7

DEMOCRATIC CONFLICT AND THE POLITICAL MORALITY OF COMPROMISE

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INTRODUCTION: COMPROMISE AND THE DOMAINS OF DEMOCRATIC GOVERNANCE

In his 1775 *Speech on Conciliation with America*, Edmund Burke offered a succinct account of why it is rational to be willing to compromise in politics, and indeed in almost every aspect of broader social life:

> All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights, that we may enjoy others; and we choose rather to be happy citizens than subtle disputants.[1]

In an era when politicians are often celebrated for unyielding commitment to "principle," even when their tenacity is little more than a campaign strategy, it may seem strange that Burke should emphasize not only the ubiquity of compromise, but also what we can gain through the sacrifices we make when we compromise. But Burke implicitly understood that when the context of negotiation is properly framed, a compromise is the most reliable means we have for responding constructively to conflict. He clearly also recognized that, given how frequently we encounter conflict, especially in political life, it is profoundly rational to be ready to seek constructive compromise in response.

186

Of course, the rationality of compromise must be understood in context. As Mary Parker Follett argued, in her classic essay "Constructive Conflict," compromise lies somewhere in between "domination," which involves a victory of one disputing party over the other, and "integrative consensus," where neither party has to sacrifice because the parties find a solution in which their main desires have a place.[2] As we might expect, Follett thus believed that integrative consensus is the ideally best response to conflict, primarily because it best "stabilizes" the conflicts it addresses. But she also understood that there are many "obstacles to integration," perhaps especially in political life, and that compromise is always a better alternative to integrative consensus than domination.[3] Drawing on Follett's insights about the difficulty of reaching integrative consensus in politics and taking seriously the anti-democratic dangers of trying to resolve political conflicts through domination, I contend that maintaining the willingness to compromise in democratic politics—by which I mean the varied processes and procedures of democratic governance—is clearly the rational thing to do.

In a recent contribution to the debate, Amy Guttman and Dennis Thompson agree that the "spirit of compromise" is critical to democratic governance, primarily to the work of legislators and government officials who must seek consensus on legislation and public policy despite disagreements about the fundamentals of political morality.[4] But they also contend that in contemporary democracies (especially in the United States), the spirit of compromise has been undermined by the emergence of the "permanent campaign," which encourages legislators and policy makers to hold "tenaciously" to their principles and to publicly display mistrust and suspicion of those who disagree with those principles.[5] The solution, according to Gutmann and Thompson, is to promote revisions in democratic culture and practice that would encourage political leaders to approach governing with a "compromising mindset": a blend of "principled prudence" (involving a willingness to adapt some of one's principles) and "mutual respect" (a fundamental valuing of one's opponents).[6] Their recommendations focus mainly on the means by which political journalism might be less dominated by the view that politics is inescapable, a "no-holds-barred competitive struggle in which only one

side can win, and neither has any reason to cooperate with the other."[7] They also encourage schools to provide the kind of civic education that would promote understanding of compromise and its role in democracy.[8]

My aim in this chapter is to show why we should welcome this defense of the compromising mindset, and yet reject its narrow view of the domain in which the spirit of democratic compromise matters. Like many contemporary thinkers, Guttman and Thompson assume that the spirit of compromise is most important to the work of policy makers and legislators. But, as Russell Dalton and Hans-Dieter Klingemann have urged, "the wellspring of politics flows from the attitudes and behaviors of the ordinary citizen," and perhaps especially in a democracy.[9] Dalton and Klingemann also contend that taking this view seriously in the context of democratic life demands a more expansive understanding of "politics" and "political behavior" than many democratic theorists have thought.[10] In this spirit, I argue in section I that a great deal of the non-voting behavior of the ordinary citizen of a democracy not only counts as (genuinely) political behavior, but actually constitutes a realm of decision and action best understood as quotidian democracy.[11]

My argument also presumes that we need a more expansive understanding of the concept of "democratic governance" itself. On my view, the role of citizen is a political office and what democratic citizens do—when they must be taken to act primarily as citizens—is sometimes as critical to the success of democratic governance as the decisions and actions taken by legislators, executives, judges, and high-placed civil servants. It often falls to "ordinary" citizens, in the course of their daily activity, to decide whether and how to realize democratically legitimate ends, and sometimes even to ensure the successful functioning of mechanisms of democratic accountability. Thus, if the spirit of compromise is critical to democratic governance—as I follow Guttman and Thompson in believing—the spirit of compromise is also critical to what citizens do when they act as political agents in the realm of quotidian democracy. That is, the compromising mindset is a requirement of political morality at the level of quotidian democracy, just as fully as it is in the decisions and actions of the "political class." Moreover, if we fail to address the standards and principles that ought

to govern quotidian democracy, we ultimately fail to provide an adequate account of democratic governance and the conditions of stable democratic institutions.

As I will show in section II, quotidian democracy is frequently shaped by tensions between the deliverances of individual conscience and demands that emanate from the sphere of public reasons and obligations. Of course, this tension is an enduring feature of political life, regardless of the mode of political organization in question. It is an important theme of Sophocles' *Antigone*, for instance, in the tragic conflict between Creon's defense of the demands of the polis and Antigone's invocation of a "higher" law, the validity of which transcends the force of those demands.[12] Equally enduring is the tendency to respond to such conflicts by trying to severely limit, or even completely disallow, the influence of (allegedly) private convictions in the public sphere. It has sometimes been claimed that this approach reflects an essentially modern, and fundamentally secular, hostility toward religious faith.[13] Yet the stance has ancient roots in a view of the world that is anything but secular. Indeed, in Sophocles' play, the Chorus chides Antigone for the "blind will" with which she asserts the superiority of divine law over human law and for her readiness to sometimes act as a law unto herself.[14]

When individual convictions are claimed to be self-evident truths that "must" be normative of collective ends, or as unimpeachable expressions of a "higher law" that automatically trumps public obligation, even the most ardent defender of democracy may be tempted by Hobbes's insistence that "the law is the public conscience" to which individual judgment must be subordinate.[15] But if we truly care about *democratic* ideals, as I'll argue in section II, we will accept that meaningful respect for the deliverances of individual conscience, along with robust tolerance of at least *some* of the political conflicts they may produce, is crucial to the persistence of stable democracies. I will also argue that meaningful respect for the deliverances of individual conscience is possible only if we reject political principles which require that we deem certain kinds of convictions (usually deliverances of conscience, including religious convictions) to be "essentially private," and inappropriate to count as justifications in the domain of public reasons.

Meaningful respect, as I defend it here, also rejects the demand for justificatory neutrality between competing conceptions of the good. It is grounded in what Charles Taylor once called "substantive liberalism" shaped by a commitment to robust toleration, yet also rooted in a *critical and fundamentally non-relativist* pluralism. This critical pluralism allows us to say—indeed sometimes requires us to say—that some convictions and ways of life are *intrinsically* too hostile to democratically legitimate purposes and institutions to merit public respect.[16] Thus, though a properly constituted democracy will display meaningful public respect for many conscientious convictions, there can be compelling grounds for substantive liberalism to justify withholding that respect from some kinds of conscientious convictions. But this is just a reminder that there are limits to the value of compromise. For instance, if the content of your conscience requires you to physically endanger another, or demands that you intentionally limit her legitimate efforts to enjoy democratically constituted rights, the political morality of a properly governed democracy requires us not only to withhold meaningful public respect from those convictions but also (within limits prescribed by democratic values) to do all that we can to reject those convictions.

Yet what do I really mean by "compromise"? In the most basic sense, a compromise is of course a way of responding to conflict by means of an agreement that involves mutual sacrifice in order to improve on existing circumstances. According to Follett, to reiterate the earlier point, compromise lies somewhere in between domination and integrative consensus, and it is the way we settle most of our controversies, whether in public life, or in semi-public and private settings.[17] But going beyond the standard discussions of compromise, I contend that we can identify a species of compromise that is closer to integrative consensus than to basic compromise. I call it *principled compromise* because it is defined by a set of principles that allow us respond to divisive political conflicts in a way that promotes continued and constructive cooperation. A principled compromise is a distinctive variant of compromise in that (1) it aspires to an agreement emerging from processes that maximize reasonable transparency; (2) it involves sacrifices that minimize harm and promote mutual respect; and (3) it seeks improvements on the status quo that are meant to promote continued cooperation.

Some theorists of deliberative democracy assume that any kind of negotiation must be incompatible with deliberative ideals. But a principled compromise inescapably *embodies* deliberative ideals such as fairness, mutual respect, and equality of opportunity to influence outcomes. Moreover, principled compromise is more deliberatively demanding than "ordinary" bargaining in two important ways. First, it requires us to consider improvements on the status quo that actually promote social cooperation, and second, it requires that we *begin* our search for agreement by attributing moral legitimacy to the "other side."[18] Since a common feature of democratic conflicts stemming from moral disagreement is the tendency to degenerate into socially destructive demonization of "the other," creating structures and promoting habits that support the spirit of principled compromise provides especially valuable resources for doctrinally and culturally complex democracies. I show in section III that protecting space for the pursuit of principled compromise helps create "deliberative" space for constructive political dissent, particularly for non-violent civil disobedience.[19] Section IV argues that protecting deliberative space for principled compromise can help us formulate reasonable responses to various forms of conscientious objection. I then argue in section V that when debates about divisive moral issues take place within deliberative space for pursuing principled compromise, the resultant deliberations can become more "authentically democratic" and may even have the potential to constructively reshape the disagreement.

My account is rooted in a larger theory of democratic citizenship and its role in protecting democratic political stability.[20] Stable democracies, on my view, are constituted not only by *vertical* relationships between citizens and the political institutions that embody their shared principles, but also by *horizontal* relationships that connect citizens with each other by means of a distinctive "civic *ethos*"—an ethos shaped, at least in part, by acceptance of shared civic virtues. This network of vertical and horizontal relationships is necessary to constitute a group of people as a "demos." That is, it is in virtue of these relationships that a people can collectively constitute a democratic sovereign, and not simply exist individually as political subjects. An essential element of the civic ethos that constitutes a democratic sovereign is widespread

willingness to seek principled compromise when integrative consensus is unavailable and when principled compromise would not undermine other important democratic values.

The willingness to compromise is complex. For instance, it is inextricably linked with other democratic virtues such as the willingness to sacrifice and the readiness to relinquish resentment when our commitments fail to determine the outcome of democratic deliberation. Moreover, as I show in section VI, because we are fallible, humility is also an important democratic virtue, and democratic humility is sometimes best expressed in the willingness to compromise. Taken together, these considerations about the civic ethos that supports democratic stability mean that principled compromise is part of the political morality that makes democracy possible. I am to show, then, that anyone who claims the benefits of democratic citizenship is morally required to seek constructive, principled compromise when it emerges as a constructive possibility of democratic cooperation.

I. The Value of Compromise in the Domain of Quotidian Democracy

I have claimed that the spirit of compromise matters as much for what ordinary citizens do, and in a great deal of their daily activity, as it does for the work of high-placed government officials. That is because even as private citizens much of what we do has consequences for, and is fundamentally shaped by, reasons and obligations emerging from the public sphere. If a feminist professor at a co-ed university in the United States decides that she cannot "in good conscience" allow male students in her class, any action taken on that decision has politically weighty (and democratically unacceptable) consequences for her society's efforts to pursue democratically legitimate ends. In this case, it undermines the national commitment to ensuring that gender is not used as a basis for denying access to educational opportunities. Were her decision to be taken to set an example, and become a rallying cry for others in similar positions of responsibility, it could eventually have ramifications that affect the persistence of democratic cooperation and even the continuity of stable democratic institutions. What this example shows is that no citizen is a political "island,"

and that the seemingly most "private" decision to act on a personal conviction—say, "Patriarchy must be challenged whenever possible"—can have consequences that make it more than a private decision and place it in the public, political realm. This is why the dispositions and beliefs that Gutmann and Thompson identify as the compromising mindset can matter so much to some of the most "ordinary" activities of one's daily life. Principled prudence and mutual respect have a critical role to play in the ordinary actions of the private citizen—as citizen—just as fully as they do in the activity of legislators considering a measure affecting access to assault rifles.

Of course, the consequences with the greatest "political weight" typically follow from decisions and actions we take when we act in some politically "official" category—that is, in some political office. Moreover, it is tempting to think that only elected officials, political appointees, and high-level civil servants count as political officials. But virtually every day, democratic citizens who are not part of the elite "political class" make politically weighty choices and perform politically consequential actions. Our actions as "private citizens" sometimes have a profound effect on the ability of other citizens to enjoy the rights and privileges of citizenship, as well as on society's ability to realize democratically chosen ends and on the likelihood that democratic cooperation will be sustained. The role of "citizen" in a democracy is an official role that has its primary authority in the realm of quotidian democracy.

The realm of quotidian democracy is comprised of four main categories of politically weighty decisions and actions. In the first category are those politically weighty choices and actions open to us as a function of powers, privileges, and responsibilities formally associated with the role of citizen. This includes the choices one makes as a taxpayer, a voter, or a juror, for instance. In the second, and sometimes closely related, category are the sorts of choices and actions that Elizabeth Anderson has described as "participatory citizen feedback": such as signing petitions, participating in opinion polls, contributing to regulatory deliberations about exiting laws and policies, and engaging in certain kinds of public protest.[21] Anderson's view builds on Dewey's insistence in "Creative Democracy" that democracy is not "something institutional and external" but a "way of personal life."[22] She also draws on Dewey's

conception of democratic decision-making as a "continuous process" in which what citizens do in the seemingly most ordinary contexts of daily life is critical to the content of democratic deliberation and to the successful functioning of democratic institutions.[23] My concept of quotidian democracy—though not entirely Deweyan in inspiration—clearly has much in common, then, with Anderson's Deweyan conception of deliberative democracy.

But there is a third category of politically weighty choices and actions which are typically open only to certain subsets of citizens: those citizens who provide the public services that Michael Lipsky describes as "street-level bureaucracies," including "schools, police and welfare departments, lower courts, legal services offices, and other agencies whose workers interact with and have wide discretion over the dispensation of benefits or the allocation of public sanctions."[24] One does not have to be elected or appointed to high political office to become a police officer, or a teacher, or a caseworker for social services. But the decision and actions one takes in these roles carry enormous political weight, as we can see from the controversies that have surrounded the use of force by police in the United States and the uses of discipline in American public schools. Moreover, the authority and power to take these decisions and actions are rightly seen as direct expressions of the authority and power of the democratic state.

In the fourth main category of politically weighty choice and action in quotidian democracy, citizens choose and act in contexts framed primarily by their private interests and purposes, but in which their choices and actions may nonetheless have profound effects on the likelihood that others will be able to enjoy the rights and privileges of citizenship. Thus, a business owner might have to decide whether to welcome someone as a customer in her place of business, despite her serious moral objections to that person's way of life. A pharmacist might have to decide whether to prescribe a medication to someone who is legally entitled to take it though he has a serious moral objection to the medication's effects.

I contend, of course, that in all the complex choices and actions that comprise quotidian democracy, the compromising mindset—that combination of principled prudence and mutual respect—is a vital component of actions and practices that protect the rights of democratic citizenship, and ultimately promote democratic

cooperation and preserve stable political institutions. This claim echoes an observation contained in one of the most effective passages in Mario Cuomo's provocative address on "Religious Belief and Public Morality: A Catholic Governor's Perspective":

> to assure our freedom we must allow others the same freedom, even if occasionally it produces conduct by them which we would hold to be sinful. I protect my right to be a Catholic by preserving your right to believe as a Jew, a Protestant or non-believer or as anything else you choose. We know that the price of seeking to force our beliefs on others is that they might force theirs on us.[25]

Of course, as Cuomo's observation shows, what principled prudence and mutual respect often demand is what we can call robust tolerance of convictions and ways of life we may reject. Further, as Judith Shklar once argued, "tolerance consistently applied is more difficult and morally more demanding than repression."[26] Shklar implicitly recognizes that one of the most important virtues in the democratic civic ethos is the virtue of sacrifice and, indeed, acting in the spirit of compromise is often a way of acknowledging the political value of certain kinds of sacrifice. Still further, as Burke reminds us, protecting a shared political life that provides a secure framework for private well-being sometimes confronts us with the need to "remit some rights" (for example, a *proposed* right not to serve people whose values we reject) in order to preserve other, more important rights (the right to enjoy freedom of conscience across a wide range of activities and practices). It is possible that one reason that so many people, all along the political spectrum, have become so resistant to compromise in political life is that they have forgotten the important truth that sacrifice is an essential requirement of democratic cooperation.

Of course, some critics will object that my account of quotidian democracy, along with the expansive view of politics and political behavior which it contains, wrongly ignores the distinction between "public" and "private." But I do not see how we can avoid acknowledging that, even in a modern liberal democracy, the boundary between what is public and what is private is fundamentally permeable. One's choice to own and build a business may be individual and "private," and it may reflect important virtues of

individual initiative and industriousness. But both the choice and its outcomes are inescapably framed by rights, privileges, and obligations that emanate from decisions and actions taken in the public sphere of democratic decision-making. Moreover, if a business owner seeks to exclude someone from his business on the grounds of private conscience—let's say he believes that it would be sinful for him to sell floral arrangements for a same-sex wedding—he is making a choice that has critical ramifications in the public sphere of reasons and obligations. That seemingly private choice counts as intrinsically political behavior, with weighty consequences for the protection of democratic values such as equality before the law. There is simply no way around the fact that the public and the private are often intertwined in this way. In my view, political thought can fully capture the implications of this phenomenon only by recognizing the validity of the concept of quotidian democracy.

Some readers will still object to my insistence on describing the role of citizen as a political office. But that description is just a way of acknowledging that, particularly in a democracy, citizens can occupy various positions in the social world that give them special rights, privileges, and opportunities to determine the content of laws and policies, to influence and even determine the application of those laws and policies, and to affirm or to thwart the expression of fundamental democratic values in critical social spaces. One may have these rights, privileges, and opportunities as a juror, a participant in an opinion poll, a "street-level bureaucrat" such as a police officer, or simply as an "ordinary" private citizen running a business or working as a college professor. This suggests that in myriad ways, and often as part of our daily lives, we all contribute to the success or failure of democratic governance. To be sure, the development of the Internet and, in particular, the emergence of "social media," have created new pathways through which ordinary citizens can express political opinions and engage in the kind of political activism that has the potential to shape public political debates and decisions. But even independent of these new technologies, and even in the context of the modern bureaucratic democracy, the role of "citizen" has always been best understood as *a political office*. The public sphere in any democracy is a sphere of reasons and obligations in which ordinary citizens make politically weighty choices every day. These choices count as political

behavior at the level of quotidian democracy, and the spirit of compromise is a vital and democratically important component of the dispositions, attitudes and beliefs which ought to shape that behavior.

II. Democratic Conflict, Respect, and the Spirit of Compromise

Nowhere is the spirit of compromise more critical than in the various contexts in which the deliverances of individual conscience may conflict with reasons and obligations that emerge from democratic decision-making. I have claimed that if we truly care about *democratic* ideals, whenever possible the democratic public sphere ought to embody meaningful respect for the deliverances of individual conscience, along with robust tolerance of at least *some* of the political conflicts they may produce. Meaningful respect affirms a political society's commitment to fundamental liberties and encourages widespread tolerance of diversity and peaceful disagreement.[27] It also expresses that society's awareness of human fallibility (and its dangers), and recognizes the value of what might be called "conscientious citizenship": protecting social and political space in which the deliverances of individual conscience can sometimes be counted on to produce citizens who are capable of identifying, and hopefully challenging, serious injustices or "democracy deficits" that might be sanctioned by a biased, or simply unreflective, democratic majority.[28] Meaningful respect also allows us to take seriously the objection that our conscientious convictions—for instance, commitments such as religious beliefs—are not properly understood as essentially a "private" matter, since they so often give rise to what John Rawls rightly called "comprehensive conceptions" of what is of value in human life. Indeed, on my view, it is precisely *because* most religious convictions, for instance, are not essentially private, that we face so many difficult questions about the legitimate influence of religion in the realm of political decisions and actions, and in the domain of public reasons appropriate to justify those decisions and actions. The substantive liberalism defended here can allow that wherever conscientious convictions, including at least some religious values, are part of the moral consensus that shapes our *shared* political morality we do

not, in Mario Cuomo's words, have to "deny them acceptability as part of this consensus."[29] But as Cuomo also observes—rightly, in my view—a democracy is not *required* to accord any conscientious convictions (including religious values) "acceptability" as part of the moral consensus.

Yet there are many obstacles to the effective realization of this strategy of treating meaningful respect for conscientious convictions as a prima facie requirement of a properly constituted democracy. First, it can be difficult to find deliberative procedures capable of giving some citizens an authentic "voice" in the political process if their deepest convictions rest on doctrines that might be challenged by fellow citizens, or rely on modes of argument not easily accessible outside of a particular tradition of belief. This difficulty is compounded by the fact that people do not simply "have" convictions. In fact, our deepest convictions are meaning-giving commitments, rooted in fundamental values, ideals, and principles which are partly constitutive of personal identity. These meaning-giving commitments frequently connect us to communities of belief and value in ways that sometimes produce a powerful sense of divided loyalties—particularly in the midst of the multicultural, doctrinally complex contexts of contemporary democracies. Most of these democracies contain many such communities of belief and value and will thus consistently confront serious challenges to any attempt to articulate a unified collective will on matters of substance, or to secure conformity to contested legislation or public policies.

In my view, the most defensible response to many of the relevant conflicts—whether the response we display as private citizens or as political leaders and high-placed agents of democratic governments—is to adopt the compromising mindset that reflects the spirit of compromise. Sometimes the best way to respond to conflict, even when it involves our deepest convictions, is to accept an agreement that involves mutual sacrifice in order to improve upon the circumstances that would exist without it. This is the attitude rightly embodied in Cuomo's observation about the price we may pay if we seek to "force our beliefs on others." But I stress that, on my account, the sacrifice made by the party whose conscientious conviction may be excluded from the shared consensus on political morality must meet important conditions. In particular,

it is a condition of principled compromise that we should propose and accept only those sacrifices that minimize harm and promote mutual respect. Of course, it can be difficult to agree on what constitutes a relevant harm, what it means to "minimize" a particular harm, or on what constitutes a plausible standard for weighing the importance of various harms. But even in those situations where we find it difficult to make such evaluations, the challenge of seriously considering the full range of harms at stake in a difficult debate nonetheless has the potential to transform the conflict in profound ways, if only because it allows us to make more "audible" and accessible the "voices" of all those who might have some stake in the outcome of a decision proposed as a solution to the conflict.

To be sure, even if it is possible to make deliberation "authentically democratic," and to do so in a way that limits the number of situations in which citizens will feel torn by divided loyalties, there will inevitably be occasions on which deliberative outcomes conflict with the content of individual convictions in ways that the individual and her meaning-giving community may find difficult to accept. Doctrinally and culturally complex democracies are consistently challenged to find defensible grounds for assigning weights to the concerns of those who sincerely object to democratically agreed-upon ends and to the expectation that they should nonetheless participate in practices that promote them. The persistent possibility of such objections means that democratic societies can be stable only if they can achieve consensus on an account of the conditions under which it is appropriate to excuse dissenters from important public obligations and of the conditions in which the pursuit of collective goals can legitimately outweigh the claims of the conscientious objector.

The search for such a consensus must be informed not only by the spirit of compromise, and a special concern to approximate the standards of principled compromise, but by an understanding that the value of compromise must always be weighed in the balance against other democratic values. Even in a democracy guided by meaningful respect for conscientious convictions, we can identify legitimate constraints on the sacrifices that democratic majorities must make to express that respect, particularly when some sacrifice might limit a society's ability to promote and preserve fundamental values. Equally important, in my view, sometimes a

failed search for compromise, and an ultimate refusal to sacrifice democratic values to some particular meaning-giving commitment, can fully promote the *spirit* of compromise (and the respect that substantive liberalism seeks to express) simply by attributing moral legitimacy to those with whom the democratic majority might disagree. I will discuss some examples of this process in the next section.

But a third important challenge that emerges when pursuing the strategy of meaningful respect is the difficulty of understanding how best to respond to assertive expressions of public dissent and protest. Democratic decision-making processes are fallible, and when they in fact fail, the resulting decisions and actions are bound to provoke concern and dissent. This means that in a stable democracy there must be "deliberative space" for the kind of dissent that allows us to trust in what Benjamin Barber has called the "self-correcting" character of democracy.[30] There must also be "conceptual space" in the public sphere for acknowledging the political legitimacy of conscience-driven arguments and social movements that seek to expose and rest serious injustice, or even to uncover "democracy deficits" that may not (yet) rise to the level of serious injustice. Yet, how is it possible to acknowledge the political legitimacy of dissent and protest without ultimately undermining respect for democratic institutions and for the rule of law?

Anderson convincingly argues that we can understand certain kinds of public protest as participatory feedback that has a critical role to play in the mechanisms of political accountability in a democracy.[31] But, on my view, public protest, and particularly conscience-driven protests meant to challenge injustice or expose democracy deficits by means of non-violent resistance, are virtually always far more than merely "participatory feedback." In the case of non-violent civil disobedience, we have a form of political protest that perfectly embodies the spirit of compromise. The central example I will discuss is that form of non-violent civil disobedience as embodied in the practice of the American civil rights struggles of the 1950s and 1960s. In one of the most influential characterizations of that practice, "The Letter from Birmingham Jail," Martin Luther King, Jr., claimed that the practice was fundamentally a means of opening "the door to negotiation"—in this case about how to achieve effective desegregation of public

accommodations.[32] Even sympathetic critics of the Civil Rights movement eventually insisted on the political limits of this project and challenged the extent to which it could provide a long-term strategy of effective political behavior in the face of persistent socioeconomic inequality. But, as I will show in the next section, to the extent that the movement displayed the extraordinary power of the kind of "participatory citizen behavior" that is meant to invite "negotiation" (and not the confrontation with which it was too often met) it remains one of the most important pieces of evidence that promoting the spirit of compromise is critical to the well-being of democratic societies.

III. Civil Disobedience and the Value of Compromise

I have articulated a notion of principled compromise that, in my view, best expresses the spirit of compromise in a context of democratic institutions shaped by a substantive liberalism. Here I want to explore one of the most important challenges to the assumptions of that substantive liberalism: the idea that the only way to really preserve mutual respect in a culturally and doctrinally complex democracy is to place serious constraints on the kind of consideration that counts as a public reason. I contend that such constraints will ultimately have the (unintended) effect of undermining, or even prohibiting, the substantive and politically critical expression of democratically valuable dissent.

My principal concern in this discussion is John Rawls's idea of "public reason." But it must be noted that even Gutmann and Thompson's somewhat broader notion of "deliberative reciprocity," articulated in *Democracy and Disagreement*, has been thought to address the deliberative challenges I describe in section II by ultimately excluding from the deliberative forum at least some democratically valuable but *substantive* appeals to individual conviction.[33] If the criticisms I address here are apt, such views, first of all, make it difficult to understand how public deliberation could ever embody an authentic collective will and may thereby fail to provide a convincing answer to the problem of democratic legitimacy. Second, as other critics have charged, any practices shaped by these approaches will carry a serious risk of either shutting down reasonable dissent or converting it into politically dangerous

resentment and resistance.[34] But, third and perhaps most impor-
tant, these views make it difficult to understand how a democratic
society can *really* create deliberative space for the kinds of dis-
sent that are most likely to challenge us to confront the serious
mistakes—democracy deficits and especially serious injustice—
that democratic decision-making sometimes produces.

Turning, now, to the primary task of exploring the Rawlsian
approach, I begin by acknowledging that, over the course of his
philosophical career, Rawls gradually revised his notion of pub-
lic reason out of concern to more explicitly protect the kind
of deliberative space that I have described. He was particularly
interested in the path of the evangelism of nineteenth-century
abolitionists and in the religious commitments of twentieth-
century leaders of the American Civil Rights movement. This
interest was, no doubt, a function of Rawls's awareness that these
religious convictions were powerful catalysts of politically con-
structive struggles against injustice. Indeed, on Rawls's eventual
revised view, conscience-driven considerations are legitimate
contributions to democratic debate "provided that in due course
public reasons . . . are presented sufficient to support" whatever
conclusions the conscience-driven considerations were initially
"introduced to support."[35]

Yet, given what Rawls actually says about how the public rea-
son of a democratic society is constituted, it is difficult to under-
stand how either the nineteenth-century case for abolition, or the
twentieth-century case for racial equality, could have *initially* been
made from "inside" public reason. Rawls writes, for example, that
public reason is "characteristic of a democratic people," and that
it is "the reason of its citizens, of those sharing the status of equal
citizenship."[36] In a related passage, he explains that public reason
is "the reason of equal citizens who, as a collective body, exercise
final political and coercive power over one another in enacting
laws and in amending their constitution."[37] To be fair, Rawls seems
to have believed that struggles to end slavery and segregation cer-
tainly needed to achieve consensus on a reinterpretation of the
"constitutional essentials" held to express the public conception
of justice. He also seems to have hoped that the right kind of rein-
terpretation could come about within public reason. But in each
of the struggles against injustice that interest Rawls most, the

necessary revisions and "reinterpretation" involved fundamentally redefining the very notion of "citizen" and conceptually reconstituting the "collective body" of "equal citizens." What was required in each case was a fundamental *extension* of the bounds of public reason to make room for the legitimacy of new kinds and, perhaps especially, new *sources* of legitimate public claims.

Now, it is a fortunate truth about the ingenuity of human reason that the deliberative resources available within a particular public sphere—within a historically particular moment in any given political society—can never exhaust the stock of tools that makes rational persuasion possible. A great painting or a searching piece of music may require us to confront the horrors of war; a well-crafted novel or a moving personal memoir may deepen our understanding of the injustice of slavery; a moral exemplar's self-sacrifice may lead us to confront moral inconsistencies in our own belief and practice that have, for too long, lead us to unreflectively accept some mode of discrimination or oppression.[38] Iris Young was thus right to argue that, especially in a complex multicultural democracy, the public sphere must make room for ways of producing and deepening our understanding of others' experiences and legitimate claims that may not resemble "ordinary" discursive reason-giving and argument.[39] But it seems clear that when a movement must seek deliberative resources to produce a fundamental change in the way in which public reason is *constituted*, this will mean that the movement's initial essential case cannot be made within the bounds of existing public reason.

We learn in "The Letter from Birmingham Jail" that Martin Luther King had a sophisticated understanding of this truth. We also learn that he had a rich appreciation of the deliberative resources to which democratic dissenters might turn when the resources of public reason proved insufficient. Principled compromise—including the mutually respectful "negotiation" with Birmingham merchants that King was actually calling for in the "Letter"—is one such deliberative resource, and there is powerful evidence that King appreciated this fact. I contend, moreover, that King conceived of the non-violent civil disobedience that he defines and defends in the "Letter" as *itself* a public call for national engagement in a broader, and hence more complex, national project of principled compromise.

To fully display the appropriateness of the language of principled compromise here, it is important to note, first, that the movement demanded great sacrifice from its participants. Like Gandhi before him, King understood that non-violent civil disobedience was a complex expression of *agape*—disinterested love—that demanded the capacity to genuinely "love thy enemy." King also knew that non-violent direct action demanded remarkable self-discipline and a readiness to accept the idea that unearned suffering could ultimately be redemptive. Moreover, in my view, it is not clear how one might fully deliver on the Rawlsian requirement to translate the belief in the redemptive value of suffering, and the "ultimate community" that King thought it might make possible—into a fully secular public reason. But second, it must also be stressed that the first phase of the Civil Rights movement was rooted in a clear vision of the social "improvement" that ought to result from new policies on access to public accommodations, and full access to the power of the ballot. Third, non-violent civil disobedience clearly embodied respect for democratic institutions and practices in the readiness to accept any reasonable legal penalties that might follow on disobedience. Finally, the movement's principles explicitly called for mutual respect and negotiation in return for the sincerity of the sacrifice it demanded, the clarity of its vision about desired outcomes, and the respect that it expressed for democratic cooperation and democratic institutions.

What this means is that the Civil Rights movement was not simply an embodiment of the spirit of democratic compromise. For, taken together, these considerations show that King, along with many other civil rights leaders, came to understand that in a large, complex democracy, public deliberation is a multi-layered, multi-stage, temporally extended process.[40] Of course, especially at the start of the movement, King often despaired of the fact that the sacrifices of those who risked arrest and violence to adhere to principles of non-violence were not broadly recognized or accepted as, in fact, an invitation to principled compromise. The "Letter" also reveals King's frustration at the fact that social reforms laid out by the leaders of the Civil Rights movement were often met with incredulity as too "radical," sometimes even by the clergy, to be acknowledged as genuinely plausible improvements on the status quo. As King argues in the "Letter," the Civil Rights movement

needed to harness the power of the Socratic *elenchus* to produce a "tension in the mind" that might rationally compel Americans to examine their unreflective commitments, confront the inconsistencies inherent in segregation, and contemplate a fundamental reimaging of the social world.

It must be noted that, in contrast to the focus on principled compromise that determines King's tone in the "Letter," many of King's most influential public speeches expressed a hope that the movement would not simply inspire "improvement" on the status quo, but that it might ultimately yield an integrative consensus capable of unifying the deepest convictions and aspirations of all Americans as part of a shared national self-understanding.[41] This is the idea implicit in King's references to the possibility of "ultimate community," or–in a phrase drawn from the work of Josiah Royce—the "beloved community." The frustrated, and sometimes violent, protests that took shape in the aftermath of King's death suggest that his assassination was seen by many as an expression of the futility of that hope for that integrative consensus (in more than one sense of "integrative"). Many also interpreted his assassination as the dissolution of the principled compromise that he helped bring about by means of non-violent direct action, and as regrettable evidence of the fundamental fragility of that compromise. It may also have confirmed suspicions—like those expressed in Bayard Rustin's internal criticisms of the Civil Rights movement—that a principled compromise on access to public accommodations was a far cry from fundamental changes in "the American socio-economic order" that would be necessary to produce substantive and not merely formal equality.[42]

Yet the agreements that resulted from the initial invitations to negotiation that shaped the first phase of the Civil Rights movement helped to produce more than a decade of dramatic social and political change—from *Brown v. Board of Education* in 1954 to the Civil Rights Act of 1964 and the Voting Right Act of 1965—that would have been unlikely, if not impossible, without those initial protests. Moreover, in his 1960 essay, "Pilgrimage to Nonviolence," King made the compelling argument that reason, "devoid of the purifying power of faith, can never free itself from distortions and rationalizations," and that the Christian doctrine of agape operating through the Gandhian method of nonviolence was an

indispensable element of the power of the protests.[43] Of course, the broader movement would have had little hope of success if the national press had not played a pivotal *deliberative* role, publicly exposing the unrestrained violence of Southern efforts to suppress the "unruly" idea that racial segregation is fundamentally unjust. But the struggle catalyzed by that conviction provides a powerful counterweight to the idea that we should try to purge the public forum of substantive individual convictions or the comprehensive conceptions which give them their content and much of their initial "corrective" power in the sphere of public reason.

IV. Principled Compromise and Conscientious Objection

I have claimed that relying on the resources of principled compromise can enrich democratic deliberation in ways that fully acknowledge the power of substantive conscientious convictions—at least sometimes—to bring about constructive change in democratic institutions. I turn now to those conflicts in which democratic dissent yields something closer to conscientious objection than civil disobedience as defended in the "Letter from Birmingham Jail."

We can find some successful, and relatively uncontroversial, examples of principled compromise in the agreements typically reached when a society officially recognizes conscientious objections to military service. The examples I have in mind are those cases in which the compromise involves allowing the objectors to perform alternative service that still advances an important collective goal. More controversial examples—in need of careful scrutiny to confirm that they meet the demands of *principled* compromise— are cases in which parents seek exemptions from various demands of public education on the grounds that those demands unduly interfere with their ability to pass their religious beliefs on to their children.[44] In such cases, appropriate scrutiny must focus not just on the value of parental religious liberty, but also on the question of the extent of the sacrifices, and even harms, that might be imposed on the affected children. But this just reminds us that the acceptability of a principled compromise cannot be measured solely by the nature and extent of the sacrifices or improvements for the deliberating parties alone.

Yet principled compromise is not always a requirement of robust respect for dissent. Even in a democracy guided by meaningful respect, and committed to meet the prima facie requirement to accord meaningful public respect to individual convictions, there are legitimate constraints on the sacrifices that democratic majorities must make to express that respect. In particular, a democratic people is sometimes entitled to deny that systematically excusing objectors from public obligations is a reasonable requirement of democratic respect, especially when to do so would endanger realization of legitimate and important democratic ends.

The argument against systematic excuses of this sort is especially strong in two kinds of cases. First, the case against systematic excuses can be compelling when those who object are in a position to do so principally because of previous choices of their own. This is an especially convincing consideration, in my view, when the relevant choices lead them to take on a publicly necessary role, or to pursue a profession, that is known to rely (at least in part) upon public support. In such contexts, I contend, any occupant of the role or any member of the profession is legitimately subject to regulation by reference to democratically agreed upon ends. This means, for example, that—whatever the policies that have, in fact, been adopted by some jurisdictions—it can be entirely justifiable not to enact a policy that systematically protects pharmacists who object to prescribing certain kinds of contraception. In fact, it is often the case that to enact the exclusion wrongly ignores the fact that we have the responsibility to weigh the costs of entering a profession, when those costs are a matter of public knowledge.[45]

But, second, the case against extending systematic excuses from public obligations can be strengthened when the social importance attached to the profession can be publicly known, and the kinds of personally challenging decisions that an individual professional might be asked to confront can be appreciated in advance. What counts as evidence of public commitment to the social importance of the profession is often largely a function of the level of public investment in the complex set of institutions and practices that are essential to training those intending to go into that profession. Equally important is the frequency of expressions of *social respect* for the expertise of those who undergo the training.

Anyone who decides to train as a pharmacist, for instance, cannot plausibly claim ignorance of the social importance of the role, of public commitment to supporting and promoting the expertise of those who occupy the role, or to the fact that taking on the role may commit one to promoting ends that may conflict with one's private convictions.

Denying systematic exceptions to those who choose to take up a profession made possible in large part by public investment, and underwritten by social valuation of the relevant professional expertise, is not a veiled expression of disrespect for the deliverances of conscience. Nor is it an attempt to treat the deliverances of conscience as a purely "private" matter. In fact, my argument in this chapter is an extended defense of the opposite view. I accept that the meaning-giving commitments that shape people's identities and define their loyalties are not appropriately deemed essentially "private." I also insist that, given the fallibility of democratic majorities, it would be dangerous to do. Further, I would argue that even in nation-states claiming officially "secular" identities, it is often difficult to understand how such conduct as wearing a religious symbol, or adopting certain modes of dress inspired by religious traditions, could *in itself* constitute an unacceptable "interference" with the pursuit of any *legitimate* public purposes.

Yet, however any society decides such cases, it must not ignore the full extent of the politically weighty considerations at stake in such disputes. Democratic deliberation may result in a policy that legalizes access to a contested medicine or medical procedure, or that legalizes a state-sanctioned marriage for those who were historically denied access to it. Individual convictions that involve objections to such legislation should almost always carry some weight in a society's deliberations. But when we examine some actual controversies, we discover that there is a politically weighty asymmetry between, on one hand, the pharmacist who objects to prescribing the "morning-after pill" or the county clerk who seeks to deny a marriage license to a same-sex couple and, on the other hand, a religious dissenter conscripted into military service. The authority that the pharmacist and the clerk demand as a way of grounding a right to refuse in these cases is rooted in the most fundamental way on their *choices* to participate in ways of life that are deeply dependent on processes of democratic decision-making

and the pursuit of democratically agreed-upon ends. We must thus be cautious in assuming that the conscientious objections they might have should be accorded the same weight—as a matter of course—as the objections of the religious dissenter who has been *conscripted* into military service against his (or her) individual will.

Any adequate contribution to the normative theory of democracy must anticipate the deliberative challenges that will remain for any democratic society that might seek to deny a right of refusal to pharmacists opposed to the morning-after pill, or to a county clerk opposed to same-sex marriage, even on democratically legitimate grounds. No stable democracy can ignore the possibly divisive and destabilizing effects that even democratically legitimate denials of petitions for systematic excuses may produce. As I argue in section V, this is why complex democracies must more intentionally, and more substantively, integrate multiple forums for principled compromise into their deliberative processes. These are the only deliberative mechanisms that can be reliably expected to give dissenters an authentic voice in deliberations about collective ends, and to leave them feeling confident that their dissenting voices have in fact been heard.

V. Principled Compromise as a Tool for Authentically Democratic Deliberation

The best way for a democracy to minimize the risk of destabilization in response to any such decisions is to make an explicit national commitment to principled compromise as a deliberative resource. This commitment must be taken seriously at all levels: by educational institutions, civic groups and religious communities, responsible news media, and by private foundations, as well as by local and national governments. It must also inform debate in the multiple deliberative networks that, over time and on many different levels, shape deliberation in complex democracies.

An informal consensus on the importance of such networks seems to have emerged in some contemporary democracies. It is instructive that on some of the most important and divisive political conflicts, principled compromise often remains an unreachable goal. The problem is that, for far too long, many "debates" have been carried out in a manner that can only poison the wells:

damaging any prospect that those who disagree might retain respect for, or acknowledge the moral legitimacy of, the "other side." Fortunately, those involved in the informal deliberative networks have recognized that, in such contexts, the primary goal of democratic deliberation must be to repair the social and political damage resulting from a socially widespread failure to appreciate the deliberative importance of principled compromise.

One of the most remarkable examples of such an effort began shortly after an act of deadly violence at a Planned Parenthood clinic in Massachusetts in 1994, when an organization called the Public Conversation Project quietly convened several meetings of a group of civic leaders (all of them women) on both "sides" of the abortion debate. In a jointly authored account of what transpired, published under the provocative headline "Talking with the Enemy," the participants reported that they began by agreeing that "our talks would not aim for common ground or compromise":

> Instead, the goals of our conversations would be to communicate openly with our opponents away from the . . . spotlight . . . ; to build relationships of mutual respect and understanding; to help de-escalate the rhetoric of the abortion controversy; and, of course, to reduce the risk of future shootings.[46]

The meetings continued for more than five and a half years, and involved 150 hours of conversations that were kept secret until a Boston newspaper published the participants' joint account in 2001. That account concludes with two observations that are worthy of note in this context. First, the participants observe (perhaps predictably) that, by the end, they came to believe that their positions "reflect two world views that are irreconcilable." But they also reported that they nonetheless planned to continue meeting, in the hope of contributing "to a more civil and compassionate society." I will briefly explore a few instructive elements of the exercise that led to these conclusions.

It deserves notice, first, that although the participants were all prominent leaders of influential organizations known for forceful public stands in the debate, they all approached the project as citizens with a fundamental stake in the cooperative project of democracy.[47] They wrote about how difficult this proved to be. But

their resolve reminds us of how important it is, in such contexts, to understand that "citizen" is a political role defined (however informally) by normative standards. But, second, they squarely confronted familiar concerns that, in political conflicts rooted in deep moral disagreement, even being willing to talk to some-one from the "other side" might be thought to reveal a lack of moral integrity. One participant who identified as pro-life worried that, if the fact of her participation became public, she would be interpreted as "treating abortion merely as a matter of opinion." Another feared being viewed as morally tainted for "sitting with people who were directly involved with taking life." Of course, the conversations continued for more than five years, and the partici-pants expressed the intention to continue talking even after that. This is surely evidence that they came to understand that, far from being a violation of moral integrity, granting reasonableness and moral legitimacy to those with whom we disagree is in fact a confir-mation of moral integrity.

Regrettably, none of the participants seemed willing to allow that granting moral legitimacy to the other is also an important way of expressing the fact of human fallibility.[48] Indeed, the published account suggests that, given the framing of the exercise, none of the participants believed that she *could* concede this point, and at least one pro-life participant believed that she *should not* concede the point. But let us suppose, for the sake of argument, that any participant in the abortion debate could be confident of possess-ing an unimpeachable grasp of a relevant truth. It is nonetheless *always* possible that she might be mistaken about how to apply that truth in the world. One of the many strengths of Mario Cuomo's 1984 speech on "Religious Belief and Public Morality" is the care with which he raises this possibility and courageously draws out its profoundly important political implications.[49]

Yet some things that the participants did not say are as instruc-tive as what they did say. In particular, they never considered the possibility that, despite the initial framing, they were in fact engaged in a process of "principled compromise" (though not, of course, any sort of compromise on what constitutes a legitimate political decision on abortion). This "absence," in my view, pre-dictably reflects the cultural ascendancy of the mistaken idea that compromise is always about "trimming one's conscience" to fit

the consensus of the moment. Moreover, many features of a principled compromise are evident in their interactions. For instance, it was surely a sacrifice to spend 150 hours of time over five years, talking and listening in a way that required the bracketing of their identity-defining commitments, and (as they report) being in constant fear that merely to be in the conversation might be to endanger those commitments. Further, it surely constituted an improvement on the context of fear and mistrust in which the exercise began that each participant became able to "talk with the enemy" long enough to stop seeing her *as* an enemy, but instead as a fellow citizen who shares a common interest in creating a "more civil and compassionate society." Indeed, the participants reported that, even as they kept their conversations secret, their participation nonetheless began to soften their public rhetoric and led them to encourage their respective organizations to do so as well. This is certainly a profound improvement on the status quo that led to their deliberative exercise.[50] Indeed, in my view, it provides helpful support for my claim that contemporary liberal democracies cannot afford *not* to create more deliberative space for this kind of project.

VI. Compromise and Democratic Humility

Critics will rightly insist that accepting the moral legitimacy of one's opponents, and even securing broad agreement on the superiority of civil discourse over acrimony and violence, are not equivalent to successfully negotiating agreement on a "solution" to the question of what a democracy can legitimately do on the matter of abortion, for instance. They may also object that even if it were possible to achieve a principled compromise on some substantive political outcome concerning abortion, compromises are unstable and, in Follett's words, "if we only get compromise, the conflict will come up again and again in some other form."[51] Finally, it may be objected that history is full of examples in which the willingness to live with compromise—even when it might have seemed to some to actually be principled compromise—has turned out to make the participants potentially (and sometimes actually) complicit in injustice. Thus, as thinkers like Avishai Margalit and Sanford Levison remind us, it is very much a live question whether

the "Great Compromise" that led to the US Constitution ought to be understood as a "rotten compromise" for its recognition of a political order that allowed the cruelties and indignities of chattel slavery.[52]

But I have already conceded the point about the difference between ending socially divisive hostility about abortion and reaching a principled compromise on a political solution to the debate about abortion. The continued inaccessibility of such a compromise on abortion confirms my earlier claim that it presents the kind of deliberative challenge that *for now* outstrips our capacity to provide a rationally constructive response. If a constructive principled compromise is to be possible, all parties to the abortion debate will need to rethink not only the way that all of us talk about the moral dimensions of the human capacity to reproduce, but also how we understand the interests, responsibilities, and rights of *everyone* in society who can be substantially affected by the exercise of that capacity. This process will require extraordinary efforts of self-scrutiny, good will toward the "opposition," and creative moral imagination.[53] For the time being, the best way to create deliberative space for such efforts is to help people learn to stop seeing those with whom they disagree as "the enemy."

Regrettably, it is not currently clear how or whether it might be possible to disentangle political conflict about abortion from the unruly and intractable moral debate that has fueled the conflict for a very long time. Yet, as I have argued elsewhere, the idea that we might definitively "solve" such a complex moral problem involves a fundamental misunderstanding of how moral argument and moral reasoning actually work.[54] Even if we proved able to resolve this kind of serious moral conflict *now,* this would not and could not guarantee that some aspect of the disputed issue would not reemerge at some point in the future, as a source of newly serious disagreement. When we adopt any policy on matters such as abortion, or physician-assisted suicide, or even a particular national configuration of healthcare, we effectively begin to alter the data of moral and political experience, and in time we will very likely need to revisit many of the central issues again. This is why Hilary Putnam is right to argue that words like "solution" and "problem" may be leading us astray in these contexts. Moral "problems," he urges, are not like "scientific problems"; they do not, and

cannot, have "solutions" in the sense that scientific problems do. Putnam therefore contends that we adopt a different way of conceiving of moral argument—in particular, a conception relying on the idea of adjudication.[55] In my view, this is a conceptual shift best translated into political contexts by means of the idea of principled compromise, for what we need when we address deep moral disagreements in political life is precisely a mode of deliberation that can acknowledge the recurring character of the conflicts.

To be sure, we choose in contexts of ever-present risk. Even when we seek *principled* compromise, we sometimes rely on flawed assumptions about what sacrifices it is reasonable or morally right to impose on others. Further, we often make unreliable predictions about the likelihood that allowing sacrifices to continue now may allow us to pursue a peace that is likely to bring such suffering to an acceptable end. Our fundamental, inescapable fallibility may mean, in the end, that *humility* may be the most important political virtue. This is the wisdom expressed by the Chorus in Sophocles' *Antigone* when they observe that "the mighty words of the proud are paid in full with the mighty blows of fate."

The kind of humility relevant to democratic life is not to be confused with any kind of personal trait that—in religious and secular contexts alike—might be associated with an attitude of servility, perhaps as some kind of "corrective" to the dangers of human pride. Rather, as Mark Button has argued, the humility relevant to democratic life embodies a set of dispositions, attitudes, and beliefs that "put us on guard against the ethical and political dangers of complacency, premature closures and dogmatism"—especially against those forms of dogmatism that "express a will to mastery or domination."[56] This kind of humility is not the "monkish virtue" that Hume rejected, but a political virtue that is critical for the survival of any complex, multicultural democracy, so I follow Button in calling it "democratic humility." What democratic humility requires most in the realm of democratic governance, whether at the level of political elites or in the everyday decisions and actions that citizens take in the realm of quotidian democracy, is that we acknowledge the depth of human fallibility by setting out the terms under which our most politically fundamental compromises can be revised. With American history as our guide, we can recognize that this kind of humility—as embodied in a

Constitution that could be revised—has the extraordinary power to transform even a "rotten" compromise into a rational blueprint for a genuinely democratic way of life.

NOTES

1. Edmund Burke, *Burke's Speeches and Letters on American Affairs*, ed. Ernest Rhys (New York: J.P. Dutton, 1950), pp. 76–144.

2. Mary Parker Follett, "Constructive Conflict," *Dynamic Administration: The Collected Papers of Mary Parker Follett* (1925; reprint) (Mansfield Centre, CT: Martino Publishing, 2013;) pp. 30–49.

3. Ibid., pp. 45–49.

4. Amy Gutmann and Dennis Thompson, *The Spirit of Compromise* (Princeton, NJ: Princeton University Press, 2012).

5. Ibid., pp. 3–4.

6. A "mindset" for Gutmann and Thompson is "a cluster of attitudes and arguments that incline an individual to organize thinking an action in a way that makes some considerations and choices more salient than others." See *The Spirit of Compromise*, pp. 64–65. Mindsets are compromising or uncompromising to the extent that they "aid or impede" the making of compromises. The most concise definition of the compromising mindset appears on pp. 16–17 of *The Spirit of Compromise.*

7. Ibid., pp. 189–199.

8. Ibid., pp. 199–202.

9. Russell J. Dalton and Hans-Dieter Klingemann, "Citizens and Political Behavior," in Dalton and Klingemann, editors, *The Oxford Handbook of Political Behavior* (Oxford, UK: Oxford University Press, 2007), p. 3.

10. Dalton and Klingemann, "Overview of Political Behavior," in Robert E. Goodin, editor, *The Oxford Handbook of Political Behavior Science* (Oxford, UK: Oxford University Press, 2009) pp. 321–344.

11. The term "quotidian democracy," as I will show, is a way of capturing a Deweyan notion that democracy is best understood not by reference to external institutions but, as he says in "Creative Democracy," a way of life. It is also an obvious nod to the value of the idea of "middle democracy" developed in Guttman and Thomson, *Democracy and Disagreement* (Cambridge, MA: Harvard University Press, 1996). See especially pp. 12–13, where they write that "The forums of deliberation in middle democracy embrace virtually any setting in which citizens come together on a regular basis to reach collective decisions about public issues—governmental as well as nongovernmental institutions. They include not only legislative sessions, court proceedings, and administrative hearings at all levels of government but also meetings of grass roots organizations, professional

associations, shareholders meetings, and citizens' committees in hospitals and other similar institutions."

12. The conflict remains whether one interprets it as conflict between religion and human law, or between the demands of family and the demands of the polis. A compelling analysis of Antigone's transition from righteousness to self-righteousness is offered by Patricia M. Lines in her essay "Antigone's Flaw," *Humanitas* XII, no. 1: 1999. See also George Steiner, *Antigones* (New Haven, CT: Yale University Press, 1984), p. 5.

13. One of the most influential of these critics was Fr. Richard Neuhaus, in *The Naked Public Square: Religion and Democracy in America* (Grand Rapids, MI: Eerdmans, 1988). The idea certainly informs both the "strict interpretation" interpretation of the First Amendment Establishment Clause, as well as the demand made by much contemporary political thought for government neutrality between competing conceptions of the good. But the idea itself is not essentially a critique of religion.

14. *Antigone*, line 912.

15. Hobbes, *Leviathan*, part II, ch. 29, "Of Those Things that Weaken or Tend to the Dissolution of the Commonwealth," C. B. Macpherson, editor, 1651; rpt. Penguin Classics 1968, p. 366.

16. See Michele Moody-Adams, *Fieldwork in Familiar Places: Morality, Culture and Philosophy* (Cambridge, MA: Harvard University Press, 1997), ch. 5.

17. Mary Parker Follett, "Constructive Conflict," *Dynamic Administration: The Collected Papers of Mary Parker Follett* (1925; reprint Martino Publishing, 2013), pp. 30–49.

18. Martin Golding argues that in any compromise process "some degree of moral legitimacy is accorded to the other side." See Martin Golding, "The Nature of Compromise: A Preliminary Inquiry," *Compromise in Ethics, Law and Politics: Nomos XXI*, J. Roland Pennock and John W. Chapman, editors (New York: New York University Press, 1979), p. 17. Theodore Benditt develops further implications of this view, in "Compromising Interest and Principles," also in *Nomos XXI*, pp. 26–37. I contend that according full moral legitimacy is something that comes only when we seek what I call principled compromise.

19. Barber discusses the notion of democracy as "self-correcting" in Benjamin Barber, "Foundationalism and Democracy," in Seyla Benhabib, editor, *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton, NJ: Princeton University Press, 1998), pp. 348–359; especially p. 354.

20. These passages draw on an argument I make in an as-yet-unpublished paper of mine entitled "Cultural Diversity, Globalization and the Future of Democratic Citizenship."

21. Elizabeth Anderson, "Democracy: Instrumental vs. Non-Instrumental Value," in Thomas Christiano and John Christman, editors, *Contemporary Debates in Political Philosophy* (Oxford: Wiley-Blackwell, 2009), pp. 216–217.

22. John Dewey, "Creative Democracy: The Task before Us," in J. A. Boylston, editor, *The Later Works of John Dewey*, Vol 14 (Carbondale: Southern Illinois University Press, 1988).

23. This view is defended primarily in Dewey, *The Public and Its Problems* (New York: Holt and Company, 1927).

24. Michael Lipsky, *Street Level Bureaucracy: Dilemmas of the Individual in Public Services*, 30th annual edition (New York: Russell Sage Foundation, 2010), p. xi.

25. Mario Cuomo, "Religious Belief and Public Morality: A Catholic Governor's Perspective," 1984. www.archives.nd.edu.

26. Judith Skklar, *Ordinary Vices* (Cambridge, MA: Harvard University Press, 1984), pp. 4–5.

27. Eva LaFollette and Hugh LaFollette, "Private Conscience, Public Acts: Does Private Conscience Trump Professional Duty?," *Journal of Medical Ethics* 33:5 (2007): 249–254.

28. This is one of the most important lessons of Mill's defense of liberty of expression in John Stuart Mill, *On Liberty* [1859] (Indianapolis: Hackett, 1978), ch. 2; See also Eva LaFollette and Hugh LaFollette, "Private Conscience, Public Acts."

29. Cuomo, "Religious Belief and Public Morality."

30. Barber discusses the notion of democracy as "self-correcting" in Benjamin Barber, "Foundationalism and Democracy," in Seyla Benhabib, editor, *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton, NJ: Princeton University Press, 1998), pp. 348–359; p. 354.

31. Anderson, "Democracy: Instrumental vs. Non-Instrumental Value," p. 217.

32. Martin Luther King, Jr., "Letter from Birmingham City Jail" [1963] in James M. Washington, editor, *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.* (New York: Harper Collins, 1986), pp. 290–292, esp. 292. 1.

33. The arguments of this section draw on and respond to the conception of public reason defended in John Rawls, *Political Liberalism: Expanded Edition* (Cambridge, MA: Harvard University Press, 1996), esp. lecture VI, "The Idea of Public Reason," pp. 212–254. The relevant arguments from Gutmann and Thompson are contained in their *Democracy and Disagreement*, esp. ch. 2, pp. 52–95.

34. This argument is developed by Stanley Fish, "Mutual Respect As a Device of Exclusion," in Stephen Macedo, editor, *Deliberative Politics: Essays*

on Democracy and Disagreement (Oxford: Oxford University Press, 1999), pp. 88–102.

35. Rawls, *Political Liberalism*, exp. edition, Introduction to the paperback edition, pp. xlix–l. Conversation and engagement with the work of Brandon Terry helped me appreciate the importance of Rawls's remarks on these matters.

36. *Political Liberalism*, exp. edition, lecture VI, p. 213.

37. *Political Liberalism*, exp. edition, lecture VI, p. 214.

38. I develop this view in Moody-Adams. "The Idea of Moral Progress." *Metaphilosophy*, 30, No. 3, (July 1999), esp. pp. 176–178.

39. Iris Young, "Communication and the Other: Beyond Deliberative Democracy," in Benhabib, editor, *Democracy and Difference* (Princeton, NJ: Princeton University Press, 1996), pp. 120–135; p. 120.

40. A related view of democratic deliberation as similarly complex is developed in the essays in Jane Mansbridge and John Parkinson, editors, *Deliberative Systems* (Cambridge: Cambridge University Press, 2010).

41. What I describe as "integrative consensus" may be what Henry Richardson means by "deep compromise" in chapter 11 of his *Democratic Autonomy* (Oxford: Oxford University Press, 2002). My differences with Richardson's rich account concern the issue of categorization. What he calls "deep compromise" seems to be, instead, a form of agreement that somehow unifies the meaning-giving commitments that underwrite serious political disagreement in such a way that the idea of "sacrifice"—so central to the idea of compromise—seems to lose its relevance. Thus, what he calls deep compromise I would call integrative consensus.

42. Bayard Rustin, "From Protest to Politics: The Future of the Civil Rights Movement," *Commentary*, February 1965.

43. Martin Luther King, "Pilgrimage to Nonviolence" (1960), in Washington, editor, *A Testament of Hope*, pp. 36 and 38.

44. I am thinking here of the issues raised by *Wisconsin V. Yoder* 406 U.S. 205 (1972) and *Mozert v. Hawkins* 827 F. 2d 1058 (1987).

45. Eva LaFollette and Hugh LaFolllete offer an especially rich analysis of the central issues, even as they take a stand in arguing (I think correctly) for the idea our moral responsibilities as professionals are "not identical" to our moral responsibilities as individuals. See "Private Conscience, Public Acts," esp. p. 253.

46. Anne Fowler, Nikki Nichols Gamble, Frances X. Hogan, Melissa Kogut, Madeline McComish and Barbara Thorp, "Talking with the Enemy," *Boston Sunday Globe*, January 28, 2001 pp. F1–F3.

47. Ibid., p. F2.

48. Theodore Benditt draws important links between the fact of human fallibility, the consequent need for humility, and the notion of moral

integrity. He argues that compromise is connected with recognition of the need for humility. See Benditt, "Compromising Interests and Principles," *NOMOS XXI*, esp. pp. 340–336.

49. Cuomo draws this distinction with clarity and care, and with insightful attention to the relevance of his position for other debate. See Mario Cuomo, "Religious Belief and Public Morality: A Catholic Governor's Perspective," reprinted in *More Than Words: The Speeches of Mario Cuomo* (New York: St. Martin's Press, 1993).

50. It does not constitute an objection to this claim to note—as some commentators have done—that the exchanges did not continue, and that the discussants' serious disagreement about abortion did not disappear. The argument of the final section of the chapter explicitly acknowledges that this kind of disagreement may demand repeated discussions extended indefinitely in time.

51. Follett, "Constructive Conflict," p. 35.

52. Avashai Margalit, *On Compromise and Rotten Compromises* (Princeton, NJ: Princeton University Press, 2010), pp. 54–61. Sanford Levinson, "Compromise and Constitutionalism," 38 *Pepperdine Law Review* 821: 2010–2011.

53. This passage draws on arguments in my *Fieldwork in Familiar Places* (Cambridge, MA: Harvard University Press, 1997), esp. pp. 143–154.

54. Ibid., ch. 3.

55. Hilary Putnam, *Realism with a Human Face* (Cambridge, MA: Harvard University Press, 1990), pp. 181–183.

56. Mark Button, "'A Monkish Kind of Virtue'? For and Against Humility," *Political Theory*, 33 no. 6 (December 2005): 861.