Public Debates and Reflective Equilibrium: How to Enhance the Usefulness of Public Debates as a Support for Political Decision-Making

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Abstract

The objective for this study is to examine whether it is possible to use the method of reflective equilibrium in order to enhance the usefulness of public debates as a support for political decision-making. Since public debates from political quarters are seen as an important tool for policy-making, the need for a rational assessment of the views put forward in such debates are important. And since reflective equilibrium aims for coherence between judgments on different levels – intuitions, principles and theories, which all are put forward in public debates – the point of departure for this theses is that this method could be useful for the matter of bringing some kind of structure to public debates.

The analysis in this study shows that there actually are similarities between the method of reflective equilibrium and the course of public debates, since they both are characterized by the fact that viewpoints are mutually scrutinized in the light of one another. Further, it is argued that a more systematic applying of the method of reflective equilibrium would further the justification force of the outcome of public debates, since the method stresses the need of rationality and the importance of taking all relevant opinions into consideration. Therefore, the conclusion is that applying reflective equilibrium to public debates could make the political decision-making more democratic.

Keywords: public debates, reflective equilibrium, rational assessment, deliberative democracy, political decision making, justification
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# Table of contents

1. **Introduction**  
   1.1 Why public debates and why reflective equilibrium 5  
   1.2 Purposes 6  
   1.3 Method 7  
   1.4 Disposition and material 9

2. **Public debates**  
   2.1 Public debates and democracy 10  
   2.2 Public debates 11  
   2.3 The Malmö debate 13

3. **Reflective equilibrium - versions and important distinctions**  
   3.1 The core of reflective equilibrium 15  
   3.2 Important distinctions 16  
   3.2.1 Method-product 16  
   3.2.2 Personal-interpersonal-impersonal 17  
   3.2.3 Narrow-net work models-wide 18  
   3.2.4 Decision/judgment-convergence/consensus-justification 19  
   3.2.5 Descriptive-normative 20  
   3.2.6 Feasible-ideal 21

4. **Gathering all viewpoints**  
   4.1 Who is to apply the method of reflective equilibrium? 22  
   4.2 Initial moral judgments as the point of departure 24  
   4.3 The normative side of stage one 28

5. **From initial moral judgments to considered moral judgments**  
   5.1 The filtering process in public debates 33  
   5.2 The role of the evaluator in the filtering process 36

6. **Aiming for an equilibrium point – the mutual adjustment and refining of beliefs**  
   6.1 Justification and the coherency criterion 40  
   6.2 Revision of considered judgments 43  
   6.3 The evaluator as a Socratic mediator between beliefs 45

7. **Towards an inter-subjective equilibrium**  
   7.1 Agreement on a compromise – the modus vivendi approach 54  
   7.2 The search for overlapping consensus 56  
   7.3 Reasons for further inter-subjective equilibrium 58  
   7.4 The outcome of a pure procedure 64

8. **Conclusion and final remarks** 66
1. Introduction

1.1 Why public debates and why reflective equilibrium

This thesis deals basically with the matter of democracy. It has as its point of departure the assumption that citizens not only are ‘political’ every four years, when going to the ballot boxes. Rather, it starts from the fact that in a true democracy the power of the people has to be executed even between the elections. Of course, the democratic character of a society appears most obvious, at least in the eyes of the public, in times of electioneering. But, a representative democracy implies that our influence is transferred to our elected representatives. So in that sense, only being political in connection with the elections is to exert one’s political influence only in an indirect way. And accordingly, this influence seems to diminish – or more literally, go away - a little.

It is in this framework – or rather ‘gap’ – the role of public debates is to be seen. That is, in public debates, citizens, as individuals or as members of a group, have their possibility to express their political opinion even after the elected representatives have been chosen. In that sense, public debates can be viewed as the more direct result of fundamental democratic features as freedom of opinion and speech. By ‘direct’ I mean that in public debates the opinions of the citizens are expressed without being second-hand opinions. They are also more direct in the sense that citizens have the possibility to target on one specific issue. When we elect representatives we chose the one whose opinions to the greatest extent accord with my own. But we can never find someone that is of the same opinion as I am concerning every issue. Accordingly, sometimes the representative I have chosen represents another opinion. That can, of course, never be the case in public debates; in public debates we represent ourselves.

But, political decisions are not made by citizens in public debates; they are made by our elected representatives in political assemblies. Therefore, if the inward sense of the concept of democracy is to be complied with, the opinions brought forward in public debate are to be taken into account in the political decision-making process. That implies two things.

Firstly, it presupposes a particular attitude, especially from political quarters, that the opinions held by the public actually make sense when it comes to political decision-making. That is, politicians have to be aware of the meaning of being a representative. If that is not the case, public debates would proceed without having any importance in the sense of being a support for the process of political decision-making.
Secondly, the content of public debate must be assessed in some way in order to be useful in this process. The most apparent feature of public debates is probably their fragmentised character. This lack of formal organisation bring about both advantages and disadvantages in its train. The fact that any viewpoint can be put forward by any proponent for any reason in a public debate resembles its democratic character. No participant is disqualified from the beginning and all play, in that sense, on the same arena. But these features also affect the outcome of public debates. The word ‘debate’ as such carries the meaning of  *organized* discussion or deliberation. In a debate viewpoints are supposed to be criticised by other viewpoints and this deliberative process will hopefully lead to some substantial result; for instance an outcome that actually is useful for a subsequent decision. But this is not what we can expect from public debates. They are debates without any rules of debate. There is no guarantee that participants ‘listen’ to one another, and, hence, the deliberative process – the debate as such - may not even start at all. Thus, there is a risk that the output of a public debate does not differ to a substantial degree from the input, i.e. that the output is as fragmentised as the input.

This second implication - addressing the matter of assessment, or evaluation, of the content of public debates – motivates the introduction of reflective equilibrium. This method, first introduced by John Rawls, is to be seen as an ‘argumentative method for developing and justifying theories and principles to evaluate institutions and practices.’\(^1\) Further, since this method ‘offers a promising coherentist account of justification’ and ‘has especially proved to be a useful method for tackling practical moral problems’\(^2\) it seemed reasonable to apply this argumentative method to public debates in order to enhance their usefulness as a normative support for the matter of politics. To reach a conclusion whether that is possible is the objective for this thesis.

1.2. Purposes

So, the main purpose of this thesis is to examine whether it is possible to use reflective equilibrium as a tool for organizing – in the sense of bringing a structure to – public debates in order to enhance the usefulness of these debates as a normative support in political decision-making. This overarching problem can be specified in four crucial sub-questions:

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\(^1\) The quotation is from Wibren van der Burg and Theo van Willigenburg in *Reflective Equilibrium*, 1998, p. 1.

1. Is it desirable at all to systematize and bring some kind of a structure to public debates, i.e. is at all compatible with the concept as such?
2. If yes, is reflective equilibrium an appropriate method for doing that?

Further, since the method of reflective equilibrium constantly has been developing since Rawls’s introduction of the concept we have to state the following question:

3. If reflective equilibrium can be shown to be an appropriate method: which version will then be the most suitable one for the purpose of this study?

And finally:

4. To what extent is it possible to say that the outcome of this modelled process is justified; i.e. why does this outcome have a normative appeal?

Although the questions are stated in a sequence going from the more abstract to the more particular, these questions are intimately intertwined. It is not possible to examine them one by one. For instance, whether it is desirable at all to structure public debates – some may think that any attempt to influence the debate will eliminate the picture of public debates as an arena for free speech; that it will choke its attracting ‘anarchistic’ characteristics – is dependent on how the chosen method of systematizing and structuring actually is carried out. And, the appropriateness of a particular version of reflective equilibrium, partly depends on the abovementioned apprehension, and partly on whether it can yield a useful as well as a justified outcome. Therefore, the discussion will pass ‘unobserved’ between these issues, and the conclusion for all four will turn out in the end.

1.3. Method

My course of action in this study follows quite natural from the four questions stated above. Two concepts are in focus in this thesis: public debate and reflective equilibrium. Since these concepts are not univocal there is need for a conceptual analyses before analysing whether the method of reflective equilibrium would enhance the usefulness of public debate. For the matter of concreteness I also introduce a specific public debate, initiated by a controversial proposal from Malmö municipal administration concerning introduction of
immigrants, which gave rise to a public debate in the beginning of 2004. I will illustrate by examples from this case throughout the thesis. My hope is that the thesis will gain from this empirical contribution, mainly seen as some kind of factual basis.

The next – and main part – consists of a comparative analysis, which proceeds on three levels. The first level analyses if there are any similarities between the two concepts in a descriptive sense. The question is whether public debates actually have some features that resemble a reflective equilibrium. If that is the case, this statement can be said to pave the way for the normative approach at the second level. This level contains of a reflective discussion concerning the possibility to bring a structure to public debates in line with the method of reflective equilibrium. And finally, on the third level, the matter concerning which version of reflective equilibrium is the most appropriate is addressed. Bo Petersson’s schema of different distinctions within the notion of reflective equilibrium is the main tool in this analysis (see 3.2. below). Moreover, since reflective equilibrium aims for coherence between judgments on different levels, and therefore is to be seen as a rational undertaking, I partly draw in Evert Vedung’s reasoning of rational assessment in this comparative part.3

3 This method of rational assessment is presented in Vedung, 1982. This analysis – which Vedung calls a content-oriented analysis of political messages – offers a systematic examination that closely resembles the way a person is working when seeking reflective equilibrium, since rational assessment of political messages take ‘a close look at claims (…) put forward in political discussions and reasons (…) offered to sustain or weaken these claims’ (Ibid., p. 31). In order to assess the validity of a particular view (a political message) Vedung applies five questions:

(1) Are claims supported by reasons in the message?
(2) Is the message clear?
(3) Is the message relevant?
(4) Is the message consistent?
(5) Is the message true? (Ibid., pp. 31f)

Further, according to Vedung, these questions can be rewritten as nine major or minor rules, which the views must submit to for the matter of validity:

(1) The Rule of Support: Claims should be supported by reasons in the message.
(2) The Rule of Clarity: The message should be clear.
   (2.1) Claims and reasons must not be tacit in such a way as to cause obscurity.
   (2.2) Words must not be used unclearly.
   (2.3) The presentation should be systematically arranged so as not to cause obscurity.
(3) The Rule of Relevance: The message should be relevant.
   (3.1) Pronouncements should be relevant.
   (3.2) Relevant aspects of the case should be acknowledged and presented.
(4) The Rule of Consistency: The message should be consistent.
   (4.1) Inferences from reasons to claims should be derived in a logically valid way.
   (4.2) Claims should be consistent with other claims, reasons with other reasons.
(5) The Rule of Truth: The message should be true. (Ibid., pp. 33ff)

So, my reason for drawing on parts of this method is that it offers a detailed way of testing ‘the coherency criterion’ in reflective equilibrium.
Finally, in the discussion concerning justification I compare, evaluate and discuss some notions of justification in the argumentation about reflective equilibrium.

1.4. Disposition and material

The two subsequent chapters, 2 and 3, deal with the concepts of public debate and reflective equilibrium separately. Chapter 2 is dedicated to describe public debates. The first section in this chapter outlines the kind of democratic framework that is needed if public debates actually will have an impact on politics. For that purpose I draw on Joshua Cohen’s discussion concerning different concepts of democracy.

The section where I describe and discuss the notion of public debate is partly based on Jan Vorstenbosch’s article *Reflective Equilibrium and Public Debate*. This text is the only one, at least as far as I have found, that tries to couple these two concepts. After this theoretical definition of the concept I then introduce the particular debate initiated in Malmö. The empirical material consists of documents from Malmö municipality and I have limited myself to take examples of judgments in the debate mainly from *Sydsvenska Dagbladet*, the main regional daily paper in Malmö.

The third chapter deals with reflective equilibrium and is primarily based on the writings from Rawls, Norman Daniels and Petersson. The rather extensive description is motivated by the fact that the notion of reflective equilibrium is anything but univocal. Of course there is some constituting characteristics, but the further discussion after Rawls has yielded a number of different interpretations of his original method. And since one of the purposes of this study is to examine how we are to understand the method of reflective equilibrium in this context, I have to introduce these different interpretations. That is the more important since the justificatory weight of the method is dependent on how we understand the same method. Nevertheless, the purpose of chapter 2 and 3 is to lay the conceptual basis before we examining whether it is possible to apply the method of reflective equilibrium to public debates.

In chapter 4 to 6 the analytic part of this thesis take place. I follow the supposed course of a public debate – and of seeking reflective equilibrium as well – and separate the descriptive and the normative comparative analysis in each step. In these chapters I partly refer to

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4 Vorstenbosch, J., 1998, pp.177-190
Vedung and his systematic method concerning how to check the rationality of (political) reasoning. Furthermore, since the justification weight of the outcome of a public debate depends on whether it is ‘really public’ I stress the importance of equal opportunity in chapter 4, and for that matter I draw on the Rawlsian notion of fairness.

Even if justification - as a key-concept in this study - is discussed in all chapters, chapter 6 and, above all, 7 deal with this notion more in depth. I mainly base this discussion on the two texts: T.M. Scanlon’s *Rawls on Justification*⁶ and R.P.B. Reuzel et al’s *Interactive Technological Assessment and Wide Reflective Equilibrium*⁷.

And, finally, in chapter eight I recall the four questions for this study, separately (see 1.2. above) and discuss whether this study has yielded any answers.

2. Public debates

2.1. Public debates and democracy

Before I outline the features of public debates I will say something about the kind of democratic framework that is needed if public debates are supposed to influence political decision-making. And by influence I mean influence for the right reasons, namely, that the impact is based on the pertinence of the outcome yielded in the debate. Some hold that politics mainly – or only – is a matter of power and that the outcome of a particular issue is not dependent of its pertinent content, but rather how this issue is related to the possibility to retain the political power. My opinion is that these debates actually have sufficient characteristics of rationality for the purpose of this study to be fruitful. But, this is not the place to address the question whether this opinion is true or not. My purpose is only to lay out the requisite political attitude for the undertaking in this study.

In short, this attitude takes citizens seriously. As the ultimate objective for political decisions, citizens are viewed as having the moral right to participate in the decision-making process. This attitude is in line with the one that is the basis of, what Cohen calls, a deliberative democracy. When discussing the concept of democracy in Rawls’s writings, he distinguishes between four different conceptions. The first view is the minimalist one, considering democracy as the best available tool for taming the struggle between competing

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⁶ Scanlon, T.M., 2003, pp. 139-167
⁷ Reuzel, R.P.B. et al, 2000, pp. 245-261
interests in society; it reduces democracy to an electoral system by which the distribution of power and resources is decided.\textsuperscript{8} The second one widens the scope of democracy to include fundamental rights as freedoms of opinion, speech, and public assembly. These requirements are to ensure \textit{fair} elections.\textsuperscript{9}

In the third and the fourth view the importance of an open debate in society are emphasized. The third one for the reason that this will explore – and hopefully reveal – the sentiments of a people – the people seen as ‘a distinct collective agent, with shared history and sentiments’ - thereby enabling for the people ‘to govern itself by expressing in law and policy its shared commitments’\textsuperscript{10}. It is obvious that this conception of democracy is hard to apply to a modern, pluralistic society. Therefore, the fourth view, i.e. the deliberative conception of democracy, put stress on ‘the importance of public debate about law and policy but is sceptical about the existence or importance of a shared culture and sentiments in framing public debate.’\textsuperscript{11} Rather, the important thing is that public political argument is ‘a form of moral argument, framed by reasons, whose content is suited to the idea of a democratic society (a society of equals)’, Cohen writes.\textsuperscript{12}

Thus, the designation ‘deliberative’ for this conception implies two things. First, it views politics mainly as a never-ending ‘battle between arguments’, not as a battle only targeting on power. And, second, everyone in this ‘society of equals’ - citizens as well as representatives – are invited, \textit{as agents}, to this deliberative process. With this democratic framework in mind we now turn to the definition of the concept of public debate.

\textbf{2.2. Public debates}

A public debate is, Vorstenbosch’s writes (drawing on Barry, 1990), ‘an exchange of opinions, arguments and general ideas about a specific issue that is accessible, at least in theory, to everyone (every citizen) and in which, again at least in theory, everyone can participate’.\textsuperscript{13}

The forum for this debate is not easy to define. On the one hand – and especially if one focuses on the latter part of this definition - it seems correct to say that this debate takes place wherever the subject matter is discussed: at the kitchen-table, at the place of work and so

\textsuperscript{8} Cohen, J., 2003, p.100
\textsuperscript{9} \textit{Ibid.}, pp. 100-101
\textsuperscript{10} \textit{Ibid.}, p. 101. Cohen writes that this view sometimes is associated with Rousseau. (\textit{Ibid.}, p. 134n)
\textsuperscript{11} \textit{Ibid.}, p. 101
\textsuperscript{12} \textit{Ibid.}
\textsuperscript{13} Vorstenbosch, 1998, p. 180
forth. But, at the other hand – which the former part hints at – only a fractional part of this debate becomes public in the sense of being accessible to all. The implication of that is that the only forum where public debates take place is media, and, accordingly, all other fora – kitchen-tables and such like – are ruled out. But, that conclusion does not accord with our ordinary understanding of the notion ‘public debate’; i.e. that this debate is public since it is discussed among the general public.

Some may think that this ontological discussion is exaggerated, since most people have such an ordinary understanding of the notion and its reference. I am inclined to agree, and will stick to the definition above. But the purpose of the conceptual analysis above is to point out one significant feature: namely, the fact that the lions share of public debates – seen as a web of opinions and arguments - are not public in the sense of being accessible to all. I will return to this fact later when dealing with public debate and the notion of ‘fairness’.

The instrument for making the content of a public debate accessible is, of course, the media. Newspapers and magazines, TV and radio are the mediating channels between the participants in the debate. But, the media is not only a tool: it is also an influential actor. Its influence is of different kinds. First, since mass media are the vehicle for public debates, they – at least partly - can decide whether a particular issue will be the matter for a public debate or not. Second, they have the possibility – again at least partly - to determine participants and the room they will obtain, respectively. The space is limited and those allotting this space may – deliberately or no – further some viewpoints in front of others. And finally, through their leader writers and commentators media is an influential participant in this kind of debate, as well. Considering this, calling media ‘the third (or fourth) estate’ is fully motivated.

When it comes to the course, a public debate often starts with a news item. It can present a new technology – for instance because of the birth of a cloned sheep - or a controversial proposal that is introduced from the authorities as in the case used in this study. Hence, the starting point is quite easy to define. The next step is a three-tiered response: from media – journalists try to find out the opinions of representatives, spokesmen, and experts; from society - people discuss the news item at home and at their place of work; and, finally, there is a response from official quarter – politicians express their opinions as well. The result of these responses is then presented and discussed in media, and give new approaches, which, in their turn, cause new responses. This interaction between media and participants is the motive

\[14\] The part concerning the course of public debates is mainly based on Vorstenbosch’ description. See Ibid., pp. 181-182.
power of a public debate, and, accordingly, the debates continues as long as the actors respond to new viewpoints put forward in the debate.

Hence, the end of a debate is not as easy to determine as its beginning. The time for the end depends on how deeply the emotions and values of the public are involved in the subject matter, and to what extent it may affect their own lives. Often, the debate just seems to fade away. Either for the matter of ‘exhaustion’ – the interest of all actors, media included, dies down, so to speak – or due to the fact that the public debate actually has yielded some kind of concrete result: by way of example, an announcement from official quarter or perhaps even a legal regulation.

From this more general description of public debates, I now turn to the introduction of one particular debate.

2.3. The Malmö debate

For the matter of concreteness I will in this thesis draw on some instances from a particular public debate, which took place in Sweden, mainly in Malmö municipality, in the beginning of 2004. This debate had its origin in a draft of action-plan concerning welfare-issues, called *Välfärd för alla* (*Welfare for all*), which was put forward by the city administration in Malmö at the request of the municipal executive board. The day before this draft was presented for the municipal executive board, a press release, carrying a short summary of the main concrete proposals, was sent out. Two of the headings in this press release dealt with the matter of reception of persons seeking asylum and newly arrived refugees. They read as follows:

‘Substantial decrease of immigration to Malmö (only intended for newly arrived persons with introduction subsidies)’

and

‘EBO\textsuperscript{15} – taking up Malmö as one’s residence with preserved subsidies shall not be possible’.\textsuperscript{16}

\textsuperscript{15} EBO is an abbreviation for ‘a resident of one’s own’ (in Swedish “eget boende”) and stands for the possibility of persons seeking asylum to choose their own resident instead of the refugee accommodations provided by the authorities. If they do so, they are entitled to subsidies for housing costs.

\textsuperscript{16} In Swedish: 'Kraftig begränsning av invandringen till Malmö (gäller endast nyanlända med introdiersättningsort)’, and 'EBO – Malmö kan inte under fem år väljas som bosättningsort med bibehållt ekonomiskt stöd’. (Information and material provided by Christer Persson, Malmö municipal administration.)
These two statements are to be seen as two proposals, whose signification are that the subsidies for newly arrived refuges with introduction subsidies and persons seeking asylum shall be reduced if these groups move to Malmö. These proposals were mainly addressed to the government and the Swedish parliament, since the proposals demand revisions of the current law. The reasons for these proposals are, according to the proponents, that Malmö does not have resources enough for providing jobs, housing, and schooling for these groups of persons. This fact, in its turn, leads to increased segregation and social problems in Malmö, they hold. The arguments from those rejecting the proposal focused mainly on the fact that one group of persons – the immigrants – was pointed out as the source of the welfare problems in Malmö.

The vehicle for this debate was mostly the daily papers, local TV and radio channels in the region of Malmö. But the nationwide papers had articles dealing with the subject matter as well, and the issue was the subject of discussion in – at least - one of the talk shows in public service TV.

So, was this a typical public debate? I think so. It had the typical course as described above. It started with a particular news item, supplied by the local papers the day after the press release. The controversial character of this piece of news is shown by the fact that it was supplied by nationwide media the following day. Moreover, the three-tiered response as described above was apparent. For instance, local politicians, spokesman of societal organizations, and experts responded immediately and gave their opinions on the matter, and a great number of editorials were published in the local papers. And, when it comes to the end, the result of the debate was an announcement from the government: subsidies for EBO will be removed.

Finally, the feature of this debate makes it specifically suitable for the purpose of this study. The participants deemed this issue as having moral implications, and, therefore, they draw on fundamental values and principles as arguments in their reasoning.

3. Reflective equilibrium - versions and important distinctions

I will now turn to describe the different versions of reflective equilibrium. Reflective equilibrium was first defined by John Rawls in the beginning of the 70th in A Theory of

18 The talk show, or rather debate program, I refer to, is ‘Debate’.
19 For instance in Dagens Nyheter and Svenska Dagbladet 2004-01-15.
*Justice*, his famous contribution to moral and political philosophy. Ever since then this method for justifying moral theories and principles has been discussed, developed and refined in order to enhance its credibility and usefulness. Several interpretations and versions have been expounded when applied to specific situations. The most important contributor to this development is Norman Daniels. His *Justice and Justification* offers a profound discussion and elaboration on reflective equilibrium.

### 3.1. The core of reflective equilibrium

In this section my intension is to display the different versions of the method in current moral reasoning. But, before that, two fundamental questions concerning the ‘basics’ of reflective equilibrium have to be considered.

The first question reads: What can be said to constitute the core of reflective equilibrium? ‘The key idea underlying the method of reflective equilibrium is that we “test” various parts of our system of moral beliefs against other beliefs we hold, seeking coherence among the widest set of moral and non-moral beliefs by revising and refining them at all levels’, Daniels summarizes. Three significant features are apparent in this quotation, and can be seen as the least common denominator for all versions of reflective equilibrium. Firstly, all relevant beliefs, moral as well as non-moral, on different levels are invited to be tested in reflective equilibrium. Particular intuitions, principles, abstract theories and empirical facts are all important components in the process. Intuitions and principles are necessary components in all versions – and the only components in the most simple, the so-called ‘narrow’ one – but beyond that, different versions draw on different beliefs for their purposes, and no beliefs are disqualified from the beginning. Secondly, it is a coherentist method aiming for coherence among these different beliefs. Its justification force depends on its logical consistency between these beliefs; or in Rawls words, ‘its justification is a matter of the mutual support of many considerations, of everything fitting together in one coherent view’. And finally, in order to reach this coherent view - this equilibrium - no belief has a privileged status; they are all subjected to adjustment and revision.

The second fundamental question concerns how one has to proceed in order to reach this coherent view, this equilibrium. Let us imagine a person trying to reach a coherent system of beliefs. This person has a large number of intuitions, but we select only those, which she is

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20 Daniels, N., 1996, p. 2
21 Rawls, 1999, p. 19
22 This ‘story’ is a paraphrase of the one offered by Daniels in Daniels, 1996, p 22-23.
most confident in, the so-called ‘considered moral judgments’. We then try to formulate principles that fit these judgments. By systematic comparison and mutual adjustment, working back and forth between judgments and principles, this person will finally reach a state where these sets of beliefs cohere: i.e. they are in (narrow) reflective equilibrium. If he or she wants an extended one, alternative sets of principles are proposed and the whole belief-system are backed up with background theories containing all kinds of moral and nonmoral beliefs.

Accordingly, as we see, the process of the reflective equilibrium resembles the way we tend to think in ordinary moral reasoning when dealing with practical moral problems. That is, in order to reach a judgment in a particular issue we draw on our intuitions and principles – and sometimes some background theories, and if there is a logical discrepancy, mutual adjustment is a natural way to deal with it. In this sense, reflective equilibrium can be seen as a tool for discovering, developing and articulating our inherent morality.

3.2 Important distinctions

After this initial definition, I now turn to some important distinctions concerning different versions of reflective equilibrium in contemporary literature.\(^{23}\) I will use the distinctions made by Petersson in *What is this Thing Called “Reflective Equilibrium”?*.\(^{24}\) Petersson distinguishes between reflective equilibrium as (I) method-product, (II) personal-interpersonal-impersonal, (III) narrow-network model-wide, aiming for (IV) decision/judgment-convergence/consensus-justification, (V) descriptive –normative, and finally, if normative, we can distinguish between (VI) feasible-ideal.

3.2.1 Method-product

So, firstly, what is this thing called reflective equilibrium? Is it a method or a product or both? Is it a method aiming at a coherent set of beliefs, or is it the actual state – the equilibrium - of coherent beliefs? In Rawls’ texts it seems to refer to a state of mind, a product, Petersson holds, which is reached after a process ‘of mutual adjustment of principles and considered judgments’\(^{25}\). But, he continues, in the subsequent literature most of the

\(^{23}\) For a systematic overview, see *Reflective Equilibrium*, 1998, pp.1-17

\(^{24}\) Petersson, B., 2000, pp. 23-30

\(^{25}\) *Ibid.*, pp. 24-25. Petersson quotes the following passages to support his statement: ‘This state of affairs I refer to as reflective equilibrium. It is an equilibrium because at last our principles and judgments coincide; and it is reflective since we know to what principles our judgments conform and the premises of their derivation.’ (Rawls, 1999, p. 19) and ‘…one which matches his judgments in reflective equilibrium. As we have seen, this state is one reached after person has weighed various proposed conceptions and he has either revised his...
ethicists refer reflective equilibrium to a method.\textsuperscript{26} And accordingly, if we define reflective equilibrium both as a method and a state it raises several questions in what way they are connected to one another. This is not the place for a profound discussion about the conceptual relationship between the two versions; what matters is the bare awareness of the distinctions and its implication for justification. ‘We cannot say that a RE will give us justification, without deciding what the RE really is’, Petersson rightly states\textsuperscript{27}. This point is important, and therefore I will return to this issue later when addressing the matter of justification.

3.2.2. Personal-interpersonal-impersonal

The second distinction deals with the question to whom the reflective equilibrium refers. Whose beliefs are to be coherent? I am inclined to hold that Rawls’s point of departure is the one-person perspective; the reflective process proceeds within the mind of one thinking, deliberating person. While discussing the several interpretations of reflective equilibrium, Rawls says that ‘…in the second case a person’s sense of justice may or may not undergo a radical shift. Clearly it is the second kind of reflective equilibrium that one is concerned with in moral philosophy’, and in the end of the same discussion he continues: ‘If we can characterize one (educated) person’s sense of justice, we might have a good beginning toward a theory of justice. We may suppose that everyone has in himself the whole form of a moral conception. So for the purposes of this book, the views of the reader and the author are the only ones that count. The opinions of others are used only to clear our own heads.’\textsuperscript{28} Hence, the purpose of \textit{A Theory of Justice} seems to be to present Rawls’s own reflective equilibrium concerning the basic structure of society, and a hope that this equilibrium state will be endorsed by the reader.

But, the impersonal view is also apparent in \textit{A Theory of Justice}, and it has a prior status in Rawls’s theory building than the personal one. In order to reach impartiality and just agreement he introduces an objective hypothetical point of view where the parties are to decide the principles for the distribution of goods in society. Using the device of the original position where these parties are placed behind the veil of ignorance, not knowing their sex,

\begin{flushright}
\textsuperscript{26} As an example Petersson mentions \textit{Reflective Equilibrium} (1998), but it is obvious that Daniels also views reflective equilibrium as a method, and even hints at that this is Rawls approach as well. ‘I shall argue that a version of what John Rawls has called the method of wide reflective equilibrium reveals a greater complexity in the structure of moral theories than the traditional view’ and ‘The method of wide reflective equilibrium is an attempt to produce coherence in a ordered triple sets of beliefs…’, he writes. (Daniels, 1996, p. 21-22)
\textsuperscript{27} Petersson, 2000, p. 27
\textsuperscript{28} Rawls, 1999, pp. 43-44
\end{flushright}
origin, assets and talents, and social abode, they are, according to Rawls, able to make a justified decision. One can say, Rawls’s personal reflective equilibrium is reached and motivated from an impersonal, philosophical view.\textsuperscript{29}

Comparing reflective equilibrium to methods in science is another perspective of the impersonal view. This view is explicated by Daniels while holding

> that wide equilibrium closely resembles scientific practice. Neither in science nor in ethics do we merely “test” our theories against a predetermined, relatively fixed body of data. Rather, we continually reassess and reevaluate both the plausibility and the relevance of this data against theories we are inclined to accept.\textsuperscript{30}

The call for impersonality is in both perspectives motivated due to the apprehensions about biases and partiality in personal reflective equilibria.

The same apprehensions about subjectivism in personal reflective equilibrium entertain Reuzel et al in their article \textit{Interactive Technology Assessment and Wide Reflective Equilibrium}. A personal reflective equilibrium ‘leaves too much room for opportunism and arbitrariness regarding what is included in the set of beliefs’, they hold.\textsuperscript{31} But, according to them, the remedy for this is not the impersonal approach: the remedy is an interpersonal one. ‘A wide reflective equilibrium, therefore, is not only a equilibrium between the three sets of beliefs, but also between people establishing the equilibrium’ and hence: ‘the equilibrium must be inter-subjective’, they emphasize.\textsuperscript{32}

\subsection*{3.2.3 Narrow-net work models-wide}

A third significant distinction deals with the amount of components in the reflective equilibrium. If we settle for the best fit of principles with our considered judgments, the equilibrium is ‘narrow’. But, if we draw on every set of principle that is plausible and if we bring to bear all relevant background theories, the equilibrium is ‘wide’. The concept of wide reflective equilibrium, although apparent in Rawls’s work, is more explicitly developed by Daniels. And the reason is the same: worries about that prejudices and self-interest in (narrow) reflective equilibrium. By adjusting and ‘hooking on’ our considered judgments, not only to principles, but also to all kinds of relevant considerations, this will plausible enhance

\textsuperscript{29} Cf. \textit{Ibid.}, pp. 15-19
\textsuperscript{30} Daniels, 1996, p. 33
\textsuperscript{31} Reuzel et al, 2001, p. 255
\textsuperscript{32} \textit{Ibid.}
the credibility of the judgments in reflective equilibrium. So, ‘the method of wide reflective equilibrium is an attempt to produce coherence in an ordered triple of sets of beliefs held by a particular person, namely, (a) a set of considered moral judgment, (b) a set of moral principles, and (c) a set relevant background theories.’

For instance, in Rawls’s justice of fairness – his theory about the allotment of liberties, and social and economic goods – a number of relevant background theories are used; in particular, a general social theory and a theory of moral development, a theory of persons and of the role of morality in society combined with an ideal of the well-ordered society, Daniels holds.

The network model focuses on the pragmatics of reflective equilibrium, of ‘morally relevant facts’ in a particular situation, in a particular moral case. These facts are features of the situation that can support, or give reasons for, a moral judgment. Our judgments in ordinary life are not only affected by principles and more abstract theories, we also give attention to ‘how things actually are’. The simple example of white lies shows that sometimes morally relevant fact – our own experience of how people react if we are too frank – overrules a principle we usually stick to. These facts are often obvious for those dealing with the moral case from a grass-root level, and, therefore, the experiences of the practitioners are counted as highly relevant, hence, from that the designation ‘network’. Information from empirical research, as well as pure observations can be counted as morally relevant fact; what matters is the truthfulness of the information and its significance for the concrete case. Thus, network model is an expanded version of narrow reflective equilibrium, but not as wide as wide reflective equilibrium; a something-between stressing the importance of empirical facts, context and ‘bottom-up’ perspectives.

3.2.4. Decision/judgment-convergence/consensus-justification

I will now turn to the most crucial issue: namely, what is the purpose of reflective equilibrium? What is it good for? Petersson distinguishes between purposes of

33 Daniels, 1996, p. 22
34 Ibid, pp. 50-51. To show the complexity and wideness of Daniel’s wide reflective equilibrium, the following quotation is illuminating: ‘It is important that we see how diverse the types of beliefs included in wide reflective equilibrium are, as well as the kinds of arguments that may be based on them. They include our beliefs about particular cases; about rules, principles, and virtues and how to apply or act in them; about the right-making properties of actions, policies, and institutions; about the conflict between consequentialist and deontological views; about partiality and impartiality and the moral point of view; about motivation, moral development, strains of moral commitment, and the limits of ethics; about the nature of persons; about the role or function of ethics in our lives; about the implications of game theory, psychology, sociology, and political and economic behaviour; about the way we should reply to moral scepticism and moral disagreement; and about moral justification itself.’ (Ibid, p. 6)
decision/judgment, convergence/consensus, and justification. For a particular person it is obvious that the method of reflective equilibrium will be helpful as a tool for structuring her mental argumentation. The process of discovering, comparing, and mutually adjusting her initial judgments, principles, and other beliefs, thereby considering morally relevant facts, will surely help her to reach a decision concerning a particular moral problem.

But, often, persons, with different opinions, have to agree upon a decision or a judgment – moral is not (only) a private enterprise – and therefore, an interpersonal version of reflective equilibrium aims at convergence or consensus. That is, my own judgments have not only to be adjusted within the system of my own beliefs; they have also to be mutually affected and adjusted by viewpoints held by other persons.

A third purpose is justification. It is the key concept in reflective equilibrium. The matter of justification is the main reason for the emerging of the different versions of reflective equilibrium. These versions are to be seen as answers to questions like: Does the method as such lead to justified outcomes, or is it specific characteristics of the product - the equilibrium - that has justifying force? To what extent is the outcome of one person’s reflective equilibrium justifying? Do we have to draw on other beliefs in other equilibria, in some interpersonal encounter, to judge whether a belief is justified or not? Or do we have to use a more objective, impersonal approach; for instance a supposed justificatory device as Rawls’s original position? Further, is a narrow conception sufficient, or do we have to widen up - involving more beliefs than considered judgments and principles - for the matter of justification? And, finally, how we respond to a decision, or the content of a consensus, depends on whether we regard it as justifying or not. Hence, the matter of justification will leaven all through this thesis.

3.2.5. Descriptive-normative

Already in the introduction I touched upon the distinction between descriptive and normative versions of reflective equilibrium. As mentioned, our ordinary thinking and reasoning resemble the process of reflective equilibrium, and so do discussions and argumentations in which we participate; our rationality (hopefully) forces us to adjust and revise our beliefs for the matter of consistency. But, the method can also have a normative appeal: the one we ought to use, if we are to reach the right decision or a just agreement.

36 In my opinion, there is a slight, but significant, conceptual distinction between convergence and consensus. Both refer to agreement, but consensus refers to a deeper, more comprehensive, kind of agreement. In this thesis I will use ‘agreement’ and ‘consensus’ as interchangeable terms.
3.2.6. Feasible-ideal

Finally, the last distinction in Pettersson’s survey is the one between feasible and ideal normative versions. Much of the present-day development of reflective equilibrium is the result of pragmatics. Both interpersonal and network-models versions aim for feasibility. They are supposed to enrich the method of reflective equilibrium in order to make it applicable to practical situations. Other versions, on the contrary, have an idealistic approach. It is not likely that they can be carried out to the full; rather, their purpose is to be the aim of our striving, thereby pointing out the desirable direction. This is also Rawls’s view. Scanlon rightly emphasizes, when discussing the Rawlsian conception of reflective equilibrium, that ‘this is not a state Rawls believes we are currently in, or likely to reach. It is rather an ideal, the struggle to attain which “continues indefinitely”’. 37

Another aspect of the ideal is apparent in the wide versions, since the ideal of wide reflective equilibrium is to bring to bear all relevant considerations, but we have to limit our ambitions for the matter of workability. Thus, when using reflective equilibrium for normative purposes in pragmatics, the tension between feasibility and justification will be constantly pressing; leaving the pole of ideal will affect the justifying force. To discuss that tension is one of the main issues – and purposes – of this essay.

4. Gathering all viewpoints

In the two preceding chapters I have outlined the concepts of public debate and reflective equilibrium, respectively. The purpose has been to set a common conceptual basis for the following discussions. The aim of the following chapters is to couple these two phenomena in order to enhance the usefulness of public debate for the matter of political decision-making. The main thread we will follow throughout this analysis is the assumed chronological course of a public debate, and for the purpose of concreteness we use the public debate in Malmö. And, as mentioned, for each stage in the public debate my intention is to show, firstly, that the debate actually partly can be described as a reflective equilibrium, and, secondly, examine whether it is possible to structure the debate in line with the same method. Finally, when examining the possibility to apply the method of reflective equilibrium in the different stages,

we will also examine which version of reflective equilibrium is the most appropriate. So, in that sense, one might say that the analysis is three-tiered. Further, during this journey, several critical questions will call for attention – some theoretical and some practical – and my intention is to discuss these questions when they emerge. Hence, sometimes it will look like we are losing the thread, but we will return to the thread where we dropped it.

4.1. Who is to apply the method of reflective equilibrium?

The first question appears already before we start our journey: namely, who is going to apply the method of reflective equilibrium? I will deal with this question by discussing the suggestion offered by Vorstenbosch. He says that

the method of reflective equilibrium is only offered as a method to be used by any participant in the public debate. So there is no logical connection between method and actor. However, considering the elements of the method I would suggest that the method points to a sort of division of labour between three (or four) groups of people. Intuitions are expressed by lay people, in the papers or on radio and television. These intuitions can be made more precise by opinion leaders and spokesman of societal organizations, and they may be corrected by scientists who criticize the facts on which the intuitions are based. By way of these two processes, intuitions can take the character of considered judgments. Ethicists (of different origin and approach) can try to relate these judgments to existing moral principles or try to amend these for new cases, or even suggest completely new principles. Philosophers and scientists with a more general view can suggest background theories of a general scientific (...) character. The upshot of all these contributions, if ideally, is a relatively small number of defensible positions on the issue and an uncovering of the real, ethical and ideological, differences, for political choice. I do not think that the dynamics or the results of this process in which intuitions, principles and theories influence one another could or should be controlled by any particular group of professionals. In this sense, the method is without ‘a subject’. But the method offers at least guidance in evaluating the process and the result to all concerned.38

A reasonable interpretation of this quotation is that the method referred to is an interpersonal one. The method used by ‘any participant’ does not aim for a personal equilibrium for each actor; this process is seen as a collective enterprise from the beginning. Therefore, ‘there is no

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38 Vorstenbosch, 1998, pp. 185-186
logical connection between method and actor’. Further, this collective enterprise will hopefully end up ‘in a relatively small number of defensible positions’, i.e. reflective equilibria, on the subject matter, Vorstenbosch says. That is, out of all the initial intuitions, provided by laymen, and then filtered by different actors to include only considered ones, and finally related to different sets of principles and background theories, it is not likely that we can obtain one interpersonal equilibrium; rather, it is more likely that a number of interpersonal equilibria will emerge. Thus, since a number of persons – or groups of persons - have been involved in this process, ‘the method is without a ‘subject’.’

Provided this is a correct interpretation, I want to make two comments. First, Vorstenbosch’s suggestion in this quotation must be seen as an ideal. There is no guarantee that this ‘division of labour’ actually will come about in a public debate. That is, it is highly unlikely – if at all possible - that the process of seeking reflective equilibrium will proceed spontaneously. Even if public debates partly take the form of a wide reflective equilibrium, seeking wide reflective equilibrium is a highly complex enterprise. Therefore, it is not likely that ‘the upshot of all these contributions’ is a ‘small number of defensible positions’, i.e. some kind of reflective equilibria.

But as an ideal the suggestion have a normative appeal (see 3.2.6 above). Therefore, it seems reasonable that someone has to be responsible for pushing the public debate towards that ideal. That is, someone has to see to it that (all) relevant intuitions are brought forward, and that a reasonable spectrum of opinion leaders and spokesman, scientists, ethicists and other philosophers will contribute. Moreover, as being a coherentist model, seeking reflective equilibrium is a highly rational undertaking. In that sense, the need for a ‘tutor’ is even more urgent; we cannot expect this rational assessment to occur, fully enough, spontaneously.

Someone might oppose that such an attempt to organize and mould the debate would be an inappropriate way of constraining the same debate. I hold that the effect is rather the reverse. Affecting public debates in this way is not to control them; encouraging people to contribute with viewpoints and commenting the rationality of argumentation is not to own the debate, it is to enrich it. Hence, since nobody can control a public debate, the matter of shall is irrelevant.

Second, systematizing public debates is a highly pragmatic enterprise. If public debates are to be a support for political decision-making someone has to assess the views put forward. In that sense, the evaluator makes this assessment – in the spirit of deliberative democracy – at the request of the politicians and, hence, ultimately from the citizens themselves. One might say that public debate evaluates itself, by disclosing all the arguments in the public, but that is
only partly true. In a deliberative democracy the different views are to be assessed on behalf of their own strength, irrespective of who holds them, and irrespective of how many hold the same view. Therefore, there is a need of an impartial observer.

Hence, according to this, I hold that we need an evaluator – or, perhaps, a group of evaluators - who will identify the different positions and, as I will show later on in this thesis, in a Socratic way work out the different equilibria working in a particular debate.

4.2. Initial moral judgments as the point of departure

So, let us now start our journey. In the beginning of the debate several viewpoints concerning the subject matter are presented. (Recall the typical features of public debates as described in chapter two.) Persons introduce their own viewpoints and they respond to viewpoints presented by other participants. How are we to regard these viewpoints in the light of reflective equilibrium? They are, of course, initial moral judgments. That is, both public debates and reflective equilibrium start from the intuitions persons hold on the issue. Moreover, in that sense, both public debates and reflective equilibrium assign an epistemic relevance to person’s initial claims or judgments; both view moral judgments as important constituents in moral reasoning.’ Our moral beliefs about particular cases count in this process. They have justificatory weight’, as Daniels puts it.39 And he continues, when replying to Brandt’s statement that moral judgments have no demonstrable reliability: ‘

If there were a better alternative to appealing to our moral judgment and then criticizing them as much as we can, then we should consider it. We seem to lack, however, a plausible alternative to appealing to some moral judgments. Moreover, if we are to appeal to them, then we should do so in a way that brings the most evidence and critical scrutiny to bear, that is, we should do so by seeking wide reflective equilibrium.40

In that sense, the debate as such bears a strong resemblance to reflective equilibrium: by disclosing my viewpoints and argumentation in the public, I expose my opinion to the critical scrutiny of others. But, what is the reason for appealing to our moral judgments in the first place?

39 Daniels, 1996, p. 2
40 Ibid., pp. 5-6
In answering that we must stress one of the ontological points of departure that constitute the basis for reflective equilibrium: namely, under normal circumstances human beings develop a sense of justice, a moral capacity, which, then, is viewed as a *source* of morality. Or as Rawls puts it: ‘We acquire a skill in judging things to be just and unjust, and in supporting these judgments by reasons’. And further, ‘the person making the judgment is presumed, then, to have the ability, the opportunity, and the desire to reach a correct decision (or at least, not the desire not to).’ This is, of course, not to say that our initial moral judgments directly mirror this moral capacity, this sense of justice; rather, they are to be seen as crude raw material that further has to be worked up.

At this stage, another important question has to be considered. Even if both public debate and reflective equilibrium start from a set of initial moral judgment, is not there a distinction between who hold these judgments? Is not reflective equilibrium primarily an individual enterprise, and now we obviously are talking of a collective set of judgment? Or, expressed in the terms introduced in chapter three: are we dealing with a personal or an interpersonal reflective equilibrium?

Initially, let me clearly state that I view reflective equilibrium as something that each individual has to work out for himself. Accordingly, the initial moral judgments that are to be used as a point of departure are to be held by that individual. But, his statement does not presuppose that these beliefs must have their origin from within that particular individual. In this sense, I fully agree with Vorstenbosch when holding that

Rawls made no ontological commitments as regards beliefs. In a *Theory of Justice*, moral theory is conceived as a propositional system. These propositions can be expressed in statements which individuals can endorse because they believe them to be true. But this is also possible for groups. Groups can endorse propositions as well. Or, rather, groups are identifiable precisely because the individuals that constitute the group, endorse the same beliefs, especially moral beliefs.

Two assertions are to be considered in this quotation. First, when persons are working out what to think concerning a particular issue, they can endorse moral judgments that initially are proposed by others. Individuals are not isolated islands. Our moral views are worked out – at

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41 That is the reason for Rawls to say that *A Theory of Justice* ‘constitutes the most appropriate moral basis for a democratic society’. (Rawls, 1971, p. xviii)
42 Rawls, 1999, p. 41
44 Vorstenbosch, 1998, p. 184
all stages of this process – in interaction with other moral beings. In that sense, the personal enterprise of seeking reflective equilibrium, is also an interpersonal one. Second, out of this it is likely that groups will be moulded, which contain of individuals endorsing the same belief. That is, when seeking reflective equilibrium we sometimes judge as others do, and the main reason for that is that the reasoning of others most often affects the reasoning of my own.

My using of the terms ‘personal’ and ‘interpersonal’ above may seem a bit puzzling. Let me sketch two hypothetical cases of reaching reflective equilibrium, in order to clear out the conceptual difference between these two terms. Let us suppose, in the first case, that two individuals, independent of each other, work out their reflective equilibrium respectively, which turn out to be exactly alike by pure chance. In the second case, two individuals also reach identical equilibria, but after a process of mutual influence; their views are the result of a joint deliberation. In which case are we talking of personal equilibria, and in which are we talking of interpersonal ones?

Firstly, all four reflective equilibria are to be seen as personal ones, since each one of them are worked out and held by a particular individual. Secondly, in my opinion only the two equilibria in the latter case can be regarded as interpersonal ones as well. How come? In the former case there is no coupling between the two equilibria, the working out of each of them is strictly individual undertakings, and the congruity between the two occurred by pure chance. In the second case, on the contrary, the two equilibria have ‘a joint history’; they are the result of interaction between two agents. They are so to speak causally intertwined. Hence, interpersonal equilibrium presupposes interaction between agents. In that sense, all reflective equilibria are to be seen as ‘personal’ ones, but not all are interpersonal. Therefore, in line with this reasoning, the collective character of the initial moral judgments in public debates, does not contradict the individual character of seeking reflective equilibrium.\(^{45}\)

According to reflective equilibrium, the character of these initial moral beliefs will be ‘of all (…) various kinds and levels of generality’.\(^{46}\) Hence, it seems that these initial moral

\(^{45}\) It seems that Daniels embraces this view as well. The first times, when reading his description of the process of seeking wide reflective equilibrium, the formulation puzzled me a bit. He expressively states that what we are dealing with is ‘beliefs held by a particular person’, but the agent - working in this process – sometimes is ‘we’ and sometimes is this particular person. He writes ‘we begin by collecting’ and ‘we then propose’ and so forth, but ‘the moral agent is persuaded’ and ‘the agent working back and forth’. If applying this reasoning, the description is not that puzzling.

\(^{46}\) DePaul, M., 1993, p.16. Depaul gives example of the wideness of initial moral beliefs as follows: ‘Some of this beliefs will concern the rightness or wrongness of particular actions, either actual or hypothetical, and others will concern the evaluation of persons or situations, e.g. the belief that it is good that a friend and her husband have worked out their differences and are reconciled, or the belief that Caligula was wicked. But the inquirer’s moral beliefs need not all be particular. She might have beliefs about certain action types, personality traits, and kinds of things. For example, the inquirer might believe that one ought to keep one’s promises, that honesty is
beliefs are not a separate kind of beliefs, apart from principles and background theories. Rather, some of these judgments may be a part of a set of principles and/or relevant background theories.47

This is also apparent in the Malmö case. Statements like ‘the proposal is good’ or ‘the proposal has to be rejected’ are pure intuitions, reflecting immediate reactions. But, the initial moral judgment ‘one cannot stop families that want to be brought together’48 belongs to a set of moral principles and ‘when people are helpless, families fall to pieces’49 is a kind of empirical statement which could belong to a background theory, for instance a theory about human psychology.50 Furthermore, some statements intend to supply some kind of states of affairs; their intended role are to provide morally relevant facts. Assertions saying that the moving in and the housing shortage in Malmö are great are instances of that category.51 Hence, in our practical undertaking all kinds of beliefs emerge all the time as the public debate proceeds.

Accordingly, the version of reflective equilibrium most appropriate for public debates is the ‘wide’ one, also containing morally relevant facts, which designates ‘network models’. And this wide character of public debates is nothing but logic. Issues that initiate public debates concern new, controversial matters and are, most often, moral by nature. And our opinions, concerning new and morally controversial matters, ‘flow from deep-seated views on life, the nature of person and reality, and what kinds of values are really worthwhile.’52

To sum up: in the initial stage, public debates and reflective equilibrium resemble one another as they both start from people’s initial judgments. Further, the supposed contradiction between the primarily personal character of reflective equilibrium, and the collective character of public debates seem to be exaggerated. An examination of this distinction shows,

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47 In the quotation in note 46 it is apparent that this is the case. For instance, ‘Caligula was wicked’ is a more particular judgment, that eventually will survive and turn out to be ‘a considered moral judgment’ in Daniels ‘set of considered judgments’. (Daniels, 1996, p. 22) That ‘one ought to keep one’s promises’ and ‘two actions sharing all their non-moral characteristics must be evaluated in the same way’ belong to the set of moral principles. And, finally, that ‘honesty is good and goes towards making a person virtuous, is part of a background theory, e.g. a theory about personal moral development.


50 Daniels, 1996, p. 22


that the borderline is not that easy to draw; i.e. an individuals seeking for reflective equilibrium takes place in the context of others doing the same thing. I will return to this issue later. Finally, the character of public debates calls for wide reflective equilibrium, since we have to draw on all our beliefs on different levels in order to form an opinion on the subject matter. With that I mind we now turn to the normative side of this initial stage.

4.3. The normative side of stage one

According to the definition in chapter two, public debates are the ‘public exchange of opinions, arguments, and general ideas about a specific issue … in which everyone, … at least in theory, can participate’. That is, all members of a specific society must have the possibility to contribute with their viewpoints in the public debate. But these statements are not univocal. How are we to understand ‘can participate’ and ‘have the possibility’? Having the possibility is not the same as having a real opportunity.

Since the possibility to participate in the political life, of course, is a matter of fundamental justice, Rawls is deeply concerned with this issue. In ‘justice as fairness’ the political liberties are protected under the first principle of justice regulating the basic structure of society. ‘Each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, and only those liberties, are to be guaranteed their fair value.’ Further, while shortly clarifying the meaning of these principles for a liberal political conception, Rawls continues, three main features are apparent, namely: ‘first, a specification of certain basic rights, liberties, and opportunities, (…) second, an assignment of special priority to those rights, liberties and opportunities, … and third, measures assuring to all citizen adequate all-purpose means to make effective use of their liberties and opportunities.’ And finally, the principles express the egalitarian form of liberalism, defined already in *A Theory of Justice*, in virtue of three specific features, among them: ‘the guarantee of the fair value of the political liberties, so that these are not purely formal’; and further ‘fair (and again not only purely formal) equality of opportunity’, he stresses.

It is obvious that ‘the fair value’ of equal political liberties is not only defined in a negative and passive way: namely, the absence of all obstacles for participating in political activity; but also in a positive and active way: measures are to be taken in order to equalize the actual

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53 Rawls, 1993, p. 5. In the footnote Rawls comments the fact that the formulation of this principle partly differs from that given in *A Theory of Justice*.
54 Ibid., p. 6 (my emphasis)
55 Ibid.
opportunity to participate in political affairs (for instance public debates). As mentioned above, this is, if possible, even more explicit in *A Theory of Justice*, where Rawls also exemplifies these measures. When discussing political justice and the constitution, Rawls outlines the prerequisites for a democratic regime, which he refers to as ‘the principle of (equal) participation’:

If the public forum is to be free and open to all, and in continuous session, everyone should be able to make use of it. All citizens should have the means to be informed about political issues. They should be in a position to assess how proposals affect their well-being and which policies advance their conception of the public goods. Moreover, they should have a fair chance to add alternative proposals to the agenda for political discussion. The liberties protected by the principle of participation lose much of their value whenever those who have greater private means are permitted to control the course of public debate.\(^{56}\)

And, moreover, ‘compensating steps must, then, be taken to preserve the fair value for all of the equal political liberties’, for instance ‘government monies provided on a regular basis to encourage free public discussion.’\(^{57}\)

In this section, Rawls addresses the issue of ‘free public discussion’ to the constitution. Political justices, which Rawls defines as the justice of the constitution, is not only viewing persons as electors, guaranteeing them precepts like one elector one vote, regular and free elections, the liberty to form political associations and so on. Political justice, according to this quotation, stresses the importance that *everyone should* be informed of political issues, *should* be in a position to assess these issues and the proposals concerning them, and they *should have a fair chance* to participate in this political discussion, in the public debate. And further, since this brings forward as a matter of constitutional essentials, it is reasonable that public funds are used for the enforcement of these intentions.\(^{58}\) It is obvious that these requirements are more substantive and go beyond what generally can be seen as freedom of speech. Therefore, in line with Rawls words above I hold, that in an ideal public debate, all

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\(^{56}\) Rawls, 1999, pp. 197-198

\(^{57}\) Ibid., p. 198

\(^{58}\) In one sense, this is already the case in Sweden. The ‘second’ newspaper in a region is entitled to state assistance to new papers in order to provide a variety of viewpoints. The same reason justifies the so-called ‘public-service channels’ in television and radio. These channels – supported by the state, but independent and non-commercial – are to be impartial and give attention to all kinds of viewpoints concerning a specific issue.
thinkable measures are to be taken in order to collect all thinkable viewpoints. In that sense, our impartial observer has to be an impartial searcher as well.

So, what viewpoints, or whose, are not likely to be expressed spontaneously, and may, therefore, actively be looked for? Intuitively, three clusters of reasons are imaginable. First, some people do not want to participate, and that for different reasons. Devoting time for political engagement, at any level, is but one example of human good. As stated by Rawls: ‘the principle of participation … does not define an ideal of citizenship; nor does it lay down a duty requiring all to take an active part in political affairs.’\(^{59}\) So, for clarity, in this sense, addressed to the members of society, it is a matter of rights, not duties.

Secondly, some people do not participate, since they consider it meaningless; an expression of a kind of political alienation. This political tiredness is a result of the experienced distance between the authorities and ‘ordinary people’. Whether this feeling of distance is motivated or not - if the gap actually exists, or not - is irrelevant. What counts, is that this feeling has consequences: namely, the loss of (relevant) viewpoints in public debates. Consequently, on the other hand, if they consider that the public debates actually influence the political decision-making, it is more likely that they will take an active role in this public deliberation.

Finally, a third reason for not participating is the feeling that there actually are insuperable obstacles for participating. Uncertainty about one’s ability, fear for expressing one’s views in the public, and that they shall be scrutinized and turn out to be insufficient substantiated are examples of these obstacles. Whatever the felt obstacle may be, it partly seems to originate in a lack of self-respect, which in Rawls’s terminology is the most important primary good.\(^{60}\)

Self-respect is about a person’s sense of her own value, about that her idea of the good, individually and in society, is worth carrying out. Further, it is about confidence in ability, about the possibility to express – and fulfil – this conception of the good.\(^{61}\) And, Rawls stresses, a person’s self-respect is intimately connected with the equal basic liberties, and ‘is further strengthened and supported by the fair value of the political liberties’ (as defined above). Further, he argues that ‘given this characterization of self-respect, we argue that self-respect depends upon and is encouraged by certain public features of basic social

\(^{59}\) Ibid., p. 200

\(^{60}\) Rawls defines primary goods as ‘things that every rational man is presumed to want’. He distinguishes between social primary goods, such as rights, liberties, opportunities, income, and wealth; and natural primary goods, such as health and vigor, intelligence and imagination. (Rawls, 1999, p. 54)

\(^{61}\) Ibid., pp. 386-387
My conclusion of Rawls’s reasoning is that, if society, through its basic principles for justice - and among them the principle of equal political participation – shows that the opinions of everyone is important, this tends to influence the way we look upon ourselves and others. Therefore, the active gathering of viewpoints for public debates affects these persons’ self-respect and increases their ‘political self-confidence’, thereby taking away one of the main obstacle for their participation in political life.

If we apply this reasoning to the Malmö case, which persons, or groups, are not likely to publicly take part in this debate? Probably those who are most affected by a possible decision: the refugees whose freedom of movement will be reduced. And the reason for that is that many of them belong to the third category above. In their situation, it is not likely that they have the political self-reliance to take an active part in the public debate, although their viewpoints are utterly important. Whether their opinions are publicly expressed or not, is most often in the hands of media, as a result of media’s attempts to illuminate the particular issue from different angles. But, this is not enough. If the intension is to use public debates as a tool for political decision-making, we cannot leave this to media alone. The responsibility for gathering all relevant viewpoints rests on those authorities that also make the political decisions; a right decision calls for a right support.

Before leaving this discussion some further remarks are important. I want to emphasize that the focus here is on the viewpoints, the initial moral judgments. Along with democratic reasons, the reason for encouraging everyone to participate is that more viewpoints will appear and be accessible for all in the public forum; the ambition is to arrange ‘an arena of arguments’ for further political deliberation. And, the more viewpoints playing on that arena, the wider reflective equilibrium we get. And, further, the wider reflective equilibrium we get, the greater justificatory weight it provides. Therefore, when actively seeking relevant viewpoint, it is not only a matter of letting different subgroups or interest groups pleading their cause. Since opinions may diverge even within these groups, a more thoroughly inventory is needed in order to catch all relevant viewpoints. In that sense, our evaluator takes the role of a discoverer.

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62 Rawls, 1993, pp. 318-319
63 For instance, in Sydsvenska Dagbladet 2004-01-16, p. C5, an interview with one of the persons seeking asylum – living in Malmö and receiving subsidies for EBO - is published.
64 The formulation is from Cohen. He says that this conception of the politics ‘may strike us as overly idealized and as underestimating the strategic and competitive side of politics’. (Cohen, 2003, p. 103) I am inclined to agree, but the purpose of an ideal is its normative appeal; it points out the aim for the undertaking at stake. Further, the ‘strategic and competitive side of politics’ will be discussed later (see 5.2. below).
Another question that has to be discussed in this stage is what is to be regarded as a viewpoint relevant to the subject matter at all. Is a single claim enough, or does it have to be supported by a reason, or even; do we request some kind of consistent chain or cluster of reasoning, i.e. a personal equilibrium? In answering that we have to recall what was said previous: namely, the importance of considering all thinkable viewpoint in this process. If the definition is too strong in this initial stage, the risk is apparent that we will miss several viewpoints that later would have turned out to be relevant and valuable to the assessment. Further, as will be obvious later: making an actors view transparent is intertwined with the assessment of the same view; i.e. before we can test the relevance and consistency of a particular view, the different claims and reasons on different levels must become visible. Moreover, we cannot expect all actors having worked out a kind of comprehensive reasoning for the subject matter at this stage; this will be the task for the further assessment. Therefore, in this initial stage, a message providing one single claim – that *seems* to be relevant - is sufficient for being qualified. This is in line with Vedung’s suggestion, which he calls ‘the fundamental principle of participation’.  

5. From initial moral judgments to considered moral judgments

In the previous chapter we discussed the matter or gathering initial moral judgments, and now our purpose is testing them by seeking reflective equilibrium. So, how to proceed? ‘We begin by collecting the person’s initial moral judgments and filter them to include only those of which he is relatively confident and which have been made under conditions conducive to avoiding errors of judgments’ Daniels writes. According to this we first have to collect a particular person’s initial moral judgments about the subject matter, and then we have to ‘filter’ them in order to make them ‘considered’. Accordingly we have to ask: what is *considered* judgments? ‘Considered judgments are simply those rendered under conditions favourable to the exercise of the sense of justice, and therefore in circumstances where the

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65 Vedung, 1982, pp. 38-39  
66 Daniels, 1996, p. 22  
67 One may oppose that what concerns Daniels here is constructing a complete moral theory, not only to seek answers to practical problems. That is correct, but I hold that this distinction is only theoretical. Reflective equilibrium – and especially the wide version, which Daniels addresses here – is an attempt to seek equilibrium between all kinds of beliefs on different levels in the system of beliefs that a person holds. Therefore, those beliefs, that more directly address the subject matter in a particular public debate, have to cohere with this person’s moral theory as a whole. Therefore, using reflective equilibrium for guidance in specific issues and using the method for constructing a moral theory are different aspects of the same process.
more common excuses and explanations for making a mistake do not obtain’, Rawls says.68 Even if reflective equilibrium give attention to our initial moral judgments, not all of them are formed under circumstances, where’ our moral capacities are most likely to be displayed without distortion’, as Rawls puts it.69 These circumstances prevail when a person are (fully) informed in the issue being judged, are calm and not frightened, and does not stand to gain or lose on basis the answer given. Further, the person must have stable confidence in the judgments, i.e. not hesitate about them.70

5.1 The filtering process in public debates

The first thing to examine is whether there actually is a filtering process in public debates. The question is: does the public debate as such disclose those initial moral judgments that do not reflect our moral capacity. As we have seen, in Vorstenbosch’s division of labour, he suggests that ‘intuitions can be made more precise by opinion leaders and spokesman of societal organizations, and they may be corrected of by scientists who criticize the facts on which the intuitions are based. By way of these two processes, intuitions can take the character of considered judgments.’71 Vorstenbosch’s description of an (ideal) public debate takes as its starting point the intuitions expressed by layman in papers and other media. These intuitions are to be seen as initial moral judgments. Then, the filtering process starts when these judgments are ‘made more precise’ by opinion leaders and spokesman of societal organizations. And, finally, the facts, which these refined judgements are based on, are checked by scientists or other experts, and turn out to be considered. Is this likely to happen? Both yes and no, I would say.

It is most likely that these groups will participate in the debate. Opinion leaders, for instance representatives for political parties and interests groups, and spokesman of societal organizations, are frequent contributors to the debate; not least since media asks for their opinions in the first place. That is also obvious in Malmö. Representatives for all the political parties and, for instances, spokesman for immigrant alliances introduced their opinions almost immediately.72 But, the crucial question is, whether their contributions make the judgments more considered.

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68 Rawls, 1999, p. 42
69 Ibid.
71 Vorstenbosch, 1998, p. 185
Let us look at one of the prerequisites for considered judgments, the one calling for impartiality. That is, we have to examine whether the person holding a particular initial judgment stand to gain due to the given judgment. Even if it is likely that representatives for particular groups or organisations more carefully prepare their judgments and make them more precise, there is no guarantee that they are more considered in the sense of being more impartial. Rather, do they not have the very obligation to put forward the opinions that further the interests of their own group or organization? Furthermore, I think the dynamics in debates are difficult to describe in such a chronological way, as suggested by Vorstenbosch. Since public debates deal with new and controversial issues it seems that all participants start from the same position, so to speak. Layman as well as politicians and other spokesman form their opinions in the course of the debate. It is rather the mutual scrutiny in the public that makes the judgments put forward more considered, rather that contributions from particular participants. So, in that sense, highly biased judgments will most likely be disclosed as the debate proceeds.

Before leaving the matter of partiality, one further remark calls for attention. Stating that a particular participant personally will gain from his judgment is not reason enough for dismissing it. A judgment can be perfectly considered and still favour the interest of the holder. What is decisive is whether the reason – in the sense of motive – for the judgment gives ‘an excessive attention to our own interests’. If this obviously is the case, the judgment must be ruled out; it is not considered.

Besides being impartial, considered judgments are to be based on relevant facts about the issue. Vorstenbosch addresses the responsibility for checking the facts to scientists and other experts. In this sense, the similarities between reflective equilibrium and public debates are apparent. Along with opinion leaders and spokesman for societal groups, experts are often invited by media to comment and criticise different viewpoints and the facts they are based on. This is most apparent in talk-shows, but the main forum is the papers. The facts, that have to be examined, are of different kinds. Some deal with some simple state of affairs. For instance in Malmö, several initial judgments, introduced by laymen and representatives of different groups, are based on some presumed facts about the situation in Malmö. Those supporting the proposal hold that Malmö municipality has to take too great responsibility for persons seeking asylum and newly arrived refugees. Accordingly, early in the debate, statistics were presented saying that Malmö, 2002, was on the twenty-sixth place among Swedish

73 Rawls, 1999, p. 42. Note the word ‘excessive’ in this quotation. The adding of ‘excessive’ implies that being just sometimes means to put attention to one’s own interest; being just is also being just to oneself.
municipalities when it comes to reception of person seeking asylum per capita, and on the
tenth place when it comes to newly arrived refugees. Further, since the issue partly deals with
the possibility for individuals – and especially the younger people – to be integrated in the
society, some data concerning this are to be seen as relevant. Facts like ‘less than 10 out of
1100 pupils at Rosengårdsskolan have Swedish as their native language’\textsuperscript{74} are important for
statements concerning these matters.

Being informed also implies that we have the adequate information \textit{about} the specific issue
being discussed: in our case, the controversial proposal in \textit{Välfärd för alla}. A debate, whose
participants have not initiated themselves in the issue or have misunderstood the issue, is, of
course, a pseudo-debate. For instance, some comments on the proposal focused on the
implications for reunion of families, and since ‘reunion of families is a fundamental
principle’\textsuperscript{75} they turned down the proposal. But, if we view this initial judgement in the light
of the proponents statement that the proposal ‘is not intended for the nuclear family’\textsuperscript{76}, the
former seems to be an example of not being informed. The judgment overshoots the target,
since the intension in the proposal is not to hinder families from being brought together.
Further, judgments like ‘it is not right, forcing people to live in specific places’\textsuperscript{77} and ‘we
cannot have prohibition of movement for a particular group of people living in this country’\textsuperscript{78}
does neither seem to criticize the intention in the proposal; the proposal does not contain a
factual prohibition, rather withdrawal of certain subsidies for particular groups if moving to
Malmö.

To sum up: In this section I have shown that the process of filtering the judgment,
endorsing only those ‘which have been made under conditions conducive to avoiding errors of
judgment’\textsuperscript{79}, actually is a part of public debates. Due to the fact that different judgments are
scrutinized and commented by different participants, with their different roles, it seems likely
that some biased judgments and judgments founded on lack of information will be disclosed.

\textsuperscript{74} Lennart Righard, school doctor and refugee doctor in Rosengård, \textit{Sydsvenska Dagbladet}, 2004-01-20, p. C4
\textsuperscript{75} ‘… att återförena familjer är en bärande princip’. (Leader writer in \textit{Ibid.}, 2004-01-15, p. A2)
\textsuperscript{76} Ilmari Repaluu in \textit{Ibid.}, 2004-01-14, p. C1
\textsuperscript{77} ‘… inte rätt att tvinga folk att bo på särskilda ställen’ (Haidar Al-Zibidi in \textit{Ibid.}, 2004-01-16, p. C5)
\textsuperscript{78} ‘Vi kan inte ha flyttförbud för en viss kategori av de människor som bor i landet.’ (Andreas Carlgren, in \textit{Ibid.}
p. C4)
\textsuperscript{79} Daniels, 1996, p. 22
5.2. The role of the evaluator in the filtering process

But if so, what is the role of the evaluator? Firstly, as stated above (see section 4.1), we cannot take for sure that all relevant viewpoints actually are presented. Hence, the role of the evaluator is to encourage all those who are presumed to have important contributions for making the initial judgments considered to participate. In that sense, the evaluator takes upon himself the role of the ‘moderator’ in the debate.

Secondly, several controversies in public debates seem to have their origin, not in virtual disagreements, but in obscurity deriving from the actual formulation of viewpoints. This call for clarity is, of course, a kind of common basis for all kinds of debates, but since there are no defined place for public debates – ‘a public debate seem to have a vague existence in a space created by media’\(^{80}\), as Vorstenbosch puts it – the possibility for the participants to ask questions how to understand a statement or to make elucidations are limited. Hence, an important role for the moderator is to find out the intended meaning of judgments – and, of course, as stressed later on, in a Socratic, dialectic manner - and then throw them back in the debate. Quite naturally, this role of the moderator is called for throughout the course of the debate, and it starts already when the initial viewpoints are at hand. Therefore I will give some attention to the practical matter of clarity of (political) messages. In doing that I will draw on Vedung’s reasoning concerning the second rule in rational assessment: the rule of clarity (see note 3).

The meaning of suggested initial judgments, and their supporting reasons, must – at least to some extent – be elucidated, before they can be scrutinized at all. That is the reason for Vedung to place the rule of clarity before the, one can say, the three rules for testing the epistemological weight of political arguments (see note 3 above). Recall, the purpose of the rule of clarity is to detect the intended meaning of initial moral judgments – with their supporting reasons – before testing their relevance; i.e. before deciding whether they are ‘considered’ or not. In that sense the rule of clarity can be seen as a ‘pre-stage’ before seeking wide reflective equilibrium: we need to clear out the meaning of a judgment before we can judge it considered or not. Even if I think this holds, to some extent, for all practical use of reflective equilibrium, it is especially important in political reasoning: the political discourse, as such, is full of vagueness, ambiguity, hidden assumptions, and deliberately...

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\(^{80}\) Vorstenbosch, 1998, p. 181
Therefore, we need this pre-stage in order to work out a common political language concerning the subject matter.

Let us start with the second subrule under the role of clarity, which addresses the need for clarity of words; ‘words must not be used unclearly’, as the rule states. The main instrument for avoiding obscurity about the meaning of a particular word is definition. Definition is specification of meaning. In order to create a common (political) language in a particular public debate, the participants must – at least approximately – define the words used in the same way. We all know that a lot of controversies are the result of diffusion of meaning of words. This is also the case in the Malmö debate.

In the initial stage of the debate, as already mentioned, one of the main objections to the proposal in *Välörd för alla* was its implications for the matter of reunion of families. As mentioned above, statements like ‘one cannot stop families that want to be brought together’ and ‘reunion of families is a fundamental principle’ was introduced. Since these critical judgments was put forward, even after the proponents’ declaration that the proposal does allow for nuclear families to be brought together, we took this as an example of not being informed of the subject matter. But, the reason might be something else, namely: different persons define the word ‘family’ in different ways. In Sweden, for most people ‘family’ refers to the nuclear family, but in other civilizations the word has an extended reference, also including, for instance, grandparents and cousins. In that sense, the term ‘family’ is vague. This is to say, when describing statements – and, perhaps, this is most apparent when describing political statements – we have to interpret them; i.e. we have to work out their meaning.

Vedung offers a profound discussion on different kinds of interpretations. One of these kinds is systematic interpretation, which offers some remarks that are useful for our purpose. He distinguishes the systematic interpretation from the literal one, the latter only focuses on the actual formulations of a message. The literal interpretation tries to work out the surface meaning, without taking he context into account. It is obvious that this kind of interpretation is not enough for our purposes. Tacit reasons and deeper layers of meaning will escape us. The literal interpretation is of course necessary in all kinds of interpretations, but it has to be complemented, for instance with ‘a systematic interpretation’.

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81 See, for instance, Vedung, 1982, pp. 68ff
82 This difference is obvious between languages as well: the Swedish language have different words for these two phenomena: ‘familj’ och ‘släkt’; in English ‘family’ refers to both.
83 Vedung, 1982, pp. 99ff
The basic idea of systematic interpretation is, that ‘the meaning of a message can be disentangled if it is placed into a larger context or system to which it belongs.’ In order to reveal the correct meaning we have to take the theoretical context into account: words and expressions can have different meanings in different contexts, and accordingly, we have to examine the context of the message. Vedung stresses, that this context may also be cultural. The meaning of the same word or expression may totally differ between two different cultures, just as we saw in the instance above.

If fuzziness is the reason for the confusion in the abovementioned example, it must be referred to unconscious obscurity. But obscurity can also be conscious, in order to attain political advantages. For instance, a person can deliberately misinterpret another participant for this reason. Let me take one example.

In Malmö, judgments like ‘immigrants are a resource, not a problem’ and ‘immigrant are resources that we are to make use of and not treat as cattle’ were introduced. These claims assert that the proposal in Välfärd för alla only views immigrants as problems, and, thus, that the proposal express some kind of hostility of foreigners. Although the proponents replied that this is not the correct interpretation, the accusation was still put forward now and then in the debate. But, on the contrary, does not the proposal point out immigrants as the main problem when it comes to ‘welfare for all’ in Malmö? I think the intended meaning in the proposal is pointed out by Sydsvenska Dagbladet’s columnist Mikael Bergstrand, when saying that the proposal deals with the question what to do ‘that actually gives immigrants a real chance to become resources and not problems’. In the same column he also states that, the risk one takes, when discussing issues like this, is to have one’s own ‘viewpoints and statements clothed in sweeping and unfounded assertions about these viewpoints and statements being hostile to foreigners.’ So, in this case, there were no need for a moderator to expose these deliberative misinterpretations; they where disclosed in the debate as such. Nevertheless, disclosing such strategic argumentation is an important task for the moderator.
This example seems to confirm the assertions brought forward by Vorstenbosch when dealing with the problem of strategic positions in public debates. He says that this strategic nature of arguments – mainly introduced by politicians and representatives of interests groups - most likely will be recognized by the public. He also states that the advantage of public debates is that they provide a wider spectrum of judgments than those offered by politicians and other spokesmen.⁹² Their strategic initial judgments are, so to speak, mixed up with other judgments, and thereby scrutinized in the light of them. That is, when put in juxtaposition to other judgments, the strategic character of some judgments will for certain be obvious. Hence, since they, accordingly, fall for the impartiality criterion they are to be dismissed, i.e. they are not to be seen as considered judgments.

Furthermore, Vorstenbosch holds that the fact is ‘that a public debate often is a sort of melting pot of ideas and that this melting pot is not dominated by clear cut interest.’⁹³ As stated before: since the very origin of public debates most often is a ‘brand-new’ issue, no one, neither politicians nor laymen, have had the opportunity to work out a coherent reasoning concerning the subject matter, in advance. Therefore, ‘often, politicians and interests groups use public debates to see which way the wind blows.’⁹⁴ If so, do not these features of public debates truly resemble the core of reflective equilibrium, namely: that no beliefs are given a privileged status in advance?

Going back to the matter of conscious misinterpretation of viewpoints, this proceeding is directly contrary to the so-called ‘principle of charity’. Since this principle, I hold, constitutes the core – or rather, the foundation – for deliberative democracy, and thereby the ‘attitude’ in public debate (in a normative way!), I will introduce the principle more thoroughly.

Drawing on Scriven, Vedung describes the principle of charity as follows:

The principle of charity is an ethical rule requiring criticism to be generous, fair, or just. We should not take advantage of a mere slip of the tongue or make a big thing out of some irrelevant that was not quite right. Indeed, adherence to this rule of conduct is also sound practical advice since it makes us less vulnerable to counterattack. We should choose that interpretation of an argument that makes it most sensible and forceful; otherwise, a slight reformulation of the argument will nullify our objections. It may be possible to get away with setting up some straw men and winning some easy victories

⁹² Vorstenbosch, 1998, p. 186
⁹³ Ibid.
⁹⁴ Ibid.
In the short run, but for the long term, this is a poor strategy since our criticisms may be refuted by modest changes in the argument being criticized.\textsuperscript{95}

In short, the principle of charity exhorts us to make the best possible interpretation, rather than the worst, when analysing an argumentation. Otherwise, we run the risk of criticising a judgment that no one actually holds. Accordingly, the debate, then, turns out to be a pseudo-debate. And, of course, this applies to all participants in the debate, not least to the evaluator himself. Vedung’s reason for applying this rule is strictly rational: he wants to interpret the message provided by a participant in the best possible way.\textsuperscript{96} I fully agree. In a pure rational assessment, the reason cannot be anything but that. But, placing rational assessment in a wider context, the psychological – or rather, pedagogical reason – for applying this principle, has not to be underestimated. Recalling the spirit of deliberative democracy: encouraging all persons to participate in the public debate - with their varying degrees of self-reliance; it seems that upholding this attitude in public debates is utterly important. Hence, applying the principle of charity in practice will accord with the spirit of deliberative democracy.

To sum up: In this section, the importance of a common and fair interpretation of judgments has been stressed. Even if several obscurities – both unconscious and conscious – will be disclosed in the debate as such, the active role of the evaluator – as an equal participant in the debate - will contribute to clear out the intended meaning of initial moral judgments and test whether the initial moral judgments are considered ones or not.

6. Aiming for an equilibrium point – the mutual adjustment and refining of beliefs

6.1 Justification and the coherency criterion

In the previous chapter I displayed the process of selecting, out of all initial moral judgments, the ones that are considered. Hopefully, the upshot of this process is a number of considered judgments, which are qualified for further testing in wide reflective equilibrium. Since the emerging of all endorsed judgments is an inter-subjective undertaking, different participants hold different sets of judgments (which, of course, can overlap). The next step is the attempt to yield a coherent system of beliefs, out of all the considered judgments a particular person holds. It is highly unlikely that we will obtain one coherent system of beliefs, rather, at this stage we are fully satisfied if the result is ‘a relatively small number of defensible positions on

\textsuperscript{95} Vedung, 1982, p. 106
\textsuperscript{96} Ibid., p. 107
the issue'. The aim is to point out whether a particular person or group are justified in holding that same positions. As we have seen, one purpose of the method of reflective equilibrium, is that of justification. Since justification is a keyword when dealing with this method, before continuing we need to clear out the relation between these two concepts. So, how are we to understand the idea of justification when it comes to reflective equilibrium?

As Scanlon writes, justification can be understood in two different ways:

On the one hand, to claim that a principle or judgment is justified is to say that it is supported by good and sufficient reasons. But we also speak of a person’s being justified in holding a certain view. To claim that he is to claim that he holds that view for reasons that he reasonably takes to be good and sufficient. A person can be justified, in this sense, in accepting a principle (for certain reasons) even though the principle itself is not justified because, say, there are other factors (which he could not be expected to be aware of) that undermine the justificatory force of the considerations he takes to be reasons for it.

At first sight, when reading this, it may seem that we are dealing with two complete different kinds of justification, one subjective and one objective. One may also interpret the difference in the light of the distinction between ‘personal’ and impersonal’ justification. But if we examine Scanlon’s reasoning a bit more in depth, it seems that the borderline between these two kinds of justification is not that easy to draw. Rather than two different categories of justification, it seems that they describe differences in degree of justification. That is, the justificatory weight of a particular view held by a particular person, is a matter of the amount of considerations - or factors, or reasons - taken into account by that person when construing the same view.

This is also, I hold, in line with Daniels reasoning. The reason for introducing the method of wide reflective equilibrium is, according to Daniels, that this version aims at more than just showing that a particular person is justified in holding a particular opinion. And, he continues, ‘if it does, it may permit us to recast and resolve some traditional worries about objectivity in ethics’. That is, whether we judge a moral view subjective or objective is a

97 Vorstenbosch, 1998, p.185
98 Scanlon, 2003, p. 140. Petersson emphasizes this distinction as well, comparing it with the one we make in ordinary reasoning between ‘(1) a person is justified in believing B and (2) the belief B is justified’. (Petersson, 2000, pp. 32-33)
99 Daniels, 1996, p. 41n
100 Ibid., p. 21
matter of wideness of considerations taken into account. The more considerations, the better justification, so to speak. And, accordingly, if enough good and sufficient reasons are taken into account, the view is justified in itself.

But, despite that, I think the distinction is useful, and that for practical reasons. In our assessment of the reasoning in public debate we have to consider the workability of our method. We also have to take the actual features of the debate into account. It is not possible for the participants to embrace, and valuate, all the judgments put forward. What is more reasonable to expect is that a person - or group - can construe some kind of coherent view, containing some considered judgments that this particular person is especially confident of. In Scanlon’s words: ‘A person may be justified in accepting a principle if it accounts for his or her considered judgments in reflective equilibrium and the person has no reason to modify or abandon these judgments.’\textsuperscript{101} That is, there may be reasons for questioning these judgments, but since the person is not aware of these reasons, we have to put them aside for a while and assess the view – with its considered judgments – as such.

So, the aim of this stage of the method is to examine whether a particular person, holding a set of beliefs - or a group, holding approximately the same set of beliefs - is justified in believing the beliefs in question. We presume the beliefs to be considered, and we now continue to seek wide reflective equilibrium by addressing the matter of coherency. Recall Rawls’s assertion that ‘justification rests upon the entire conception and how it fits in and organizes our considered judgments in reflective equilibrium. (…), justification is a matter of support of many considerations, of everything fitting together in one coherent view’.\textsuperscript{102}

As this quotation stresses, one of the core requirements for all kinds of reflective equilibrium is that of coherency between its components. But, as Petersson emphasizes, ‘coherency’ is not univocal. In accordance with common usage, he suggests that ‘a set of entities is coherent if and only if the set is consistent (non-contradictory) and the elements in the set in some way support one another.’\textsuperscript{103} Drawing on Daniels, he continues: ‘Coherence, thus, as Daniels says, involves more than mere logical consistency. That is true. But is also true that it involves logical consistency. And therefore elements in a coherent set must to a least be of such a kind that they can stand in a relation of being logically consistent with one another.’ Sometimes this support is very strong as in entailment relations, and sometimes it is weaker as in inductive relations; in other cases the support is kinds of explanatory relations.

\textsuperscript{101} The Cambridge Companion to Rawls, 2003, p. 140, my italics
\textsuperscript{102} Rawls, 1999, p. 507
\textsuperscript{103} Petersson, 2000, p. 34
he writes. But, when talking of explanatory reasons, we have to be careful, according to Petersson: emotions and feelings – that might explain the cause of a claim or a reason, but in no way can support a claim or reason in a rational way – cannot, without a special theory of emotion, be a part of a reflective equilibrium. He concludes this reasoning by clearly stressing that the relations in a RE are not relations between our thoughts, our beliefs and judgments as mental or psychic entities. As psychic entities they may well have causal relations to each other. But what we are talking about in RE is what we are thinking of in our thoughts, what we are believing or asserting in our beliefs and judgments, etc. It is such “contents” that are relevant here and that are supposed to be in a maximal coherency in a RE.

So, how to reach this coherent system of beliefs? The answer provided by the method of reflective equilibrium is: by mutual adjustment and revision of all kinds of beliefs. ‘In seeking wide reflective equilibrium, we are constantly making plausibility judgments about which of our considered judgments we should revise in light of theoretical considerations at all levels. No one type of considered moral judgments is held immune to revision’, Daniels emphasizes. We will now examine whether this mutual revising actually come about in public debates.

6.2. Revision of considered judgments
I will give two examples in order to show the similarities between public debates and reflective equilibrium concerning this matter. The first example deals with the actual proposal. This proposal is to be seen as a reflective equilibrium in the making, as are all the other views emerging in the debate. The controversial proposals in Väljänd för alla was initially introduced as headings in a short draft supplied to media and presented for the municipal executive board the 13th of January. These headings read as follows: ‘Substantial decrease of immigration to Malmö (only intended for newly arrived persons with introduction subsidies)’ and EBO – taking up Malmö as residence with preserved subsidies shall not be

\[104\] Ibid., pp. 34-35. Petersson here quotes the following statement of Daniels: ‘Coherence involves more than mere logical consistency. As in science, for example, we often rely on inference to the best explanation and arguments about plausibility and simplicity to support some of our beliefs in light of others.’ (Daniels, 1996, p. 2)

\[105\] Ibid., pp. 35-36

\[106\] Daniels, 1996, p. 28
possible’. Two weeks later the limitation ‘except for husband, wife and children’, concerning both of the initial proposals, was added. How come?

As we know, a lot of critique concerning the proposal addressed the matter of reunion of families. The importance of letting families being brought together was put forward as a fundamental principle in the following debate. And, it is obvious that an implementation of the proposals in Välfärd för alla, would violate this principle. Even if the proposal does not contain an actual prohibition, the proposal would highly complicate the application of this principle. So, how to solve this problem? Let us try to reconstruct the supposed reasoning in this case. Firstly, according to the method of reflective equilibrium, the agents – those putting out the proposal - has to judge whether these two beliefs are considered judgments. Let us suppose that they do. Secondly, the agent has to decide in what way the beliefs have to be adjusted in order to make them compatible. Of course, dismissing one of the beliefs is still a possibility, but due to the formulation in the latter version of the proposal this alternative was rejected. Rather, it seems that they adjusted both the beliefs. The proposal was limited in the sense that it did no longer include husband, wife and children. But the principle was adjusted as well; at least one version of it: namely, the one giving a wider definition of the term ‘family’ (se 4.1.above). The formulation, which defines ‘family’ as equal to ‘nuclear family’ is a adjustment of the more generous meaning in the original formulation. All told, the initial contradiction between these two beliefs is solved thanks to mutual adjustment.

The second example deals with the position held from governmental quarters, for instance, the statements provided by the minister of immigration. The immediate response from her was a rejection of the proposal: ‘Taking away subsidies or prohibiting people from taking residence in some municipalities (...) is absolutely the wrong way to go’, the minister of immigration said. But, on the contrary, she also says that this does not hold for the EBO subsidy. A week later, this opinion is supported by the secretary general of the Social Democratic Party. ‘The EBO subsidy favour persons who choose solutions, which quite often are bad solutions’, he says. In the same article, he also says that this opinion is comprised by many of the members in the party. These statements indicate that the conditions in Malmö – expressively put forward as supporting reasons for the proposal in Välfärd för alla – actually has adjusted the principle that states equal freedom of movement for all. These

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107 Välfärd för alla, 2004-01-26, p. 8
conditions in Malmö\textsuperscript{110} are to be seen as morally relevant facts, and this example shows that these considered nonmoral judgments actually affects other parts of the belief system held by a person or a group.

6.3. The evaluator as a Socratic mediator between beliefs

Before continuing, looking at the role of the evaluator at this stage of the public debate, we have to deal with one fundamental question: What is actually being done in this third stage of the process, i.e. what is the task for the evaluator at this stage?? Is he or she working out views – initially, perhaps, only dealing with one single claim – aiming for wide reflective equilibrium? Or, is the evaluator just trying to describe the different views, held by different participants? And, moreover, when does the assessment take part?

When Scanlon discusses reflective equilibrium and the matter of justification, he distinguishes between, what he calls, the descriptive and the deliberative interpretations of the method of reflective equilibrium, and concludes:

What I have been calling the descriptive and the deliberative interpretations of the method of reflective equilibrium are thus not alternatives that are on a par with one another. The deliberative version of the method is primary. Even if our aims in employing the method of reflective equilibrium are understood as descriptive, in order for the method to be carried out, someone – the person whose considered judgments are in question – must be trying to decide what to believe.\textsuperscript{111}

And furthermore, ‘it is by pursuing this method that we can best determine whether and how our moral views can be seen as forming a systematic way of reasoning about what to do’, and ‘it is only after we have, by using this method, formed a clearer view of morality, as we can best understand it, is like that we can address the question of the reasons we have for taking it seriously’, Scanlon writes.\textsuperscript{112}

In this quotation, he discusses the deliberative, as well as the describing and assessing – whether we have reasons for taking the worked out and portrayed view seriously - aspects of the method of reflective equilibrium. And, the conclusion is that these aspects are parts of the same process.

\textsuperscript{110} The reasons put forward by Malmö labour union is cited in the same article: ‘Many of the newly arrived refugees are judged to long-term unemployment, social isolation and defective housing.’ \textit{Ibid.}

\textsuperscript{111} Scanlon, 2003, pp. 147-148

\textsuperscript{112} \textit{Ibid.}
That is, when we try to assess a scheme of reasoning – which is the aim of this stage – we have to describe this scheme first, otherwise we have nothing to assess. But since it is not likely that so many of the participants, if any, have worked out their views – for instance, in order to make them coherent - each individual must be given the possibility to carry out their reflective equilibrium for themselves, before we can describe it. Furthermore, it is also obvious that a kind of evaluation is working already during the ‘carrying-out-phase’: i.e. the act of adjusting and revising beliefs when seeking reflective equilibrium clearly involves evaluation. The reason for not dismissing, adjusting, or revising a particular judgment is because it is judged more considered then other beliefs. Hence, it seems that these aspects not only are part of the same process, they are also partly intertwined.

This is even more obvious in Vedung’s reasoning, where it is obvious that these three undertakings have to work at the same time in the rational assessment. When dealing with the matter of describing political messages, he emphasizes that there often are ‘shortcomings in the discourse. (…) Consequently, we must initiate a validity test while we are still trying to identify which arguments we are going to study’.\(^{113}\) This is in line with the reasoning above and points to the next question to be asked, namely: how, and by whom, is this identifying of the argumentation to be carried through? Vedung refers this question to a matter of interpretation and stresses a specific attitude in this interpretation. He introduces a particular kind of systematic interpretation, which he calls ameliorative systematic interpretation, which aims for uncovering ‘the basis for eliminating inconsistencies in the message’.\(^{114}\) That is, if it is possible to interpret a message in two ways, we chose the one that is most consistent. This reasoning – or attitude - is particularly relevant for the purpose of this thesis. Drawing on Popper, Vedung says that this interpretation takes the belief system as a whole as a point of departure when interpreting parts in the same system. And, moreover, it even allows for adding reasons, which initially was not offered by the actor.\(^{115}\) One may ask if this is not to go beyond what could be regarded as a reasonable interpretation of a view. Vedung’s answer to that supposed question is that ‘the criterion of whether an interpretation is reasonable is still whether the participant whose viewpoints is being assessed could accept the interpretation if he were given the chance to familiarize himself with it and think it through.’\(^{116}\) Hence, the working out of the reasoning supporting a particular viewpoint seems to be a co-operation between the interpreter and the one holding the opinion.

\(^{113}\) Vedung, 1982, p. 125
\(^{114}\) Ibid.
\(^{115}\) Ibid., p. 105
\(^{116}\) Ibid., p. 107
Moreover, the principle point of departure for Vedung – and Popper as well – seems to be a tolerant attitude towards the one presenting a reasoning; the attitude assuming the view being interpreted as being consistent. ‘And this assumption of consistency becomes a justification for dispelling, wherever possible, contradictions between different parts of the message’, he writes. But even so, by doing this adding and dispelling, are we not then, at least partly, construing and evaluating, and not only trying to describe, a particular message? Thus, when seeking reflective equilibrium (or pursuing rational assessment) these three aspects – the deliberative, descriptive, and assessing aspects - of the process mutually presuppose and constrain one another; they are parts of the same process. Or as Vedung puts it: ‘it is impossible to erect a watertight bulkhead between the description and the rational assessment of political messages. A rational assessment must be executed just as the arguments are being described, not after the description is finished.’

The conclusion of the reasoning above puts the focus on the evaluator. Seeking reflective equilibrium – as well as carrying through rational assessment – is a highly complex matter. I hold that the need for a ‘tutor’, trying to work out the views operating in the public debate, is most urgent in this stage. If the aim of our undertaking is, firstly, to make the public debates more democratic in a deliberative way, and, secondly, to make the same debate more transparent and comprehensible, we need a supposed ‘impartial intervener’. The role of this intervener is not to constrain or affect the content, or the direction, of the debate. Rather, the task deals with the discourse as such. The dispelling of obscurity and the pointing at inconsistencies in the reasoning chains, is in line with that intention. And since the actors in the debate own their own opinions and argumentation, the evaluator must work in a Socratic manner. That is, his or her role is, according to the ameliorative systematic interpretation, to help the actors to work out their own views. The intention is to work ‘backwards’, starting from the expressed judgments, and then analysing the prerequisites on which these judgments rest. In this sense the method has a heuristic purpose, aiming for revealing the inherent principles and theories, and make them open for scrutiny and, if needed, revision. It is significant that Rawls, when discussing the interaction between considered judgments and principles, explicitly says that moral philosophy in this sense is Socratic.

117 Vedung, 1982, p. 125
119 Rawls, 1979, p. 49
Therefore, what we have to do now is to examine how our evaluator can test the coherency between the different levels of considered judgments in the different views that these judgments are part of. And, coherency, as defined above, is a matter of consistency and support.

Since two of Vedung’s rules for rational assessment actually deal with these matters we now turn to the applying of these rules (see note 3 above) The first one calls for claims to be supported by reasons. Since, according to the fundamental principle of participation, single claims are sufficient in the initial stage, we now have to examine whether these claims are supported by reasons or not.

It is not a coincidence that the rule of support is the first one in Vedung’s rational assessment. The fact that claims must be supported by reasons is a minimum requisite for any rational reasoning; it is a kind of watershed deciding whether we are dealing with a reasoning at all. If no reason for the claim can be presented, i.e. there is no relationship at all between a particular considered judgment and the belief system as a whole, it is useless to apply further standards for rational reasoning; and accordingly, we can judge the claim as not valid and dismiss it. Even if judgments in general – and considered judgments in particular – have an initial credibility, this credibility is further scrutinized in the process of seeking wide reflective equilibrium. Scanlon rightly stresses Rawls’s remark that the point of departure for reflective equilibrium is considered judgments with their supporting reasons. In that sense particular judgments, about what to think concerning a specific case, differ from, for instance, pure observations, he writes. As empirical observations they are to be considered reliable without telling why we consider them reliable. But this is very seldom the case when it comes to judgments. And, he continues, ‘asking for and giving reasons for such judgments brings out an important aspect of what it is for them to be judgments. It is their status as judgments that make them open to revision as the “Socratic” process of seeking reflective equilibrium proceed’. This ‘asking for’ – and sometimes ‘giving reasons for’ - is exactly the task of the evaluator at this stage of the evaluation process. It is neither unreasonably nor unusual that persons hold judgments – and ones that persons feel confident of – without having thought of the reasons. The reasons are there, so to speak, but have not yet been expressed. Therefore,
they must be given the possibility to uncover these tacit reasons in order to deliberate upon and construe some basic lines of reasoning.

As Vedung writes, the motives for leaving reasons tacit can be that the reasons, for instance, are too obvious to be expressed – everyone understands that they exists – or the reasons are excluded because they are controversial.\textsuperscript{124} Considering the first case, dismissing claims - which we on good grounds regard as supported by tacit, superfluous reasons - for lacking supporting reasons, would not be in accordance with the charity principle. For instance, in the Malmö case the claim ‘it is wrong making a distinction between people’ was put forward.\textsuperscript{125} Even if no reason is presented to support this claim, we have good grounds for believing that there are reasons lying behind, but since they are too obvious, they are not explicitly expressed. Supporting them by reference to the equal value of all human beings and their equal rights, are by these participants seen as superfluous, we can assume. Yet, this claim, with its tacit lines of reasoning, can be useful in the further assessment.

But the motive for not expressing reasons, may be something else: namely, the actor know that they are controversial. The same day Välfdärf för alla was presented, Sten Andersson, a member of the municipal council in Malmö, in a press release applauds the burning proposals. ‘It is good, but it is suggested far to late. But even so, welcome to reality’, he claims.\textsuperscript{126} No reason was offered, at least not in the reports in the newspapers.\textsuperscript{127} What makes us believe that these reasons are excluded for being controversial? Since Andersson represents Sverigedemokraterna, a right-populist party, we can, for good reasons, assume that his reasons for supporting the suggestion differ from the ones held by the proponents of the proposal. These ‘good reasons’ is a result of what Vedung calls an ‘intentionalist interpretation’. The aim for this method is to discover what an actor intends to say with his or her message.\textsuperscript{128} Even if this approach seems to change attention from the message till the actor, the focus is still on the content of the reasoning. The overall aim is to reveal the intended meaning of the judgment with its supporting reasons; the aim is still to examine whether we are dealing with an initial reasoning that is qualified for further deliberation, description, and assessment.\textsuperscript{129}

\textsuperscript{124} Vedung, 1982, pp. 125-126
\textsuperscript{125} ’Det är fel att göra skillnad på folk.’ Eva Olsson in Göteborgs-posten, 2004-01-15, p. 10
\textsuperscript{127} The statement was also reported in Dagens Nyheter, 2004-01-15
\textsuperscript{128} Vedung, 1982, pp. 108ff, 117
\textsuperscript{129} The distinction between what Vedung calls intentionalist interpretation and intentionalist explanation is ‘extremely significant’, as Vedung puts it. In Vedung’s words, the aim of the intentionalist interpretation – as part of a content-oriented analysis – is to ‘cast light on the intended meaning of claims’ and ‘focuses, in other
But showing that all considered judgments in a set of beliefs are supported by one reason is not to say we have a coherent system. Vedung’s two subrules to the rule of consistency read that, inferences from reasons to claims should be derived in a logically valid way, and that claims should be consistent with other claims and reasons with other reasons. That is, all claims and reasons must cohere on different levels; they must form chains or clusters of reasoning.

When analysing an actual debate as the one in Malmö it is quite obvious that the different participant’s more comprehensive views, these chains or clusters of reasoning, is not likely to appear in the public. Most often only fragments of these views are presented. Participants that are given the possibility to display their views more in depths are often politicians, representatives of different interest groups, and experts of different kinds. Even if public debates – in a wide definition - not only exists in media, the public feature of this debate seems to be controlled by these groups of participants. The fact, that most of the examples of judgments I draw on are ones expressed by politicians, seems to confirm that apprehension. And, this is the case in the following examples as well. They are mostly derived from the opinions of ‘public persons’. Moreover, since even their views are incompletely introduced, in the following I partly have to reconstruct their supposed argumentation for the purpose of showing the complexity of reasoning and possible inconsistencies.

Let us start with the proposal itself. Which arguments are put forward to support the proposal? We start with the following three:

1. Malmö cannot provide jobs enough.
2. Malmö has not enough resources for providing sufficient standards of housing and schooling. It is even questionable if Malmö, in this sense, fulfils the intentions in the UN Children Convention.
3. Malmö is segregated.\(^{130}\)

*words, on *what* is said*. Furthermore, ‘attention is focused primarily on the content of various reasons and how they justify the conclusion’. In intentionalist explanation, on the contrary, ‘interest is directed toward the fact *that* something is said or *expressed* by some actor’. And, accordingly, ‘the reasons, in the case of intentionalist explanation, are never interesting per se, but only to the extent they can be grounds for inferring the actor’s motives. (Vedung, 1982, p.113)

According to this, one elucidation is important to make. If the claim, offered by Andersson, is dismissed, the reasons for that are not grounded on some supposed idea about Andersson and his views. The aim for the intentionalist interpretation is to examine whether there are any reasons *at all*, and if there are any, which these reasons are.

\(^{130}\) See for instance Ilmar Repaluu’s article in *Sydsvenska Dagbladet*, 2004-01-23, pp. B2-B3
(1) deals with the matter of to what extent it is possible to get a job in Malmö. Since experience show that immigrants moving to Malmö have great difficulties to enter the labour market the continuing arriving of immigrants will increase the problems of unemployment and dependence of subsidies. (2) is about how Malmö can meet the requirement of sufficient quality in welfare fundamentals as housing and schooling. For instance, since children, belonging to newly arrived immigrant families, need more resources when it comes to schooling, Malmö has difficulties to fulfil the demands of sufficient standards concerning schooling. (3) differs from (1) and (2) concerning the valuation of how good and bad the assertions in this judgments are in themselves, so to speak. If (1) and (2) are true, everyone would agree that this is not good. In that sense, they do no not need further reasons. (Of course, since they are empirical judgments, they need to be supported by reports, showing that this actually is the case). (3), on the contrary, is not obvious to all in that sense. Even if there seems to be consensus - at least from official quarters - concerning the importance of integration of immigrants, the ‘badness’ of segregation has to be supported by other considered judgments. These judgments could belong to a background theory providing an idea of an ideal society, or empirical judgments concerning the stability of the (ideal) society. (2) and (3) are also partly intertwined. The shortage of habitation forces immigrants to share apartments with relatives or fellow countrymen, and this further the segregation. The segregation, on its part, affects the possibility to provide sufficient quality when it comes to schooling, for instance the possibility to learn Swedish.

We then introduce two other judgments put forward in the debate:

(4) The proposal does not include immigrants with jobs.\(^\text{131}\)

(5) Unemployed immigrants are not more unemployed than others without jobs.\(^\text{132}\)

(4) is expressed by the proponents, (5) by one of those rejecting it. Despite that, it is highly probable, that both the judgments would be endorsed by the proposers, since (5) can be seen as a particular judgment deriving from the principle ‘it is wrong, making a distinction between people’. We now put the question: are (4) and (5) consistent with (1), (2) and (3)? To begin, (4) is, of course, consistent with (1). But (4) does not seem to ‘fit’ with (2) and (3). (2) and (3) hold, so to speak, even for immigrants with jobs. So in that sense, (4) is inconsistent with (2)

\(^\text{131}\) Torbjörn Lindquist i Sydsvenska dagbladet, 2004-01-14, p. C1

\(^\text{132}\) ‘Arbetslösa invandrare är inte mer arbetslösa än andra som saknar arbete’, Andreas Carlgren i ibid. 17/1 p. C4
and (3). So, what about (5)? If we combine (1) and (5) with the fact that the proposal points out one specific group of unemployed, we apparently have a contradiction. One may oppose that this contradiction might diminish in the light of other arguments in the reasoning, and I am inclined to agree. But, my intention with this reconstruction is not to show the inconsistency of a particular view in the burning question in Malmö. What I want to show is, that an exposition of (all) the beliefs in a supposed coherent view puts some questions and demands some answers. That is, the coherency criterion in reflective equilibrium – and rational assessment – for certain settles some standards for the reasoning, which the public debate constitutes. It stresses the importance for everyone – all participants – to clear one’s own mind concerning the subject matter.

In conclusion, political discussions – in any context and at any level – are often highly complex and complicated. Therefore, the aim of content-based analysis in Vedung’s form is to reveal the complexity of this discourse in order to disclose what actually separates and unites the different views put forward, and to make us discuss the same thing in the same language. And that is the aim for the search for wide reflective equilibrium as well, since ‘wide reflective equilibrium may reveal a more systematic, if complex, structure of these sources of disagreements, and, just as important, to sources of agreement as well, as Daniels writes.\(^{133}\) And the matter of agreement is the topic for the next chapter.

### 7. Towards an inter-subjective\(^{134}\) equilibrium

In the previous chapters I have outlined the process of applying the method of wide reflective equilibrium during the course of public debates: from the initial gathering of initial judgments, over the stage of filtering the same judgments in order to identify the considered ones, and then finally by testing the coherency between these ‘surviving’ judgments. Hopefully, the result of this undertaking is a number of considered views concerning the matter at issue. We have seen that this is what Vorstenbosch hopes for as well (see 3.0. above). But, are we satisfied with this result? Scanlon states the crucial question that we have to consider at this stage of our undertaking. He writes:

\(^{133}\) Daniels, 1996, p. 24

\(^{134}\) Since Reuzel et al use the term ‘inter-subjective’ in their article I will use ‘inter-subjective’ instead of ‘interpersonal’ in this chapter as well. However, the meaning of the two terms is the same.
Suppose I have carried through the process Rawls describes and found principles that are in reflective equilibrium with my considered judgments. It could still be claimed, not implausibly, that some other person who are equally well-informed might carry through the process just as conscientiously and reach a different result. *Is the defender of reflective equilibrium not then committed to the claim that the incompatible sets of principles we have reached are both justified?*\(^{135}\)

This is the question that we have to face in this chapter. And since our ambition is higher than just settle for a number of defensible positions as the upshot of a public debate, we have to examine the possibilities for further scrutiny of these positions.

So what thinkable possibilities do we have for this seeking of additional agreement? A useful help for this venture is to examine Rawls’s discussion concerning the same matter. One might say that Rawls run into the same problem concerning the public justification of ‘justice as fairness’, his theory about principles of justice for the basic structure of society. The source of this problem was the ‘unrealistic idea of a well-ordered society as it appears in *Theory.*\(^ {136}\)

This idea presupposes, namely, that all persons in this particular society endorse the same, by using the term introduced by Rawls, comprehensive doctrine. And this is the focus of the problem Rawls addresses in *Political Liberalism*, namely:

A modern society is characterized not simply by a pluralism of comprehensive religious, philosophical, and moral doctrines but by a pluralism of incompatible yet reasonable comprehensive doctrines. No one of these doctrines is affirmed by citizens generally. Nor should one expect that in the foreseeable future one of them, or some other reasonable doctrine, will ever be affirmed by all, or nearly all, citizens. Political liberalism assumes that, for political purposes, a plurality of reasonable yet incompatible comprehensive doctrines is the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime.\(^ {137}\)

What Rawls says in this section is that we cannot expect people in a democracy to work out the same comprehensive doctrine, i.e. the same wide reflective equilibria, for the support of a particular view. And further, Rawls writes, this fact is also compatible with the spirit in the conception of justice as fairness *as such*. Since the fundamental principle in this theory

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\(^{135}\) Scanlon, 2003, p. 152

\(^{136}\) Rawls, 1993, p. xviii

\(^{137}\) *Ibid.*
guarantees the freedom of thought and speech for all, the natural outcome of the exercise of this fundamental principle is a plurality of comprehensive views. And accordingly, this empirical fact affects the possibility of agreement – or consensus – concerning a particular issue. The conclusion of Rawls’s reasoning in this section is that it is not likely that persons will agree concerning the matter in question if this agreement presupposes that they shall affirm the same comprehensive doctrine. Does not this resemble – one might say on another level – the problem we are faced with in this chapter? In the previous chapter we reached the same conclusion as well when analysing the system of arguments supporting the particular judgments in our case in Malmö: namely that the presumed upshot of this undertaking was a number of reasonable comprehensive views. So, considering this, the more precise formulation of the matter for examination in this chapter is: how can we reach agreement concerning a specific issue between persons holding different – and sometimes incompatible – comprehensive views?

In answering that I will examine three possibilities. The first one is the method of compromising, trying to reach a state of modus vivendi which all the different ‘representatives’ of the different comprehensive views could endorse. The second one is Rawls’s idea of overlapping consensus. This method aims for consensus for ‘the right reasons’, not only as a result of a necessary evil, so to speak. And, finally, I will examine the possibility of further inter-subjective interaction between the comprehensive views working in the public debate. This third approach derives from the ideas suggested by Reuzel et al for the matter of technological assessment.

7.1. Agreement on a compromise – the modus vivendi approach

Rawls discusses the matter of modus vivendi in Political Liberalism. In order to outline the concept Rawls takes the model case of a treaty between two states which national interests put them at odds.\(^\text{138}\) Both states accept the treaty because it is the result of a negotiation, in which both states have realised that they cannot pursue their own interest to the full. Therefore, the best possible outcome is a compromise, which is acceptable to both states since both realise that, under the prevailing circumstances, all other alternatives are even worse, for instance endless struggles and even warfare. In that sense, adherence to the treaty is in the interest of both states. But, Rawls continues, ‘A similar background is present when we think of social consensus founded on self- or group interests, or on the outcome of political bargaining:

\(^{138}\) Rawls, 1993, p. 147
social unity is only apparent, as its stability is contingent on circumstances remaining such as not upset the fortunate convergence of interests\(^{139}\).

If we apply the idea of modus vivendi to our debate in Malmö the reasoning would be as follows: Since different participants have reached different conclusions - although they have used the same method of seeking wide reflective equilibrium in order to reach this particular conclusion – they all realize that an agreement, if any, will be a compromise. This agreement is to be seen as an equilibrium point where all participants have yielded equally. And the reason for adhering to this very compromise is that each of the participants, respectively, realizes that this mutual yielding actually is the case. In that sense they all consider the compromise as reasonable.

Now we have to address the question whether this way of reaching agreement is in line with the method of reflective equilibrium. My answer is that I do not think it is. And that mainly for two reasons. Firstly, the concept ‘compromise’ as such, implies that this viewpoint is not in line with my reasoning, i.e. this is not my opinion, really. That is – when using the nomenclature of reflective equilibrium – this opinion does not cohere with the rest of my considered judgments in wide reflective equilibrium. The particular judgment, which constitutes the compromise, does not fit, so to speak. Moreover, this fact affects the matter of justification for the same judgment since the justification weight of a particular judgment partly depends on to what extent it coheres within the system of belief as a whole. That is the more obvious since we realize that the conclusion must be that the content of the compromise is not supported by any reasons in my belief system. And since all participants have yielded in the same way, this holds for all the participants in the public debate. Therefore, the compromise is not justified from any point of view.

Secondly, a modus vivendi approach is not stable. Since the content of a compromise is to be seen as the equilibrium point between the competing views, the position of this point is dependent of the relative strength of the compromising views, respectively. If the relative force between the competing views would change, this would for sure affect the content of the compromise: proponents of a view, which has gained increased support, would most likely take the opportunity to pursue their aims at the expense of the others.\(^{140}\) And this consequence highlights another feature of modus vivendi that is at odds with the core of reflective equilibrium: the focus shifts from the views to the proponents of the same views. Reflective

\(^{139}\) Ibid.

\(^{140}\) Rawls, 1993, p. 147-149. Rawls’s main reason for introducing the idea of an overlapping consensus is that of stability.
equilibrium deals with the justification force of judgments irrespectively of who holds them, i.e. they shall be assessed at the basis of their own merits. Neither the number of proponents nor factors originating from them – such as rhetorical skill or use of language of power-should affect the assessment of a particular view. Hence, the conclusion must be that agreement based on compromise and modus vivendi is not in line with the spirit of reflective equilibrium.

Someone might oppose, saying that this conclusion does not accord with his or her considered judgment concerning ‘compromising’. The openness for compromising we often regard as something positive, an attitude that facilitates – and sometimes is necessary for - coexistence between people holding different opinions. When saying so, we often regard compromising as an acceptable solution when seeing no other alternative. And I am inclined to agree. But, when holding that, we are making this judgment from a meta-level. That is, this is not a judgment, which we can incorporate into our belief system and test along with all other considered judgments in our reflective equilibrium. Compromising is a solution that we have to use – for instance in politics - when we have tried to reached some kind of consensus, but yet have not succeeded; that is the solution we have to stick to when all other solutions are exhausted.

7.2. The search for overlapping consensus
In *A Theory of Justice* Rawls is concerned with the political conception of justice for the basic structure of society. When Rawls realized that people, in a liberal democracy, most likely would develop and endorse different comprehensive doctrines – different wide reflective equilibria – he had to face the question: how is it possible to ‘to work out a conception of political justice for a constitutional democratic regime that the plurality of reasonable doctrines – always a feature of the culture of a free democratic regime-might endorse’\(^{141}\)? His answer – presented in *Political Liberalism* – is to introduce the idea of ‘an overlapping consensus’.

The main idea of overlapping consensus is that, although persons affirm to different doctrines, it is possible to find a political conception that every reasonable doctrine could endorse; i.e. it is possible to find a common ‘area’ concerning the political conception where these doctrines overlap. In that sense, this overlapping consensus is justified for the right reasons. That is, it is justified from the different point of views of the comprehensive

doctrines, respectively. ‘Ultimately, people are justified in accepting justice as fairness if it is acceptable to them in the different wide reflective equilibrium they can achieve’, Daniels writes when describing the same matter.\textsuperscript{142} And this makes clear the borderline between an overlapping consensus and a compromise: the former is justified from within the different comprehensive views, the latter is not, as shown above (see 6.1.). Further, if all (reasonable)\textsuperscript{143} person in society, in that way, endorse the content of the overlapping consensus it is to be seen as publicly justified. Or as Rawls puts it: ‘Public justification happens when all the reasonable members of political society carry out a justification of the shared political conception by embedding it in their several reasonable comprehensive views.’\textsuperscript{144}

Is it possible to apply this reasoning for the purpose of trying to reach agreement in public debates? I think it does, although I think, also, that Rawls’s idea of an overlapping consensus mainly is to be used for the matter of consensus concerning a political conception.\textsuperscript{145} However, I will use the core idea of overlapping consensus in order to examine whether it is useful for he purpose of this thesis.

When applied to public debate I will use the concept of overlapping consensus in the following way: Suppose that we have managed to identify a number of defensible views concerning the subject matter. When comparing these views with one another, hopefully, several overlaps appear. One can say that these overlaps constitute what is agreed upon between the participants. The content of these overlaps can be of several kinds. Firstly, when taking our case in Malmö as an example, the comparison may show that there is an agreement concerning the goals. Even if there, apparently, are disagreement concerning the methods for dealing with ‘the problem’ of segregation of immigrants, there seems to be an overlapping consensus concerning how to regard segregation as such: namely, the ‘badness’ of segregation and the need for assimilation and integration when it comes to immigrants. Secondly, the participants may agree upon some morally relevant facts. Since the proponents of the proposal

\textsuperscript{142} Daniels, 1996, p. 149

\textsuperscript{143} ‘The reasonableness’ of citizens (and their) views is a key concept in Rawls’s Political Liberalism.’ The reasonableness’ is seen as a basis for any democratic society. Rawls writes that ‘Citizens are reasonable when, viewing one another as free and equal in a system of social cooperation over generations, they are prepared to offer one another fair terms of social cooperation (defined by principles and ideals) and they agree to act on those terms, even at the cost of their own interests in particular situations, provided that others also accept those terms.’ (\textit{Ibid.}, p. xliv) He refers to this as ‘the criterion of reciprocity’. (\textit{Ibid.})

\textsuperscript{144} \textit{Ibid.}, p. 387

\textsuperscript{145} There are many reasons for that. For instance, according to Rawls, the political conception – as the content of the overlapping consensus – is a freestanding view; i.e. it is, as such, a political reflective equilibrium, which only has to be incorporated in the different reasonable comprehensive doctrines for the matter of full justification. That is, it is partly justified on the basis of being a coherent system of (political) beliefs of itself. (Rawls, 1993, p. 385ff and Daniels, 1996, p. 164)
in *Välfärd för alla* seems to draw several of their arguments from the actual situation in Malmö, an overlapping consensus having reference to these facts would be elucidating. For instance, is there an agreement whether Malmö is segregated or not? Finally, a third possible objective for the overlapping consensus is some particular moral judgments concerning how to judge in a specific case; for instance, those rejecting the proposal may do so for different reasons; i.e. their ‘no’ is justified within the framework of their different reflective equilibria, respectively.

Is this the best possible outcome of the assessed public debate? I will answer this question by discussing a third way of reaching agreement: further inter-subjective interaction.

### 7.3. Reasons for further inter-subjective interaction

Implicit in the idea of an overlapping consensus is the assumption that once a person, or a group of persons, has reached some kind of a reflective equilibrium there is nothing more to do. The process has stopped since the disequilibrium state is eliminated by the mutual adjustment and refining of judgments. As Scanlon states, this is a commonly heard objection to the method of reflective equilibrium.¹⁴⁶ The core of this critique points at the fact that the point of departure for any version of reflective equilibrium is the agent’s own (considered) judgments. In that sense, there are no external standards applied to the system of beliefs. The only standard is the internal one, demanding coherence, and this ‘may be a process trough which these beliefs can be made more systematic and internal inconsistencies eliminated, but it lacks the independence that would be necessary to give it real critical or justificatory force.’¹⁴⁷

Scanlon’s reply to this charge – often referred to as the charge for conservatism - is, firstly, to recall the fact that these considered judgements, held by a particular person, are not fixed or given any privileged status; as all beliefs these are open for scrutiny in the light of other judgments on all levels. Secondly, this is further strengthened if we consider the wideness of ‘wide reflective equilibrium’, he emphasizes. Referring to Rawls he says that ‘this means equilibrium after we have “had an opportunity to consider other plausible conceptions and assess their supporting grounds. Taking this process to the limit, one seeks the conception, or plurality of conceptions, that would survive the rational consideration of all feasible conceptions and all reasonable arguments for them”’.¹⁴⁸ And, accordingly, considering this

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¹⁴⁶ Scanlon, 2003, p. 149f
definition of the wide version of reflective equilibrium, one must ask which external considerations are lacking. The conclusion must be that all considerations that possible could criticize – or justify – our considered judgments are internal ones. Recall the conclusion made in chapter five when discussing the distinction between ‘a person being justified in believing A’ and ‘A being justified’. These two ways of expressing justification are not incompatible kinds of justification; rather they express grades in a continuum of justificatory weight. That is, a person is justified in believing A if A coheres with all other considered judgments – which, according to the circumstances, this person reasonably could hold – in reflective equilibrium. And A – as such - is justified if this reflective equilibrium is wide enough. This is also the reason for my arguing for the interpersonal account of reflective equilibrium throughout this thesis; the more persons involved in this process, the more likely that all reasonable viewpoints will appear. But, and this is the conclusion of his section, this also holds for views. Even if the upshot of the assessment of public debate so far is a number of seemingly coherent views, confronting them with one another will further the ‘wideness’ of considerations taken into account; i.e. we must give all ‘surviving’ views at this stage the ‘opportunity to consider other plausible conceptions and assess their supporting grounds’ and take ‘this process to the limit’. This is what I call further inter-subjective interaction. And that leads us more directly to the matter of justification.

Implicit in this reasoning is the assumption that agreement is justifying. That implication resembles the characteristics of iTa – interactive technology assessment – as put forward by Reuzel et al. Therefore, in order to outline my argumentation concerning justification I will draw on the their reasoning on the same issue in their article Interactive Technology Assessment and Wide Reflective Equilibrium. This comparison will point at some similarities between interactive technology assessment and public debates as described in this thesis.

Reuzel et al claim that agreement are to be seen as a state of wide reflective equilibrium, and argue – mainly in polemics with Rawls and Daniels – that ‘for such an equilibrium to be just, it should be inter-subjective, achieved by all persons involved, and newly established.’ Let us look at these requirements, respectively. We start with the one demanding inter-subjectivity.

The reasons for inter-subjectivity are, according to Reuzel et al, firstly, that inter-subjectivity gives an answer to the question when we can conclude that a wide reflective equilibrium actually has been reached. Once a personal wide reflective equilibrium is

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149 Reuzel et al, 2001, pp. 245f
established, it is hard to distinguish this equilibrium from a non-coherentist – i.e. foundationalist – way of arguing, they write. Drawing on their case used in the article they give the following example:

Imagine someone saying that it is wrong to give children cochlear implant, because these children are too young to give their informed consent. This is a deductivist argument, probably based on the principle of autonomy. Children should be regarded as autonomous beings, hence they should give their informed consent to treatment, and since they are too young to do so, cochlear implants is unacceptable. Now, such a person might very well claim to have reached a wide reflective equilibrium. For him or her, background theories, judgments, and principles may very well cohere. How can this be denied?

The conclusion of this example is, Reuzel et al hold, that, in practice, when we are confronted with a coherent system of beliefs we cannot determine whether all the beliefs in this system are open to revision, which is a core feature of reflective equilibrium. The only way to do that is to confront this supposed equilibrium with the views of others in order to reach a new inter-subjective equilibrium, they emphasize. That is, personal wide reflective equilibrium is not enough, even if they appear to be coherent, since ‘this leaves too much room for opportunism and arbitrariness regarding what is included in the sets of beliefs. A wide reflective equilibrium, therefore, is not only an equilibrium between the three sets of beliefs, but also between people establishing this equilibrium. That is, wide reflective equilibrium refers to a state of agreement.

Two things are important to notice in Reuzel et al’s conclusion. First, they point to the fact that ‘wide’ is a relative concept: even wide reflective equilibria can be opportune and arbitrary if they are not wide enough. That is in line with my discussion above concerning the

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150 Ibid., p. 256
151 This case deals with the debate concerning reimbursement for pediatric cochlear implants, so-called ‘bionic ears’, in the Netherlands in 1997. In the debate the opinions of physicians, economists, and experts in language development and auditory performance were introduced, but one significant view within the deaf community was lacking: the aspect of social and emotional development of the children with cochlear implants suffering from high expectations. Since these implants do not make these children hearing - they only ‘receive auditory input’ – they will neither belong to the hearing, nor to the deaf community. Therefore, the aspect of deafness as a cultural feature – the deaf as a linguistic minority – was lacking in the support for the political decision making. Instead, deafness viewed as a handicap was taken for granted. When this fact was revealed, the whole decision-making process had to go through once again. (Ibid., p. 248) In the context of reflective equilibrium, one might say that the reason for that was that one morally relevant fact was missing.
152 Ibid.
153 Ibid., p. 255
proportionality between wideness and justifying weight. Second, the criterion for deciding when a wide reflective equilibrium, seen as the result, in an inter-subjective – or interpersonal – context, has been reached, is agreement. Agreement stops the need for further adjusting and revising of beliefs since no one is questioning the coherence of the ‘interpersonal’ system of beliefs as a whole.

This leads us to the second requirement for agreement to be just: the call for this agreement to be achieved by all persons involved. And this requirement follows quite naturally from the reasoning above. If one of the persons involved in this inter-subjective venture does not agree, his or her considered judgments do not cohere with the considered judgments of others, and, hence, we have not reached the state of wide reflective equilibrium.\(^{154}\)

But, before leaving this second requirement, we must ask: who are involved? Who are, so to speak, invited to this interpersonal undertaking? In order to make clear Reuzel et al’s view concerning this, we have to take a step back and look at the purposes of interactive technology assessment.

When defining the concept of technology assessment Reuzel et al emphasize two important features: first, ‘it is a kind of policy research, i.e. it is used to support decision making on a political level’, and second, it is about \textit{valuing} technology.\(^{155}\) The first feature shows that their interactive technology assessment shares the pragmatic approach also apparent in our own undertaking. The second one points to the fact that this is a process of valuing. This may be a controversial statement in technology assessment, but it is not, of course, when it comes to public debates, where most often, if not always, the moral aspects are the heart of the matter. But then we have to ask, just as Reuzel et al do: whose value is at stake?\(^{156}\) Their answer is that since ‘technology assessment can be said to be an inquiry into the value of a technology for those who are affected by subsequent decisions, i.e. the persons involved. The fact that decisions based on technology assessment affect the persons involved makes the value of a technology theirs.’\(^{157}\)

\(^{154}\) I think it is possible to imagine hypothetical situations where we can state that an equilibrium state is reached, without everyone agreeing that that is the case. Suppose that all participants in our interpersonal undertaking agree about which considered judgments are to be counted in the reflective equilibrium; i.e. there is an agreement about the opening values. Suppose also that they all accept the way of reasoning we shall use – the logic, so to speak - in order to reach a conclusion. Then we can for good rational reasons assume that there will be an agreement concerning the output as well. And, even if that is not the case, say, someone do not agree although he or she agreed about the input and the logic, it seems reasonable to say that an equilibrium point is reached. The reason for this particular person not to accept the outcome must, in this case, origin from other than rational reasons.\(^{155}\) Reuzel et al, p. 246
\(^{156}\) \textit{Ibid.}, p. 247
\(^{157}\) \textit{Ibid.}
As we see, the focus here is on the consequences of a supposed subsequent decision, and the conclusion is that all those that, in one way or another, will be affected by the decision have the right to contribute with their values in the assessment, i.e. the have the right to participate.

Is this conclusion applicable for the assessment of public debates? Both yes and no I would say. Of course, all the considered judgments of those being affected by the subsequent decision concerning the subject matter in the public debate are of course invited to – and hopefully will - participate in the debate. But this is not enough. Expressly saying that ‘there are no relevant values independent of the valuing of stakeholders’ is neither in line with the concept of public debate, nor with the concept of wide reflective equilibrium. Firstly, the definition of public debate as such is that everyone can participate, not only those affected by a supposed future decision. Secondly, the considerations put forward by persons, not directly affected by the matter in question, could contribute as much as the ones brought forward by ‘stakeholders’. Restricting the views taken into account only to the views held by stakeholders would affect the wideness of the wide reflective equilibrium. And, accordingly, this would affect the matter of justification as defined above. This is the more relevant, if we consider that the stakeholders - due to the fact that they will suffer, or gain, from the consequences of the future decision - are more likely to be partial. In that sense, one might say that the views of the ‘unaffected outsiders’ are even more relevant, since they represent the views of the ‘impartial observers’. Nevertheless, the fact that the agreement has to be achieved by all involved for the matter of justification - no matter how to define the scope of the involved - accord with my opinion. In Reuzel et al’s word: ‘agreement means that there is no need for further justification since all agree on the issue under consideration.’

Finally, the third prerequisite for wide reflective equilibrium to be just is that it is a new one, ‘not an old one forced upon the persons involved’. This prerequisite is, in Reuzel et al’s reasoning, contrasted to Rawls’s and Daniels way of dealing with reflective equilibrium in a collective context. ‘In the works of Rawls and Daniels, the reflective equilibrium is an individual one; referring to the public sphere, they use such terms as “convergence,” “overlapping consensus” and “shared equilibrium”, they write. And, further, since Daniels - when explaining the Rawlsian view – say that it is not possible ‘to force convergence on a single wide reflective equilibrium’, i.e. a shared equilibrium, they have to settle for

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158 Ibid.
159 Ibid., p. 257
160 Ibid., p. 260
161 Ibid., p. 257
convergence on an overlapping consensus, justified from the perspective of the various equilibria held by the persons involved, independently of one another. But, Reuzel et al concludes, ‘an inter-subjective wide reflective equilibrium should be a newly established equilibrium, not simply the greatest common denominator of the various equilibria of the person involved.’\textsuperscript{162} So, what actually is the difference between this newly established equilibrium and the overlapping consensus, i.e. ‘the greatest common denominator of the various equilibria of the person involved’? 

According to Reuzel et al, it has to do with the characteristics of ethics as such. They hold that in Rawls and Daniels reasoning ethics seems to be an individual enterprise, and that ‘pure ethics’ – capable of yielding justifying outcomes - therefore is not possible in an inter-subjective context.\textsuperscript{163} But ‘that would be to entirely miss the point of ethics’, Reuzel et al write. ‘Decisions and practices endorsed in society are not fully acceptable to all persons involved. However, this is not how ethics is ruined, but where ethics, dealing by pluralism by definition, begins. Accordingly, an individual wide reflective equilibrium gains significance in attempting to achieve an inter-subjective equilibrium.’\textsuperscript{164}

This ‘attempting to’ points to one significant distinction between Reuzel et al’s version of inter-subjective wide reflective equilibrium and overlapping consensus; namely that the former, throughout the procedure of seeking wide reflective equilibrium, aims for agreement. In that sense, this feature reveals an attitude – a will – that deeply resembles the attitude that constitutes a deliberative democracy. That is my reason for preferring ‘further inter-subjective interaction’ to overlapping consensus.

And this, I hold, is also the opinion of Scanlon. Faced with the fact that equally well-informed persons might reach different reflective equilibria, he stated the following question, which also was the point of departure for this whole chapter: Is not the defender of reflective equilibrium not then committed to the claim that the incompatible sets of principles we have reached are both justified?

His answer reads:

Faced with the case of someone who reaches an equilibrium different from my own, I must ask myself why this divergence occurred. If it occurred because the person began with different considered judgments, then I must ask whether I think, on further reflection, that the judgments that person accepted are correct and whether he or she was correct in

\textsuperscript{162} Ibid.
\textsuperscript{163} Ibid., 258f
\textsuperscript{164} Ibid., p. 259 (my emphasis)
rejecting ones that I accepted. If the divergence occurred because the person made a
different choices at later stages in the process, when faced with the need to revise principles
or modify considered judgments, then I need to consider whether these decisions were
reasonable and, perhaps, whether I should revise my own decisions in the light of them.

And he concludes: ‘The reexamination provoked by a case of this kind may disrupt the
equilibrium I had reached, but it need not do so.’

This reexamination is what I have called further inter-subjective interaction. When going
through this reexamination I expose my own view – my own reflective equilibrium – for
further examination. Moreover, the views of others are, in the same way, exposed for further
scrutiny in the critical light of my view. And, finally, when the seeking for this new inter-
subjective wide reflective equilibrium has been accomplished, the matter we have taking in
hand is accomplished as well. There is nothing more to do for the matter of agreement. We
have reached the final outcome of this whole process. And, therefore, the outcome of this
process is justified, I hold.

I want to make one further remark before leaving this section. The outcome of this process
may very well be described as a kind of overlapping consensus. But, this one is deeper than
the Rawlsian version, since the mutual reexamination of the equilibria, as described by
Scanlon above, discloses the deeper chains of reasoning behind a possible agreement. That is,
agreement in this case is also an agreement concerning the argumentation; i.e. the reasons
behind what is agreed about. For instance, if the participants agree upon some morally
relevant facts or some research questions that have to be examined, there is also an agreement
on why these facts or questions are relevant. Moreover, on the contrary, one might say that the
divergence is ‘deeper’ as well, since the reasons for this divergence have been disclosed in the
same way.

7.4 The outcome of a pure procedure
The matter of justification has leaven all through this thesis and I will end by dealing with the
matter more in depth. The more precise question in focus is: how do we know that the
outcome – the answer – of a particular procedure, a particular method, is justifying? In order
to discuss this matter I will draw on Rawls’s reasoning concerning procedural justice, a main
constituent in justice as fairness.165 Procedural justice deals with the relation between a

165 This reasoning below concerning procedural justice follows Rawls, 1999, pp. 74f.
procedure and its outcome, and the justification of this outcome. Rawls distinguish between perfect, imperfect and pure procedural justice.

Both perfect and imperfect procedural justice are characterized by one particular feature: namely, there is an independent criterion for the right outcome, which is ‘defined separately and prior to the procedure which is to be followed.’ That is, the right - or true - outcome exists irrespective of if anyone can yield or holds this outcome. In this sense, both represent an objectivistic view. The difference between the two is that in perfect procedural justice ‘it is possible to devise a procedure that is sure to give the desired outcome.’ Rawls illustrates this procedure with the common example of a number of men, whose intention are to share a cake in order to yield the fairest result possible. We all know that letting the one dividing the cake also having the last piece will yield this result. The more equal he divides the cake, the larger piece he will obtain. In this example the right result – the equal distribution of the cake – is defined beforehand and since we know that the procedure will yield this outcome, it illustrates perfect procedural justice.

When describing the concept of imperfect procedural justice Rawls takes the instance of a crime trial. In conformity with perfect procedural justice, the imperfect one also assumes that the right outcome is possible to define in advance: that the defendant should be declared guilty if and only if he has committed the crime for which he is prosecuted. But in imperfect procedural justice we have no guarantee that the procedure will yield the right outcome: an innocent man might be declared guilty and vice versa.

Let us now examine the matter of justification of outcomes in this these two examples. What makes the outcome justified in these cases? The answer is that, since the right outcome in both cases are possible to devise in advance, and independently of the procedure, the outcome of a particular procedure is justified if and only if it accords with the right answer. And further, this implies that the justification of outcome is ‘declutched’ from the characteristic of the procedure.

We now compare this definition of justification of outcome, with the one in pure procedural justice. Rawls illustrates this notion of procedural justice by a situation of gambling. When engaging in a situation of betting it is not possible to define the ‘right’ result in advance. Any distribution of money after the betting is just. But, this holds only if all the participants agree that the procedure – the betting situation - that yielded this outcome is fair and was carried out in a fair way. Therefore, in pure procedural justice the justification of the result is dependent of the procedure that yields the result. That is, if the procedure is fair the outcome is fair, or right. ‘A distinctive feature of pure procedural justice is that the procedure
for determining the just result must actually be carried out; for in these cases there is no independent criterion by reference to which a definite outcome can be known to be just’, Rawls writes.\textsuperscript{166}

One might say that pure procedural justice is what we have to settle for if we do not think that there - ‘out there somewhere’ – exists an objective right answer; or if we think it does, that we do not have access to this true answer. Irrespective of which of these perspectives we hold, we are, so to speak, ‘doomed’ to construct the right answer. Hence, in order to reach the right or just answer - in line with the notion of pure procedural justice - we have to use a process that is considered as just by all persons involved in the same process. To examine whether it is it possible to use and organize public debates in such a way has been the purpose of this thesis. This is of course not to say that the outcome of such an organized public debate is ‘true’. When it comes to truth, we have to settle for Daniels conclusion that ‘wide reflective equilibrium embodies coherence constraints on theory acceptance or justification, not on truth’.\textsuperscript{167} But also, viewing justification in this sense may ‘leave room instead for a weaker evidential relation holding between agreement in wide equilibrium and moral truth’.\textsuperscript{168}

8. Conclusion and final remarks

I will end up this study by recalling the four questions stated in chapter one (1.2.). As said, these analytic questions are intertwined and the answers to these questions mutually affect one another. Despite this fact, in order to sum up this thesis I will deal with them separately.

The first question deals with the matter whether it is desirable at all to systematize and bring a structure to public debates. The answer to that question lies in the definition of the concept of public debate. Since the concept as such implies that anyone is invited to add all kinds of viewpoints to this arena of arguments, I cannot see how anyone can restrict or direct this debate. Contributing with new viewpoint, or encouraging others to do so, or criticising the opinions of other participants, or pointing at inconsistencies in chains of reasoning are all contributions that will enrich the public debate, rather than restrict it. That explains the assertion that since nobody can control a public debate the matter of shall is irrelevant. However, two remarks are important to notice.

\textsuperscript{166} Rawls, 1999, p. 75. In that sense, Rawls’s notion of justice as fairness as the just outcome of a pure procedural justice shows his commitment to constructivism.

\textsuperscript{167} Daniels, 1996, p. 37

\textsuperscript{168} Ibid.
First, one may question how this statement accord with the possibility of misusing political power for the purpose of restricting public debates. That is of course possible, but then we have left the democratic framework that is needed if public debates, at all, will have an impact on the political decision-making. That is the reason for laying out this framework as a prerequisite for this whole study. Constraining public debates by political means would undoubtedly make the phenomena that public debates constitute impossible. That is to say that the only public debates that, per definition, are possible are unrestricted public debates.

Second, the only factor that possibly could constrain the debate in this democratic framework is the vehicle for this debate, namely, the media itself. The double role of mass media as both forum and participants gives them a unique position. They have the possibility to decide which viewpoints are to be brought forward and to what extent. That is partly my reason for emphasizing the need of an impartial evaluator. If public debates are to be seen as an important tool for the matter of political decision-making, we cannot leave the task of setting the agenda for this debate to the media alone. In that sense the evaluator can form a counterweight to the power of media.

Suppose now that this debate, in some way, is possible to organize. Then we have to address the question why exactly reflective equilibrium is a suitable method for this undertaking. My main argument for the appropriateness of reflective equilibrium for this purpose is that a public debate seems to have some characteristics in common with reflective equilibrium; or, at least, is intended to work in the same way. By comparing these two phenomena I have in this study pointed out some significant features, which they share.

For instance, neither reflective equilibrium nor public debates are supposed to give priority to any viewpoints from the beginning. No viewpoints are disqualified from the beginning; all start from scratch. Further, the fact that different participants – laymen, representatives of interest groups, spokesmen of societal organisation and expert with different backgrounds – contribute with opinions and information in the public debate seems to lead to a filtering process, which resembles the one in reflective equilibrium. And finally, most of the participants expect some kind of rationality in the reasoning, i.e. that the judgments in these systems of beliefs to some degree is coherent and consistent. If that is not the case, it is questionable if we are dealing with a debate at all.

All told, the comparison between public debates and reflective equilibrium points to some similarities concerning the actual course. And that is anything but a surprising result since the method of reflective equilibrium ‘amounts to little more than a codification of common
That statement leads us to the third question: namely, which version of reflective equilibrium is the most appropriate one in this context? Using Peterson’s distinctions, the version of reflective equilibrium, which has emerged in this analysis, appears as follows: It is to be seen as a method of wide interpersonal (inter-subjective) reflective equilibrium, aiming for consensus and, by means of that aiming, yielding a justified outcome. Moreover, even if I hold that public debates actually have some similarities with reflective equilibrium, and in that sense are descriptive, the purpose in this study is to examine whether it is possible to organize a debate to work more in line with the method of reflective equilibrium. Therefore, the method is supposed to be feasible with a normative appeal. However, as we have seen in this study, this scheme is not as ‘distinct’ as it appears to be at first sight. Due to that fact, some further remarks are needed.

First, some of the distinctions are not to be seen as describing separate kinds of matter, rather as poles in a continuum; recall the discussing above (chapter 5) concerning personal and interpersonal versions. Second, the entities in the distinctions affect one another, both within as well as between these distinctions. For instance, if we want reflective equilibrium to be feasible in this context, we cannot see reflective equilibrium primarily as a product, since it is not possible to reach a total agreement between all participants in the debate, concerning how to deal with the problems in Malmö. Hence, the feature of the method on one level influences the feature chosen at other levels. Now, this is the more obvious when it comes to the matter of justification. Therefore, I now turn to the last question – which also is to be seen as the key question in this study.

The point of departure for this study is to examine whether it is possible to make the outcome of a public debate more useful for the matter of political decision-making. My hypothesis was that the use of reflective equilibrium would yield such a result. That makes the following demands on reflective equilibrium: it has to be feasible, and it has to yield a more justified outcome than otherwise. So, in what sense can reflective equilibrium enhance the value of the outcome of a specific public debate?

I have argued that the kind of reflective equilibrium put forward in this thesis is a justified method, and therefore – in line with Rawls’s reasoning concerning ‘pure procedures’ – the

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169 The quotation is from Wibren van der Burg. (van der Burg, 2000, p. 70)
outcome is justified. Moreover, the reason for ‘selecting’ the other characteristics of this method is dependent of this call for a just method, a just procedure. The ‘impersonal’ approach is not only chosen because of the matter of fitness, it is also needed on account of the demand for justification, i.e. the opinions of all persons are to be considered, if the method is to be seen as just. And that holds for the ‘wide’ approach as well: the gathering of all thinkable viewpoints will provide a ‘wider’ reflective equilibrium, and that fact, in its turn, makes the outcome more justified.

But the justificatory force referring to reflective equilibrium as a product – a state – is not ruled out in the version brought forward. If agreement is reached – say, concerning the goals for the policy of immigration, or some morally relevant facts, or some research questions that further have to be examined in our case in Malmö– then this agreement is to be seen as an interpersonal reflective equilibrium state. That is, agreement signals coherency, which - as such - is justifying according to reflective equilibrium. Or as Reuzel et al puts it: ‘Agreement, … , is self-justifying if it is regarded as a wide reflective equilibrium and meets the same conditions of inter-subjectivity and unlimited participation.’\textsuperscript{170} Considering this, one might say that what is agreed about is \textit{doubly} justified.

I will conclude by commenting the supposed inherent tension between feasibility and justification in undertakings like this. That is, some may say that total ‘wideness’ of considerations and ‘unlimited participation’ refers to an ideal and, thus, feasibility and justification is an incompatible pair. My only answer to that statement is: what is the alternative? The only thing we can do is to mediate between these pools. Even if we are aiming for total wideness and unlimited participation, we have to limit ourselves on account of the matter of feasibility. ‘We cannot have our cake and eat it’, Wibren van der Burg writes when discussing this issue, and continues: ‘Either we want to be invulnerable to every criticism, but then reflective equilibrium is empty and unfeasible; or we restrict it in some way, but then we are selective and thus run the risk of being biased.’\textsuperscript{171} So, when doing he hard work of applied ethics, it seems that we have to live with that tension.

\textsuperscript{170} Reuzel et al, p. 260
\textsuperscript{171} van der Burg, p. 77
Literature:


