
**AN OBJECTION TO GARRETA LECLERCQ'S
"DEMOCRACY AND DELIBERATION:
TWO MODELS OF PUBLIC JUSTIFICATION"**

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RESUMEN

En “Democracy and Deliberation: Two Models of Public Justification”, Mariano Garreta Leclercq presenta un interesante argumento en favor de lo que llama la concepción de “fundamento común” de la justificación, y en contra de la concepción “estándar” de la justificación. En esta nota expongo una objeción a este argumento. Más precisamente, señalo una tensión entre dos enunciados del argumento: 1) No hay derecho a decidir por todos; y 2) el margen de error en cuestiones morales es muy considerable. Sostengo que, si estamos comprometidos con el enunciado de que el margen de error es muy considerable en cuestiones morales, entonces no podemos estar convencidos de que no hay derecho a decidir por otros, porque éste es en sí mismo un principio moral.

Palabras clave: Justificación pública - Concepción estándar de la justificación - Concepción de la justificación del sustrato común - Democracia - Debate público

ABSTRACT

In “Democracy and Deliberation: Two Models of Public Justification”, Mariano Garreta Leclercq presents an interesting argument in favor of what he calls “the common ground” conception of justification, as against the “standard” conception of justification. In this note I present an objection to that argument. More precisely,

I point out a tension between two statements of that argument: 1) There is no right to decide for others; and 2) the margin of error in moral issues is very considerable. I say that, if we are committed to the statement that the margin of error is very considerable in moral issues, so we cannot be convinced that there is no right to decide for others, because it is a moral principle in itself.

Key words: Public justification - Standard conception of justification - Common ground conception of justification - Democracy - Public debate

I. Introduction

In “Democracy and Deliberation: Two Models of Public Justification,” Mariano Garreta Leclercq presents an original and persuasive argument in favor of what he calls “the common ground” conception of justification, as against the “standard” conception of justification. In this brief note I present an objection to his argument. I will proceed in the following sequence. In section II, I summarize Garreta Leclercq’s argument. In section III, I present my objection. Finally, section IV contains a conclusion.

II. Garreta Leclercq’s argument

The author distinguishes between two different conceptions of justification in political deliberation: the “standard” conception” and the “common ground” conception. According to the standard conception of justification, a person justifies her position when she defends it by appealing to reasons she believes in and she considers to be persuasive. In contrast, the common ground conception of justification is more ambitious. According to this conception, which has been supported by philosophers like John Rawls, in order to justify a belief, offering reasons, or good reasons, is not enough; it is also

necessary to offer reasons accepted by interlocutors. The aim of the author is to defend the common ground conception, as against the standard conception. He illustrates his point by means of this example:

A and B are working on different technological applications of the same theory. In view of the solid evidence in favor of the theory, A and B are convinced of the truth of this theory. However, they know that a considerable margin of error is unavoidable in empirical sciences, regardless of how convinced scientists are of the truth of the theory. If the theory resulted to be false, A’s research would be innocuous, but B’s research would cause huge damage; thousands of persons, including B, would die. For this reason, potential victims are against B’s research.

Garreta Leclercq argues that, although A has the right to act as he wishes (because he is the only person affected by her act), this is not the case of B, because if B continues with his research, other people will die. Thus, from a moral perspective, it is clear that B does not have the right to decide to run the risk of error in the name of potential victims (at least without their consent), even though we assume that, if the theory resulted to be true, these people would benefit from the application of that theory. For the author, if we said that B has that right, we would be rejecting a fundamental moral principle, which is the rule of equal respect, because we would be saying that B has a special right; and this is unacceptable.

Thus, by means of this example, the author constructs an argument in favor of the common ground conception. He claims that, in political deliberation, one tries not only to justify the belief that a certain governmental policy promotes the good life, but also to justify the implementation of that policy by the state. And the implementation could harm people, because the margin of error is high in moral issues (even higher than in empirical sciences). If one makes a mistake, and the policy at stake does not promote the good life, people will be severely

harmed, because their chances to lead a good life will decrease. Therefore, the state in public deliberation is in the same situation as B: the state does not have the right to decide to run the risk of error in the name of potential victims without their consent, because the state would be rejecting a fundamental moral principle; to wit, the rule of equal respect.

According to the author, the situation is different when the common ground conception is the guideline for political deliberation because it requires people to discover a common ground of beliefs and ways of reasoning which allow them to justify political proposals accepted by everyone. The author accepts that people might develop different understandings of the political values which constitute the shared common ground. However, he says that the common ground conception requires decisions to be based on beliefs that everyone acknowledges as justified and in ways of reasoning that are also acknowledged. Hence, people cannot say that the political proposal is merely an expression of the unilateral will of a group, because they already acknowledged that the proposal is supported by justified beliefs and correct ways of reasoning.

III. The objection

I find Garreta Leclercq's argument clear, interesting and original. However, I am concerned with the status of the principle that there is no right to decide to run the risk of error in the name of others. This seems to be a moral principle in itself, and, as the author says, the margin of error is very considerable in moral issues. Therefore, we cannot be sure that this principle is true. Thus, there is no reason to impose this principle on others. Rather, such a moral principle should compete with other moral principles.

For instance, we can imagine a principle according to which the best moral philosophers have the right to implement policies that they think will promote the good life. A person

defending that principle could argue that, although those moral philosophers can make a mistake, they will more likely find the truth in virtue of their philosophical skills, so they have the right to decide to run the risk of error in the name of the rest.

Another principle could be that only the Pope has the right to implement those State policies he considers to promote the good life. Of course, he can make a mistake, but a person supporting that principle could argue that the Pope has more chances to understand God's commands, so he has the right to decide to run the risk of error in the name of the rest.

Of course, I am not defending such principles. My point is that there seems to be a tension between the author's proposition that the margin of error is high in moral issues, and his claim that the principle that there is no right to decide for others is true. If, as the author says, the margin of error in moral issues is very considerable, we cannot be certain that this principle is true, so there is no reason to impose this principle on people.

A reply to my argument might be that it is irrelevant whether that principle is true or false, because people would accept that principle. My point would be relevant, the reply would continue, only if people did not accept that principle, but this is not the case: people would accept that principle.

However, I think this objection fails for two reasons. First, it seems to be circular, because the argument assumes that, in order to apply the principle that there is no right to decide for others, people must accept that principle. But the only reason why that can be true is that there is no right to decide for others; and this is precisely what the principle says: that one may not decide to run the risk of error in the name of others. Second, it is not obvious that people would accept that principle. As I said, it might be the case that, for example, people decide to trust the Pope because, although they know that the Pope can make a mistake, they think he will more likely offer the right moral answers.

Perhaps one can provide an argument in favor of the idea that people would choose the principle that there is no right to decide for others. For example, one could say that people would choose that conception behind John Rawls's veil of ignorance: since no one knows which person or group of persons will decide, everyone would choose the principle that there is no right to decide for others. However, the author does not offer this kind of argument, that is, an argument showing that people will choose, or would choose, that principle.

Finally, one could think that the problem I find in Garreta Leclercq's principle is present in all second order principles, that is, principles offering guidelines about how to choose among principles (or policies). For example, a principle of tolerance suffers from the same tension. According to this principle, we should be tolerant with every conception of the good; but, if we believe that the principle of tolerance is true, we will not be tolerant with those who think it is false. However, this is not true of every second order principle. For example, Rawls's principles of justice are to be applied to the basic structure, and not to govern people's lives. They are political, and not comprehensive, principles.¹ And Rawls claims that these political principles should be neutral between different comprehensive doctrines which are consistent with those political principles.² In this case, I could not object that from Rawls's theory follows that there should be neutrality between his political principles and other political principles, because, in Rawls's theory, neutrality is between comprehensive, and not political, principles. Political principles pretending to be neutral between comprehensive doctrines are not self-contradictory.

Things seem to be different in Garreta Leclercq's argument, because the principle that there is no right to decide to run the

risk of error in the name of others (that is, the principle that no moral principle should be imposed) is not merely political. As I understand it, this principle pretends to be applied to everyone: the state, other institutions and citizens. Therefore, it has the same status as those principles which it pretends to exclude. This is why it is self-contradictory.

IV. Conclusion

On the one hand, the author says that the common ground conception is better than the standard conception. This is so because, since the margin of error in moral issues is considerable, if the State implemented a certain State policy that people did not accept, the State would be deciding to run the risk of error in the name of people. However, the principle that the State may not decide for people is a moral principle in itself. Therefore, there seems to be a tension between the author's proposition that the margin of error in moral issues is very considerable, and his claim that the principle that there is no right to decide for others is true. If, as the author says, the margin of error in moral issues is very considerable, we cannot be sure that this principle is true and, therefore, there is no reason to impose this principle on people.

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1. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), pág. 11.

2. John Rawls, *Political Liberalism*, pág. 193.