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Collectivizing Public Reason

Lars J. K. Moen

Abstract: Public reason liberals expect individuals to have justificatory reasons for their views of certain political issues. This paper considers how groups can, and whether they should, give collective public reasons for their political decisions. A problem is that aggregating individuals' consistent judgments on reasons and a decision can produce inconsistent collective judgments. The group will then fail to give a reason for its decision. The paper considers various solutions to this problem and defends a deliberative procedure by showing how it incentivizes information sharing and leads to outcomes most acceptable to the group members.

Keywords: collective reasoning; deliberation; judgment aggregation; political liberalism; public reason.

1. Introduction

Public reason liberals argue that political decisions must be justified to everyone bound by them on the basis of public reason. What passes as a public reason is a divisive issue among these theorists, and we shall see that there are different understandings of public justification. But they agree that judgments of at least some political issues must be justified based on public reason. Following Rawls (2005), we can refer to those basing their views on public reason as 'political persons'. These persons are usually taken to be individuals. Courts, legislatures, and political parties are groups making political decisions, but the justificatory reasons for these collective decisions are understood to be the group members' reasons.

If we expect these groups to form collective reasons based on their members' reasons, we run into a problem revealed in recent work on judgment aggregation (esp. List and Pettit 2011). Making a reason-based decision involves judging on logically interconnected propositions taking the form of premises and a conclusion. An individual can, for example, endorse a proposition p, which the individual considers a sufficient reason for supporting some other proposition q. So, the individual believes p, $p \rightarrow q$ (if p then q), and q. The problem is that aggregating such consistent sets of judgments might result in inconsistent collective attitudes. The problem is presented in Table 1, where the majority judgments of the three propositions are inconsistent despite each individual's set of judgments being consistent.[1]

	p	$p \rightarrow q$	q
Member A	True	True	True
Member B	False	True	False
Member C	True	False	False
Majority	**True**	**True**	**False**

Table 1. Three group members vote consistently on three interconnected propositions. But the majority judgments are inconsistent.

[1] This problem was first recognized by Poisson (1837) and later rediscovered by Vacca (1921) and Kornhauser and Sager (1987).

A group might therefore end up endorsing a proposition it recognizes as a sufficient reason for a law, say, while rejecting the law. And, conversely, it might make a judgment on a law for which it can offer no reason despite every group member in support of the judgment doing so. I explain the generality of this problem in Section 4.1. The problem implies that for a group to behave as a political person, it cannot simply adopt the judgments of its members. Collective public reason requires a collective decision procedure that can in one way or another be unresponsive to individuals' judgments.

One solution would be to vote only on the decision, and not on reasons. We can give one individual the task of justifying the decision, for example, or just say the group made the decision because of the various reasons of the group members in the majority. I shall argue, however, that requiring collective judgments also on reasons has beneficial effects on the decision-making. Demanding that group members find collective reasons in a deliberative procedure will incentivize information sharing and secure decisions most acceptable to the group members and others affected by the decisions. This procedure thus enhances the conditions for public reason.

The paper proceeds in three main sections. First, Section 2 explains different models of public justification and considers how groups can function as corporate political persons. Section 3 discusses the problem of inconsistent collective judgments and how it applies to collective public reason. Section 4 considers different ways of dealing with the problem, and it ultimately defends a deliberative procedure that fits well with the core ideas of political liberalism. I conclude in Section 5 by highlighting the main findings of the paper.

2. Corporate political persons

Public reason liberals require that judgments on political issues be based on justificatory reasons. For those of them holding a consensus account of public justification, these reasons must be acceptable to all reasonable persons. On Rawls's (2005: 54–61) account, reasons must be acceptable to persons who respect the fact of reasonable pluralism and want society to function

as a fair system of social cooperation for mutual benefit between free and equal persons. The exercise of political power is legitimate when justified on such reasonably acceptable grounds, though not all reasonable persons need consider it perfectly just (Quong 2011: 133–135). What matters is the willingness for social cooperation on fair terms. But at least for Rawls, agreement on reasons is not required (see also Quong 2011: 262–264). Demanding conformity on reasons, Rawls (2005: 149) says, would only exclude otherwise cooperative citizens from political society and consequently make society less stable.[2]

The convergence view of public justification is more permissive than the consensus view. For convergence theorists, public reasons need not be acceptable to everyone meeting some reasonableness condition. The focus is less on 'interpersonal justification'—justifying one's beliefs in ways acceptable to others—and more on 'personal justification'—making up one's own mind about what to think about an issue (Gaus 1996: 10–12). Convergence theorists require only that individuals have sufficient personal reasons for a collective decision on which their views converge (D'Agostino 1996: 30). The reasons should be intelligible—that is, understandable to others as reasons for the opinion—but they need not be widely accepted or shared (Vallier 2016). Persons can therefore reason from separate points of view to a greater extent than on a consensus view.

The debate on the appropriate restrictions on justificatory reasons concerns the structure of public reason. Another matter of controversy among public reason liberals is the scope of public reason—that is, the range of issues on which we must appeal to public reason when we make judgments. Rawls requires public-reason-based judgments only on fundamental political issues concerning society's basic structure. Gaus (2011: 495) demands public reason for laws without

[2] Quong (2011: 264) distinguishes between strong and weak consensus models. The strong account requires that citizens accept a decision for the same reason, or set of reasons. The weak account, on the other hand, allows different people to accept a decision for different reasons, though these reasons must be public in the sense that every reasonable person can accept them as valid considerations each serving as a plausible basis for the decision. Following Rawls, Quong defends the weak account.

'strong interactive effects' with other laws. And Quong (2004, 2011: 273–289) applies his consensus model of public justification to all political decisions. I defend no position on the matter of scope, as my discussion of collective public reason concerns collective decision-making within whatever scope the particular public reason liberal prefers.

My focus is on the public reason requirement of certain groups. In the public reason literature, the view of groups is highly individualist. Political institutions are obviously an important part of the picture, but public reason is usually taken to apply only to the individuals within these institutions. Rawls (2005: 194–195) says the political ideals he identifies 'characterize the ideal of a good *citizen* of a democratic state' (emphasis added). While he talks about legislatures and courts, he says public reason applies especially to 'the reasoning of legislators, executives (presidents, for example), and judges (especially those of a supreme court, if there is one)', and to the 'reasoning of candidates in political elections and of party leaders and others who work in their campaigns, as well as the reasoning of citizens when they vote on constitutional essentials and matters of basic justice' (Rawls 2005: 382). Quong (2011: 256) takes the idea of public reason to offer guidelines and requirements for persons acting 'in their capacity as citizens and public officials'. And Vallier (2015) understands public reason requirements to apply to legislators and other individuals with significant influence on political decision-making.

The U.S. Supreme Court is one institution that has received much attention from some public reason liberals. Rawls (2005: 216) considers it an 'examplar of public reason', as it justifies its rulings on an interpretation of the constitution and other statutes and precedents. Kogelmann (2018) goes further by seeing the Court not just as 'the fountain of public reason', as it constructs public reasons to which citizens can appeal to adjudicate public disputes. But nothing in these accounts suggests anything other than the reasons being those of the Justices on the Court.

In an early essay, however, Rawls says that while the term 'person' will often mean individual human being, it 'may refer to nations, provinces, business firms, churches, teams, and so on'. '[I]t will be ambiguous', he says, whether he uses the term 'person' to refer to an individual or a

corporate person (Rawls 1999a: 193–194). Insofar as Rawls also understands groups dealing with fundamental political issues as persons, they are subject to the same requirements of public reason as individual persons. Firms, churches, and teams might not fit into the category of groups dealing with fundamental political issues, but groups such as legislatures, courts, and political parties do.

And while Rawls mentions 'corporate person' only a few times in the 550-page 2005 edition of *Political Liberalism*, he clearly thinks of some groups as political persons.[3] This is most obvious when he requires a well-ordered people to act as a political person towards other peoples in the Society of Peoples. A people must base its decisions concerning the basic structure of the Society of Peoples on public reasons (Rawls 1999b: esp. pt. 1). Well-ordered peoples are expected to propose to other peoples fundamental principles to govern their interaction based on reasons they believe all affected peoples can accept (Rawls 1999b: 56). 'As reasonable citizens in domestic society offer to cooperate on fair terms with other citizens', Rawls (1999b: 25) says, 'so [well-ordered] peoples offer fair terms of cooperation to other peoples'. Both individuals and peoples, then, are expected to exercise public reason. The requirement 'applies in one case as in the other' (Rawls 1999b: 18–19). 'Well-ordered peoples', Rawls (1999b: 23) explains, are 'the actors in the Society of Peoples, just as citizens are the actors in domestic society'.

But saying that certain groups are political persons does not itself commit Rawls or any other public reason liberal to a non-individualist view of public reason. As Rawls (1999b: 56) says at one point, a people meets the public reason requirement when 'chief executives and legislators, and other government officials, as well as candidates for public office' can give public reasons to the other peoples affected by their decisions. If these individuals make judgments based on public reasons, their respective groups can adopt and offer these reasons to groups or individuals they interact with. The group's spokesperson can give reasons for its decisions, but these reasons are really just the group members' reasons.

[3] The term is not included in the index, but I have found it used four times, on pages 50, 107–108, 111, and 112.

3. Collective decision-making

Making a reason-based decision involves judging on logically interconnected propositions taking the form of premises and a conclusion. For example, an individual can make a reason-based decision for some proposition q by judging that a proposition p is the case, that p is a sufficient reason for q ($p \rightarrow q$), and then that q is the case. A straightforward way for a group to make a reason-based decision then appears to simply be to adopt the group members' judgments of the relevant propositions. Of course, we cannot always expect unanimous agreement among the group members. An obvious solution is then to take a vote and let the majority decide for the group (Rawls 2005: 118, 393). The outcome of a vote, Rawls (2005: 479–480) says, is legitimate insofar as individuals' voting is motivated by public reason.

However, aggregating individuals' judgments of interconnected propositions need not be a simple matter. Counting votes is a reliable way of making a collective choice between two options, such as p and not-p, but complications emerge when there are more than two possible outcomes. In judgment aggregation, we assume there are only two outcomes with respect to each proposition: for and against. But with more than one proposition on the agenda, there will be more than two possible combinations of judgments and consequently more than two possible outcomes. This is inevitable when the propositions are interconnected and therefore cannot be judged separately. The problem is, as we saw in Figure 1, that even if each individual makes consistent judgments, collective judgments might turn out to be inconsistent. No conclusive collective decision can then be made based on individuals' votes.

Pettit (2001: 272) has named the problem the 'discursive dilemma'. It is 'discursive' because it involves individuals coming together to make a collective judgment, and it is a dilemma because it requires a choice between being responsive to individuals' judgments and being collectively rational. The dilemma thus implies that a group's capacity to reliably make consistent judgments depends on a capacity not to simply adopt its members' judgments. In certain cases, as we shall see in Section 4.2, this might even lead the group to make a decision all its members reject. So, to

function as a political person giving reasons for its decisions, the group depends on a decision-making procedure that may produce judgments rejected by most of its members.

To illustrate how the problem might arise with respect to Rawls's clearest example of a corporate political person, let us imagine a case based on an example from his *The Law of Peoples* (Rawls 1999b: 43, fn. 53). Four liberal democratic states, Belgium, France, and Germany, and the Netherlands, intend to form a single society. Let us suppose the Euro has not been introduced, and that the four states discuss introducing a common currency for their union. Representatives of three different geographical regions in Belgium vote in favour of the new currency, as they consider it beneficial for people in all the four states.[4] But when representatives from all the four states meet, the Belgians cannot agree on a single reason to give for their public-reason-motivated decision.

To see why, suppose the representatives from each Belgian region meet to present the results of their voting. It turns out that while they all support the introduction of the new currency, *C*, they disagree about the reasons for *C*. The spokesperson of the first region says the reason why her region voted in favour of the new currency was lower transaction costs within the union (R_1). And the majority in this region explicitly rejected improved inflation performance (R_2) and lower interest rates (R_3) as reasons for their decision. The spokesperson for the second region, however, says R_2 was the reason why his region voted for the currency, and that R_1 and R_3 were both rejected. And the spokesperson for the third region explains that her region favoured the new currency because of R_3 and rejected R_1 and R_2. None of the reasons, then, is favoured by a majority of the regions. But each region has a sufficient reason for a decision for which there is unanimous support. They thus converge on the same decision, but collectively the Belgians cannot give a

[4] I suppose here that one state means one people, but it is not clear that Rawls would think of these four states as four peoples. In Belgium, for example, the Dutch-speaking, French-speaking, and German-speaking parts of the population may perhaps be considered three different peoples.

single reason for their decision.

Table 3 shows how the regions give reasons for their votes. The three regions all agree that the conclusive proposition, which is to introduce the new currency, *C*, needs support from just one of the reasons: '$(R_1 \vee R_2 \vee R_3) \rightarrow C$'. We see that the Belgians favour the new currency, but a majority rejects each of the three reasons the regions give for supporting the currency. The Belgians thus fail to collectively justify their decision in favour of *C*. The Belgians hold reasons for their decision, but since a majority rejects each of these reasons, the reasons only explain each group member's judgment of *C*. No reason can be offered as a collective justification for the collective judgment of *C*, since each reason is collectively rejected.

	R_1	R_2	R_3	$(R_1 \vee R_2 \vee R_3) \rightarrow C$	C
Region 1	Yes	No	No	Yes	Yes
Region 2	No	Yes	No	Yes	Yes
Region 3	No	No	Yes	Yes	Yes
Majority	**No**	**No**	**No**	**Yes**	**Yes**

Table 3. A people is unable to give a reason for its decision.

An easy solution is to accept that the Belgians have different reasons for their decision. Some hold R_1 as a sufficient reason for *C*, others hold R_2, and some hold R_3. Most of the Belgian representatives reject each of these reasons, but what matters is that each of them has a reason for a decision on which their views converge. We have seen that not even consensus theorists like Rawls and Quong require agreement on reasons. And while Rawls supports majority voting, he seems to endorse aggregation of judgments only on the decision, not on reasons. The Dutch, the French, and the Germans may also accept the Belgians' disagreement on reasons as long as they make an unambiguous decision regarding the new currency.

But by further exploring the requirement that groups give collective public reasons for their decisions, we shall ultimately find that it has beneficial effects on collective decision-making. It can improve individuals' understanding of the issues they consider and the views of their fellow group members. It can also give others interacting with the group an understanding of what reasons the group members consider most acceptable.

4. Making groups reason

4.1 A general problem

The problem of inconsistent collective judgments applies generally to collective decision-making procedures satisfying conditions we can plausibly expect public reason liberals to endorse. Arrow's (1963) theorem demonstrates the general impossibility of an aggregation function that fairly produces a complete and transitive collective preference ordering from individuals' complete and transitive preference orderings. List and Pettit (2002) prove a theorem for judgment aggregation analogous to Arrow's theorem for preference aggregation. They introduce the following three conditions it seems reasonable to expect a fair and democratic aggregation function to satisfy (quoted from List and Pettit 2011: 49):

> **Universal domain.** The aggregation function admits as input any possible profile of individual attitudes towards the propositions on the agenda, assuming that individual attitudes are consistent and complete.[5]
>
> **Anonymity.** All individuals' attitudes are given equal weight in determining the group attitudes. Formally, the aggregation function is invariant under permutations of any given profile of individual attitudes.
>
> **Systematicity.** The group attitude on each proposition depends only on the individuals' attitudes towards it, not on their attitudes towards other propositions, and the pattern of dependence between individual and collective attitudes is the same for all propositions.

These conditions may appear to be minimal requirements for a liberal democracy.[6] Universal

[5] 'Profile' refers to the *n*-tuple judgment sets across the *n* group members.

[6] While these conditions are inspired by those of Arrow's theorem, there are three significant differences (Dietrich and List 2007a). First, List and Pettit exclude the Pareto principle, which says that if every individual prefers *x* to *y*, then the procedure cannot select *y*. Second, List and Pettit add anonymity. And third, a neutrality condition is

domain certainly seems important since we treat everyone respectfully as free and equal by accepting any possible consistent set of judgments (though which propositions can appear on the agenda will be restricted by whatever public-reason condition we impose on acceptable justificatory reasons). For this reason, it seems also anonymity must be satisfied, as no individual's vote should carry more weight than any other individual's vote. Systematicity also seems important, as its demands that propositions be treated independently and not in accordance with a certain pattern, which ensures that the group members' views be given equal weight on each proposition.

Unfortunately, List and Pettit (2002) show that no non-dictatorial decision procedure can satisfy each of these three conditions and collective rationality.

> **Collective rationality.** The aggregation function produces as output consistent and complete group attitudes towards the propositions on the agenda.

If the propositions are treated separately to ensure individuals' control of each collective judgment (systematicity), all votes are given equal weight (anonymity), and all consistent and complete judgment sets are acceptable (universal domain), then we cannot expect collective rationality. And a failure to satisfy collective rationality means the procedure will not ensure the group's ability to give reasons for its decisions. To satisfy collective rationality, we must weaken at least one of the other conditions.

Rawls (2005: 16) considers a collective decision procedure justifiable if it is publicly accepted by reasonable persons demanding that it treat everyone fairly as free and equal. But List and Pettit's result suggests that no procedure can ensure such fairness of judgment aggregation, just as Arrow's

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combined with Arrow's independence condition in the systematicity condition. Informally and adjusted for judgment aggregation, neutrality requires that a change in the order in which propositions appear on the agenda will not affect the result. And independence demands that each proposition be treated independently without regard for judgments of other propositions.

theorem implies the inevitability of some unfairness in preference aggregation. Referring to Arrow, Gaus (2011: 328–330) also notes that there can be no perfectly fair collective decision-making procedure, and that there will therefore be reasonable disagreement on the matter of which procedure to choose; no one procedure will be publicly justified as optimal (see also Kugelberg 2022). But while perfect fairness is unobtainable, there are still grounds on which to evaluate different procedures.

Let us first note that a simple majoritarian procedure that lets the majority decide on each proposition satisfies universal domain, anonymity, and systematicity. But we have already seen that it can produce inconsistent collective judgments, and it consequently violates collective rationality. This problem can be avoided, however, by raising the decision threshold sufficiently above fifty percent. A supermajority rule will satisfy universal domain, anonymity, and systematicity and ensure consistent judgments whenever group members vote on k propositions and the supermajority threshold is higher than $(k–1)/k$ (List and Pettit 2002: 106). So, if there are three propositions, the aggregation function will deliver consistent attitudes as long as a supermajority of more than two-thirds supports a judgment of each proposition. And if there are four propositions, the supermajority requirement is more than three-quarters, and so on. The weakness of this procedure is its indecisiveness (List 2006: 391). It is immune to inconsistencies, but without adequate agreement among the group members, the procedure's output will be incomplete. It therefore does not fully satisfy collective rationality. A supermajority rule therefore does not seem well-suited for collective public reason.[7]

Another solution, as I also mentioned in the previous section, is to take votes on the decision

[7] In many legal systems, some decisions on fundamental issues, such as changing the constitution, can only be made on the basis of supermajority support. In such cases, however, the supermajority requirement does not make the legislature incapable of making a decision, because no supermajority support implies a decision not to change the constitution. The group therefore does not remain silent on the issue.

but not on reasons. The aggregation will then have only two possible outcomes, and no inconsistency can occur. On the U.S. Supreme Court, the nine Justices vote only on the outcome, and then a member of the majority is assigned to write the justification for the ruling. Assuming any individual has a sufficient reason for her or his judgment on the outcome, this procedure will ensure a justificatory reason for a collective decision. But this solution violates anonymity in the sense that the judgments of the individual writing the justification are given more weight than those of the other Justices. The justification may indeed be held by a minority of one, since the Justices in the majority may hold different reasons and reject the one held by the Justice writing the justification.

This may nonetheless appear as an acceptable procedure at least for convergence theorists requiring convergence on a decision without requiring agreement on reasons. Some consensus theorists might also be happy with this outcome insofar as the Justices can accept the justification without necessarily agreeing with it. Requiring collective reasons for a decision might be considered too restrictive on what people can base their judgments on, even if the reasons need only be held by a majority and not unanimously. But a problem with a solution that violates anonymity, as also List and Pettit (2011: 53–54) note, is the undesirable epistemic implication that the group loses access to information distributed across the individuals in the group. This may be less of a problem on the Supreme Court than in other groups whose decision procedures violate anonymity, as the Justices meet to justify their opinions to one another, thus sharing information. Reasons conflicting with the justification are also given publicly. But we shall see that there are ways of gathering information through deliberation without leaving the justification for decisions to a minority of group members.

4.2 Sequential priority procedures

By weakening systematicity, the group may not be responsive to the majority judgment of each proposition on the agenda. We thus get collective rationality at the expense of majority control

over the group's judgments. Instead of treating propositions separately one by one, we give priority to some proposition, or propositions, and then accept the implications of judgments of these propositions for other propositions (List and Pettit 2011: 64–72). Such a procedure treats the propositions on the agenda in accordance with what List (2004) calls a 'sequential priority rule'. Some propositions are given priority in accordance with the rule, so that judgments of prioritized propositions constrain judgments on other propositions. If p and $p \rightarrow q$ are prioritized, and majorities support these propositions, then the group will automatically also favour q because q follows from the judgments of the prioritized propositions. A 'priority-to-the-past rule' always rejects a proposition that is inconsistent with previously accepted propositions (List 2004: 500–501). But the priority need not be temporal. It can also be given to judgments of propositions considered more important over less important ones (List 2004: 499).

The sequential priority rule of a 'premise-based procedure' gives priority to the premises over the conclusion (List and Pettit 2011: 56). To illustrate, the Belgian people in the example above can decide that since majorities have decided that neither R_1, R_2, nor R_3 is the case, the people rejects the new currency, C, without voting on the matter. The decision procedure gives priority to the judgments of the first three propositions and produces a reason-based decision by going against the majority view of C. Majorities thus support the group's judgments of R_1, R_2, and R_3, but not its judgment of C.

In the 'conclusion-based procedure', on the other hand, the group members vote directly on the conclusion. To also make collective judgments of the premises, they will accept majority judgments only if they are consistent with the judgment of the conclusion. In the Belgian case, that means prioritizing the majority judgment of C. But since a majority rejects each of the reasons for C, the procedure leaves the group undecided on the reasons. The conclusion-based procedure thus will not always deliver a complete set of judgments (List and Pettit 2011: 126–127). To ensure completeness, the procedure must be supplemented by a rule determining the collective judgments of the premises.

Giving up systematicity means the procedure will not treat each proposition equally, and it is not always clear how to justify such differential treatment. Without a good reason for prioritizing the premises, why not prioritize the conclusion instead? One reason for favouring the conclusion-based procedure is that it is more efficient to vote directly on the outcome and not on reasons. We shall also see in the next section that some public reason liberals consider collective judgments on reasons to entail a too restrictive view of what reasons individuals can hold.

We may favour the premise-based procedure, on the other hand, by arguing that decisions following from collectively supported reasons demonstrate a good collective understanding of the issue at hand. The premise-based procedure has been found to be superior to the conclusion-based procedure in terms of reaching decisions for the right reasons—that is, sound and supportive reasons (Bovens and Rabinowicz 2006; Pettit and Rabinowicz 2001). And Pettit (2001: 282–286) note that it allows citizens to criticize a collective decision by questioning the reasons supporting it.[8] But on the plausible assumption that individuals will care more about the outcome than about reasons for supporting it—they have 'outcome-oriented preferences'—it seems problematic to apply a procedure that gives low priority to the proposition considered most important. And in the Belgian example, this low priority to the conclusion will lead to a decision that the group members reject unanimously.

Another concern with giving up systematicity is that it may allow for some individuals to manipulate collective decisions. This is a well-known issue with procedures not satisfying the independence condition in social choice theory. In the literature on preference aggregation, weakening 'independence of irrelevant alternatives' is associated with manipulation. In judgment aggregation, the analogous condition is 'independence of irrelevant *propositions*', which is one

[8] Pettit particularly associates this benefit of collective reasons with his republican theory, but I have argued elsewhere that the differences between it and political liberalism are less significant than Pettit himself admits (Moen 2022a,b).

component of systematicity.[9] Weakening either independence condition opens up opportunities for designing an agenda such that the agenda setter's favoured outcome will occur, or for voters to misrepresent some of their judgments, or preferences, to ensure what they regard as the best possible outcome given how others vote.

To see how strategic voting works in judgment aggregation, let us first note that the discursive dilemma arises only when a majority of group members do not have consistently positive or negative attitudes towards all the propositions on the agenda.[10] Further, within the subgroup of members with both positive and negative attitudes, no majority of members hold the same attitudes. When there is such a majority within this subgroup, its attitudes will be decisive. In the Belgian case, the conditions are more restrictive, as no region can accept more than one reason. We have seen that these conditions are met, as no region holds more than one reason and no two regions hold the same reason.

A final necessary condition for the discursive dilemma is that the group members vote truthfully. But with a procedure weakening systematicity, we cannot expect such behaviour (Moen 2021). On the plausible assumption that the group members care more about some proposition, or propositions, on the agenda than about others, they will have an incentive to vote strategically if aggregating their sincere judgments would result in inconsistent collective judgments. How they vote will then depend on the procedure (Dietrich and List 2007b). With a premise-based procedure, individuals with outcome-oriented preferences will misrepresent their judgments of the premises. With this preference orientation, the Belgians will misrepresent their judgments of R_1, R_2, or R_3 in order to ensure collective judgments consistent with the outcome they prefer. If people in region 1 have outcome-oriented preferences, they can vote against their own judgment of R_2, as in Table 4, or R_3. If representatives of the other two regions also have outcome-oriented

[9] The other component is neutrality, as explained above in fn. 6.

[10] In the Belgian case, this does not include the connective proposition, $((R_1 \vee R_2 \vee R_3) \rightarrow C)$, which all must accept.

preferences, they will vote in the same way, and the Belgian people will end up with three reasons for supporting the new currency.

	R_1	R_2	R_3	$(R_1 \vee R_2 \vee R_3) \rightarrow C$	C
Region 1	Yes	~~No~~ Yes	No	Yes	Yes
Region 2	No	Yes	No	Yes	Yes
Region 3	No	No	Yes	Yes	Yes
Majority	**No**	**~~No~~ Yes**	**No**	**Yes**	**Yes**

Table 4. Region 1 misrepresents its judgment of R_2, thus ensuring the premise-based procedure delivers collective judgments consistent with C.

With the conclusion-based procedure, individuals can strategically misrepresent their judgment of the conclusion if they have reason-oriented preferences, meaning they care more about at least one of the premises than about the conclusion. If the Belgians for whatever reason are mostly concerned with collectively rejecting one or both of the reasons they reject, they can vote strategically against C, as well as the reason they approve of to ensure individual consistency (Table 5).

	R_1	R_2	R_3	$(R_1 \vee R_2 \vee R_3) \rightarrow C$	C
Region 1	~~Yes~~ No	No	No	Yes	~~Yes~~ No
Region 2	No	~~Yes~~ No	No	Yes	~~Yes~~ No
Region 3	No	No	~~Yes~~ No	Yes	~~Yes~~ No
Majority	**No**	**No**	**No**	**Yes**	**~~Yes~~ No**

Table 5. The regions vote strategically based on reason-oriented preferences under the conclusion-based procedure.

This means the premise-based and conclusion-based procedures will produce the same outcome insofar as the group members have either outcome- or reason-oriented preferences. The two procedures will both produce the outcome C if the Belgians have outcome-oriented preferences, and they will both deliver the outcome not-C if the Belgians have reason-oriented preferences (and the two reasons they reject are their propositions of concern). This is not itself problematic for collective public reason. Indeed, it makes sure groups avoid inconsistencies between collective judgments of reasons and decision, thus enabling them to give reasons for their decisions. The collective judgments will not necessarily be based on individuals' sincere judgments,

but that is an unavoidable implication of List and Pettit's impossibility result.

Opportunities for strategic voting can also have a desirable educational effect, as group members are given an incentive to learn about the procedure and others' views so as to see these opportunities (Dowding and van Hees 2007: 10, 14). And an improved understanding of the views and reasoning of others is surely something public reason liberals should support, though they may disagree about the extent to which this information should restrict what kinds of justification they can give. A worry about strategic voting is that it undermines democratic values by making some individuals—the most effective strategists—more powerful than others, but with a procedure that makes it obvious to everyone how to vote strategically, no one will get such an unfair advantage. And we have just seen how opportunities for strategic voting appear quite obvious in the procedures discussed in this section.

But if group members' knowledge of each other's views is desirable, then open interaction among group members is recommendable. This will also make it more plausible to say that individuals do not strategically misrepresent their views to ensure consistent judgments, they instead vote sincerely for the outcome they consider most acceptable. We should therefore prescribe deliberation as part of collective public reasoning.

4.3 Deliberation

Deliberation gives group members information about each other's views and can lead to more agreement. Defenders of deliberative democracy typically expect that people can be moved by rational arguments and will leave personal interests aside for the benefit of fairness and common interest (Miller 1992: 56). Deliberation can exclude false, intolerant, and self-regarding attitudes. We shall also see that the information shared in group deliberation can enable valuable coordination to produce consistent collective judgments. And deliberation as a way of forming collective reasons for decisions can improve people's understanding of the whole issue and ensure good decisions for sound and supportive reasons (Pettit 2001: 292). This suggests that public

reason liberals should endorse this procedure, at least if they hold a consensus account of public justification. Rawls (2001: 146) also thinks reasonable public debate can serve a 'vital educational role'. It gives people the opportunity to 'learn and profit from debate and argument', he says, and to 'deepen their understanding of one another' (Rawls 2005: 481).

In environments where individuals' views are expressed and criticized openly, the quality of collective decisions has been found to be better than in environments where individuals deliberate separately (Diehl and Stroebe 1991; Sawyer 2007: ch. 4). Under such conditions, Goodin and Spiekermann (2018: 137–138) write, deliberation will likely have three beneficial effects: publicly reveal new and better options; improve the evidence base, thus increasing the probability of making the best decision in light of available evidence; and enhance the competence of each individual participant. Deliberation invites participants to express what they know as a way of supporting their arguments (Mercier and Sperber 2011). And having to justify your position to someone who disagrees with you also forces you to scrutinize your beliefs and eliminate judgmental biases (Mercier 2011: 318). Public debate is commonly also taken to lead to more toleration of others' views (Estlund 2008: chs. 6, 9, 10). In a process of forming collective reasons as well as decisions, scrutinizing one's beliefs is especially important, as the reasons one gives should there be reasons one can expect other group members to support. Deliberating as a way of working towards collective reasons for decisions thus incentivizes better understanding and enhanced toleration.

Collective public reasoning thus adds to the deliberative procedure's restrictive effect on justification by discouraging views deviating from what is perceived as commonly acceptable. To vote on reasons, reasons must be placed on the public agenda, and publicity will likely moderate what reasons people propose. Publicity makes people 'launder' their own preferences, as Goodin (1986: 87–89) puts it, and we might expect this laundering effect also on reasons. In public debate, people will likely express more widely shared concerns as a basis for their preferences, thus appealing to public reason without necessarily being motivated by it (Lister 2008: 281). And this

effect will be stronger in a process of collective public reasoning, since it incentivizes individuals wanting their group to adopt their reasons to express reasons they can reasonably expect others to support. This may, of course, also restrict individuals from sharing some of their views, but it also makes it more likely that widely shared, or accepted, propositions appear on the agenda.[11] Propositions can also be reformulated in response to the information shared in the deliberation to ensure broader agreement, or acceptability.

But this restrictive effect of public debate might be taken to impermissibly compromise individuals' liberty and reasonable pluralism. Vallier (2015: 144–151, 2016: 601–602) argues that people in a diverse society should be free to appeal to their own personal convictions, and he therefore challenges the connection between deliberation and public justification. But note that collective public reasoning will not restrict what reasons people as separate individuals can appeal to. We can agree with convergence theorists that individuals can justify their views on reasons that are not publicly accepted, while requiring them to find collective reasons when they act as members of a group. People can hold onto their private reasons, but as parts of a corporate political person, they are more restricted insofar as we want them to reach judgments widely accepted among the group members. We can also restrict the scope of collective public reason by making it a requirement only on fundamental political issues.

To see further how deliberation enables collective reasoning without necessarily producing genuine agreement, we should also note how information made accessible in the deliberation can help members see how to vote so as to ensure collective-level consistency.[12] Pettit defends what he calls 'reflexive deliberation', where the group members get feedback about how the other

[11] Goodin and Spiekermann (2018: 142–144) also identify this effect of deliberation, but they focus on the increased likelihood of the correct alternative appearing on the agenda.

[12] Dryzek and List (2003: 6–7) make the similar point that information through deliberation enables more effective manipulation. But as already noted, strategic voting under the right conditions might be more fittingly said to be individuals voting sincerely for the outcome they consider most acceptable.

members have voted.[13] In the case of inconsistent majority judgments, they then deliberate, and while this deliberation may lead to more agreement, it could also just enable individuals to see how to alter their judgments to ensure consistent collective judgments. So, in the case of an inconsistency result, the group members will deliberate and change their votes in response to each other's views to ensure consistent group judgments. We thus get a domain restriction, though we cannot say whether a particular judgment set is itself acceptable or not without seeing it in the context of the other judgment sets in the group, since what matters is how the group members' various judgment sets combine.[14]

So, even when deliberation does not lead to genuine agreement, it can provide useful information about group members' judgments. Group members' access to this information can contribute to consistent collective judgments as 'close' as possible to the profile of group members' sincere judgments. We can here measure closeness in terms of Hamming distance, which compares two strings of binary data, and the number of positions that vary across the strings is the distance between them (Pigozzi 2006). The distance between True–True–True and True–False–False, for example, is 2. Minimal distance means minimal compromise, as the collective outcome will then be most in line with each voter's views (Nehring and Pivato 2022: 1058). But this measurement

[13] Pettit explains and defends this procedure in several of his works. My discussion of the procedure is based on Pettit (2007: 512, 2009: 81–88, 2012: 193–194).

[14] This restricted domain includes, but is not exhausted by, the 'unidimensional alignment domain', UAD, which is the set of all logically possible profiles of complete, consistent, and deductively closed judgment sets that satisfy unidimensional alignment (List 2003). When judgment sets are unidimensionally aligned, individuals can be ordered along a dimension so that for any proposition, those who accept the proposition are all to the left, or right, of those who reject it. Majority attitudes will then correspond with the median individual, whose attitudes, as we have assumed, satisfy completeness and consistency. But while unidimensional alignment is a sufficient condition for collective rationality, it is not a necessary condition. UAD is therefore more restrictive than the domain restriction for ensuring collective rationality.

does not take into account that group members may consider some propositions more important than others and therefore decide to weight the propositions unequally (Miller and Osherson 2009). Group members may have outcome-oriented preferences, for example, and therefore allow no distance from the majority judgment of the conclusion.

The misrepresentation of one's judgments for the sake of collective-level consistency may appear to conflict with the observation that deliberation induces sincerity (Goodin and Spiekermann 2018: 141). Publicity does not only make people 'launder' their preferences, it also makes them less inclined to lying, perhaps because of the fear of being caught (Fearon 1998: 48). But as already mentioned, with respect to public reason, supporting a proposition one does not endorse need not be insincerity. It might be better understood as accepting a reason as the group's justificatory reason without necessarily claiming to hold the reason personally. And openness about such reasoning in response to the information shared in the deliberation enables group members to see which proposition is most acceptable, as measured in the way suggested above. Lack of such information could lead to unnecessary acceptance of reasons most group members reject. But with more information, the member can see that a judgment in favour of one of the reasons she rejects is sufficient for consistency.

But one possible worry about deliberation is that it might result in increased polarization instead of moderation and better understanding of other points of view. Sunstein (2006: 92–98, 2009) has repeatedly expressed this concern. This is not necessarily a problem for collective consistency, as it might, for example, make individuals more concerned about bringing about their desired outcome, and therefore lead them to vote so as not to contribute to judgments inconsistent with this outcome. But it questions the benefits of deliberation mentioned above. Sunstein (2006: 94) notes, however, that polarization does not usually happen because people ignore the arguments of those disagreeing with them. People listen to each other's arguments, but a group will often have a dominant initial inclination, and arguments for this position will outnumber conflicting arguments. Most group members will thus make each other more firmly committed to their initial

view. Group polarization therefore does not appear to be a result of people's unwillingness to listen and learn from others. And listening to others, even under polarized conditions, can lead people to a better understanding of others' views even if they are unlikely to alter their own position. This can make them more inclined to see one another as reasonable (Goodin 2008: 85–90). In the collective decision procedure, this could make people better able and more willing to propose widely accepted reasons.

Another concern might be that a deliberative procedure could, in some cases, prove to be too demanding. Time restrictions on already overwhelmed members of relevant institutions might be a reason for such a problem. It is true that the ideal of collective public reason will not always be realized, and it is commonly accepted that time restrictions mean deliberation will sometimes have to end before its benefits have been fully achieved (e.g., Elster 1986: 115). This could be a reason for restricting the scope of public reason. And regardless of scope, the ideal can nonetheless stand as something to aspire to, and it serve a role in evaluations of decisions and procedures.

Finally, we should also acknowledge that deliberation might fail to ensure consistent collective judgments. We have seen, however, that collective-level consistency does not depend on agreement through ideal deliberation. The only motivational requirement is that group members consider some propositions on the agenda more important than others. But should the group members lack any motivation for compromise, the premise-based or conclusion-based procedure can be activated to ensure consistent collective judgments. And we can then interpret the outcome as the one the group members deem most acceptable given their opportunity to change their judgments, as group members, in response to their knowledge of others' judgments and how the applied procedure will deal with the inconsistency.

5. Conclusion

Public reason liberals expect individuals to function as political persons holding justificatory reasons for their opinions on certain political issues. They do not commonly regard groups as such

reasoning persons. In this paper, however, I have defended an account of collective public reason requiring groups to give reasons for their decisions. But I started by demonstrating a problem for the idea of making groups operate in this way. When we aggregate group members' opinions on some issue as well as their reasons for their opinions, we might get the counter-intuitive result that there is no sufficient collective reason for some collective decision, or a sufficient reason for a decision the group rejects. But the subsequent discussion of solutions to this problem ultimately revealed significant benefits of collectivizing public reason. A deliberative procedure incentivizes information sharing among group members. It thus improves their understanding of each other's views and enables them to form collective decisions they consider most acceptable.

Now, some public reason liberals, especially among those defending a convergence model of justification, may see such deliberation as a process that unjustifiably restricts individuals' liberty to act on their personal convictions. But collective public reason only requires that this process occurs within the groups we expect to function as political persons. Outside of these groups, individuals may remain free to appeal to any set of justificatory reasons. The information shared in the deliberation might, of course, affect participants' personal opinions, but it is not itself restrictive on how they can justify their opinions as separate individuals. The extent to which we should restrict the set of justificatory reasons individuals can appeal to is a much-discussed issue, but it is not one I have explored in this paper.

University of Vienna

lars.moen@univie.ac.at

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Bibliography

Arrow, Kenneth J. 1963. *Social Choice and Individual Values*, second ed. New York, NY: Wiley.

Baron, Robert S., Sieg I. Hoppe, Chuan Feng Kao, Bethany Brunsman, Barbara Linneweh, and Diane Rogers. 1996. "Social Corroboration and Opinion Extremity," *Journal of Experimental Social Psychology* 32(6): 537–560.

Bovens, Luc and Wlodek Rabinowicz. 2006. "Democratic Answers to Complex Questions: An Epistemic Perspective," *Synthese* 150(1): 131–153.

D'Agostino, Fred. 1996. *Free Public Reason: Making It Up As We Go*. Oxford: Oxford University Press.

Diehl, Michael and Wolfgang Stroebe. 1991. "Productivity Loss in Idea-Generating Groups: Tracking Down the Blocking Effect," *Journal of Personality and Social Psychology* 61(3): 392–403.

Dietrich, Franz and Christian List. 2007a. "Arrow's Theorem in Judgment Aggregation," *Social Choice and Welfare* 29(1): 19–33.

Dietrich, Franz and Christian List. 2007b. "Strategy-Proof Judgment Aggregation," *Economics and Philosophy* 23(3): 269–300.

Dowding, Keith and Martin van Hees. 2007. "In Praise of Manipulation," *British Journal of Political Science* 38(1): 1–15.

Dryzek, John S. and Christian List. 2003. "Social Choice Theory and Deliberative Democracy," *British Journal of Political Science* 33(1): 1–28.

Elster, Jon. 1986. "The Market and the Forum: Three Varieties of Political Theory," in *Foundations of Social Choice Theory*, ed. Jon Elster and Aanund Hylland, 103–132. Cambridge: Cambridge University Press.

Estlund, David. 2008. *Democratic Authority: A Philosophical Framework*. Princeton, NJ: Princeton University Press.

Fearon, James. 1998. "Deliberation and Discussion," in *Deliberative Democracy*, ed. Jon Elster, 44–68. Cambridge: Cambridge University Press.

Gaus, Gerald. 1996. *Justificatory Liberalism: An Essay on Epistemology and Political Theory*. New York, NY: Oxford University Press.

Gaus, Gerald. 2011. *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World*. Cambridge: Cambridge University Press.

Goodin, Robert E. 1986. "Laundering Preferences," in *Foundations of Social Choice Theory*, ed. Jon Elster and Aanund Hylland, 75–101. Cambridge: Cambridge University Press.

Goodin, Robert E. 2008. *Innovating Democracy: Democratic Theory and Practice after the Deliberative Turn*. Oxford: Oxford University Press.

Goodin, Robert E. and Kai Spiekermann. 2018. *An Epistemic Theory of Democracy*. Oxford: Oxford University Press.

Kogelmann, Brian. 2018. "The Supreme Court as the Fountain of Public Reason," *Legal Theory* 24(4): 345–369.

Kornhauser, Lewis A. and Lawrence G. Sager. 1986. "Unpacking the Court," *Yale Law Journal* 96: 82–117.

Kugelberg, Henrik. 2022. "Social Choice Problems with Public Reason Proceduralism," *Economics and Philosophy* 38(1): 51–70.

List, Christian. 2003. "A Possibility Theorem on Aggregation over Multiple Interconnected Propositions," *Mathematical Social Sciences* 45(1): 1–13.

List, Christian. 2004. "A Model of Path-Dependence in Decisions over Multiple Propositions," *American Political Science Review* 98(3): 495–513.

List, Christian. 2006. "The Discursive Dilemma and Public Reason," *Ethics* 116(2): 362–402.

List, Christian and Philip Pettit. 2002. "Aggregating Sets of Judgments," *Economics and Philosophy* 18(1): 89–110.

List, Christian and Philip Pettit. 2011. *Group Agency: The Possibility, Design, and Status of Corporate Agents*. Oxford: Oxford University Press.

Lister, Andrew. 2008. "Public Reason and Democracy," *Critical Review of International Social and*

Political Philosophy 11(3): 273–289.

Mercier, Hugo. 2011. "When Experts Argue: Explaining the Best and the Worst of Reasoning," *Argumentation* 25: 313–327.

Mercier, Hugo and Dan Sperber. 2011. "Why Do Humans Reason? Arguments for an Argumentative Theory," *Behavioral and Brain Sciences* 34(2): 57–74.

Miller, David. 1992. "Deliberative Democracy and Social Choice," *Political Studies* 40(S1): 54–67.

Miller, Michael K. and Daniel Osherson. 2009. "Methods for Distance-Based Judgment Aggregation," *Social Choice and Welfare* 32(4): 575–601.

Moen, Lars J. K. 2021. "Eliminating Group Agency," *Economics and Philosophy*. Published online. DOI: 10.1017/S0266267121000341.

Moen, Lars J. K. 2022a. "Eliminating Terms of Confusion: Resolving the Liberal–Republican Dispute," *Journal of Ethics* 26(2): 247–271.

Moen, Lars J. K. 2022b. "Republicanism as Critique of Liberalism," *Southern Journal of Philosophy*. Published online. DOI: 10.1111/sjp.12482.

Nehring, Klaus and Marcus Pivato. 2022. "The Median Rule in Judgement Aggregation," *Economic Theory* 73(4): 1051–1100.

Pettit, Philip. 2001. "Deliberative Democracy and the Discursive Dilemma," *Philosophical Issues* 11(1): 268–295.

Pettit, Philip. 2007. "Rationality, Reasoning and Group Agency," *Dialectica* 61(4): 495–519.

Pettit, Philip. 2009. "The Reality of Group Agents," in *Philosophy of the Social Sciences: Philosophical Theory and Scientific Practice*, ed. Chris Mantzavinos, 67–91. Cambridge: Cambridge University Press.

Pettit, Philip. 2012. *On the People's Terms: A Republican Theory and Model of Democracy*. Cambridge: Cambridge University Press.

Pettit, Philip and Wlodek Rabinowicz. 2001. "The Jury Theorem and the Discursive Dilemma," *Philosophical Issues* 11(1): 295–299.

Pigozzi, Gabriella. 2006. "Belief Merging and the Discursive Dilemma: An Argument-Based Account to Paradoxes of Judgment Aggregation," *Synthese* 152(2): 285–298.

Poisson, Siméon Denis. 1837. *Recherches sur la Probabilité des Jugements*. Paris: Bachelier, Imprimeur–Libraire.

Quong, Jonathan. 2004. "The Scope of Public Reason," *Political Studies* 52(2): 233–250.

Quong, Jonathan. 2011. *Liberalism without Perfection*. Oxford: Oxford University Press.

Rawls, John. 1999a. "Justice as Reciprocity," in *Collected Papers*, ed. Samuel Freeman, 190–224. Cambridge, MA: Harvard University Press.

Rawls, John. 1999b. *The Law of Peoples*. Cambridge, MA: Harvard University Press.

Rawls, John. 2001. *Justice as Fairness: A Restatement*, ed. Erin Kelly. Cambridge, MA: Harvard University Press.

Rawls, John. 2005. *Political Liberalism*, expanded ed. New York, NY: Columbia University Press.

Sawyer, Keith. 2007. *Group Genius: The Creative Power of Collaboration*. New York, NY: Basic Books.

Sunstein, Cass R. 2006. *Infotopia: How Many Minds Produce Knowledge*. New York, NY: Oxford University Press.

Sunstein, Cass R. 2009. *Going to Extremes: How Like Minds Unite and Divide*. New York, NY: Oxford University Press.

Vacca, Roberto. 1921. "Opinioni Individuali e Deliberazioni Collettive," *Rivista Internazionale di Filosofia del Diritto* 52: 52–59.

Vallier, Kevin. 2015. "Public Justification versus Public Deliberation: The Case for Divorce," *Canadian Journal of Philosophy* 45(2): 139–158.

Vallier, Kevin. 2016. "In Defence of Intelligible Reasons in Public Justification," *Philosophical Quarterly* 66(264): 596–616.