of civic friendship.

5. Conclusion

In order to successfully defend political liberalism, one must demonstrate that general compliance with the Reciprocity Principle fulfils some moral requirement or realises some value in a way that alternative models of democratic decision-making do not. Leland and van Wietmarschen persuasively argue that general compliance with the Reciprocity Principle realises two values of political community: joint rule and civic friendship. However, the joint procedural commitment account also realises both of these values. Citizens exercise joint rule and enjoy civic friendship under both accounts, and these values are likely realised to the same degree by both accounts. Further, even

²¹ Ibid., p. 38.

²² For the classic statement of this argument, see Nicholas Wolterstorff, 'The Role of Religion in Decision and Discussion of Political Issues', in Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (London: Rowman & Littlefield, 1997), pp. 67-120 at p. 105. For a recent analysis, see Kevin Vallier, *Liberal Politics and Public Faith: Beyond Separation* (Oxford: Routledge, 2014), pp. 57-66.

if one could demonstrate that the civic friendship enjoyed under the political liberal account is more valuable than that enjoyed under the joint procedural commitment account, this would not show that the former is all-things-considered preferable, since the difference in benefits is not large and the political liberal account imposes moral costs that the joint procedural account does not. Leland and van Wietmarschen's appeal to the values of political community thus fails to justify political liberalism.