Part Four: Conclusion

TRUTH IN POLITICS

ETHICAL ARGUMENT, ETHICAL KNOWLEDGE, AND ETHICAL TRUTH

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ABSTRACT. *The central claim of this discussion is that the deliberative process makes our desires and opinions ethical as much as it makes them rational, as it makes a plurality of people into a community. Every community is limited as it is constituted by things it knows and cannot know. Making our desires and opinions ethical can mean hardening them into prejudices as well as making them the basis for deliberation towards truth.*

> Dans l'amitié comme dans l'amour on est souvent plus heureux par les choses qu'on ignore que par celles que l'on sait.
> La Rochefoucauld, Réflexion morale, 441.

Aristotle does not give solutions to contemporary political problems. He could not have imagined them, and so does not speak to them. However, the world in which he operated, and what he made of it, are so different from our world, that his very singular mode of thought can be useful. Among other things, he surprises us by emphasizing the role of friendship and trust in politics.

> Friendship would seem to hold cities together, and legislators would seem to be more concerned about it than about justice. For concord [*homonoia*, literally, being of one mind] would seem to be similar to friendship and they aim at concord above all, while they try above all to expel civil conflict, which is enmity. Further, if people are friends, they have no need of justice, but if they are just they need friendship in addition; and the justice that is most just seems to belong to friendship (Ethics VIII.1.1155a22-29; see EE VII.1.1234b23-32).

The modern state has figured out ways of living without friendship. Consider the contrast to Machiavelli, who says that a good state needs both good laws and good arms, but where good arms are found, good laws follow automatically, while without military strength, good laws are worthless. Nothing about friendship and trust there. It is the genius of liberalism to dispense with friendship and to found communities on rights and thus on a form of justice that can do without friendship.

Periodically, though, the richer form of community associated with

friendship rather than justice alone, has its revenge. Periodically, we rediscover that even minimal communities of strangers depend on trust. We become aware of this when trust breaks down. I want to look at a peculiar sort of breakdown of trust.

Truth is disruptive. Most of the time, communities get along by looking for agreement and consensus instead of truth. They reasonably assume that "what everybody knows" really is true, and so take agreement as a sure sign of truth. The community can tolerate peaceful dissent, because disagreements are differences of opinion or taste that are not worth fighting over. Different people see some things differently, and that by itself need not threaten the community.

To take a very mundane example, some years ago E.D. Hirsch wrote a series of books that were very influential in the United States of America. In these books he claimed that citizenship depended on common education, which in turn depended on common knowledge among citizens. To live together we have to share background knowledge without which communication is impossible, as everyone knows who has tried to communicate with a computer. Everyone in the USA must know that George Washington was the first President, that there is a story that he chopped down a cherry tree when a boy, and that crossing the Delaware river was an important event in the Revolutionary War. I cannot remember what its importance was, but that does not disqualify me from USA citizenship. I can understand the public deliberations of my fellow-Americans. When they refer to Washington crossing the Delaware I know what they are referring to. Knowing such facts supplies a background knowledge that allows us to understand each other as fellow-citizens. Anyone who has ever lived in more than one country can see the appeal of what Hirsch is claiming. I can understand French perfectly, yet sometimes get terribly confused in France because I do not know the French equivalents of Washington chopping down a cherry tree. Hirsch produced book after book containing long lists of things everyone needed to know.

George Washington never did chop down a cherry tree. It is a fable invented a few generations later as part of a campaign to deify the first President. Its truth does not matter for it to be effective. To be an American and to speak to and understand fellow citizens, everyone needs to know it. In addition to knowing it, you might also believe it, while I regard it as a moral fiction. That does not matter. This civic knowledge is like knowing a language.[1] English is no more the language of truth than Tswana, but for us

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[1] This emphasis on agreement at the expense of truth is not inherent in liberalism – one need only

to get along in the United States, we are told, everyone must speak English.

At its extreme, this picture of democracy resting on agreement rather than truth is embodied in Richard Rorty's idea of conversation. The enemy of civilization is seriousness. Like the Enlightenment polemics against "enthusiasm", Rorty thinks that serious people cannot be part of a community, since they insist on being right. We should not adjudicate among our differences but should celebrate them, in epideictic rhetoric,[2] just as we celebrate the variety of fictions in great literature.

We often think that we can do without political trust, that justice without friendship is a perfectly adequate kind of justice. According to Ernest Gellner, "it is effective government which destroys trust" by making it superfluous.[3] Liberalism has made government "effective". Trust in other human beings reduces complexity, but effective government does a better job of that reduction. On reflection, though, we discover that even our relations with strangers and enemies is based on trust. We most commonly become aware of the need for trust when it breaks down. And just as we often think that we can do without political trust, we often think that trust does not need to have anything to do with truth. Trust is generally based on agreement. We trust people who are like us, since we can rely on them and predict what they will do. So we trust people who look like us, talk like us, and share the knowledge that George Washington crossed the Delaware. In order to understand you, I have to assume that you agree with me on a whole mass of background knowledge. This background knowledge that we share, whether it is true or not, enables us to trust one another. But sometimes[4] trust

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think of Mill – but it is part of liberalism's contemporary configuration. To parallel this philosophical change, consider the changes in the rationale for insisting on English asthe USA's official language. Early in the 20th century, immigrants were told that they had to learn English because it was the language of democracy and of human rights, while today the justifications are pragmatic and conventional. As with Hirsch, we have to have something in common in order to get along, and it does not matter much what that something is. For a nice review of the history of the "English only" movement, see Nunberg 1992.

[2] The Greek epideictic means "fit for display". Thus, this branch of oratory is sometimes called "ceremonial" or "demonstrative" oratory. Epideictic oratory was oriented to public occasions calling for speech or writing in the here and now. Funeral orations are a typical example of epideictic oratory. The ends of epideictic included praise or blame, and thus the long history of encomia and invectives, in their various manifestations, can be understood in the tradition of epideictic oratory. Aristotle assigned "virtue (the noble)" and "vice (the base)" as those special topics of invention that pertained to epideictic oratory;
cf. http://humanities.byu.edu/rhetoric/Branches%20of%20Oratory/Epideictic.htm. (Eds.)

[3] Gellner 1988: 143.

[4] *Ethics* I.6.1096a16-17:

> It would appear desirable, and indeed it would seem to be obligatory, especially for a philosopher, to sacrifice even one's closest personal ties in defence of the truth. Both are

relies on a deeper truthfulness, and is endangered when agreement as exposed as common error.

Sometimes, what everybody knows is not good enough. Sometimes truth and not just agreement becomes important. The myths about the first President are harmless, but some collective opinions are not. If "everyone" believes that God intends the races to be separate, then that consensus is not good enough, and has to be disregarded in the name of truth. By the same token, what everyone knows about the relations between the sexes might not be knowledge but prejudice. In general, the background knowledge that binds us together is both essential to our living together and always in danger of turning out to be prejudice. The recent popular studies that claim to prove that religious belief is good for your health say nothing about the truth or even the content of those beliefs. In that case, religious beliefs are like the "knowledge" that George Washington chopped down a cherry tree. Sometimes what matters about a religious belief is whether it is true or false, and sometimes what matters about a political belief is not whether it is widely held but whether it is true.

It is tempting to present the relation between truth and agreement in a Kuhnian narrative. Kuhn built his influential argument on the periodic alternation of paradigms in science on the distinction between "normal science" and "revolutionary science". By analogy, let us say there is "normal community", in which people work towards agreement. There are no epistemological crises of members of that community wondering whether their agreements track truth. Periodically, however, there are "revolutionary movements", in which disruptive truths destroy the existing community. Since normal communities define what counts as rational, these injections of truth cannot be rational. They are emotional appeals to take seriously the pains of the victims or the needs of the neglected. The scientific analogues are inspired guesses that run far ahead of the evidence. After the revolution, these new truths are assimilated. They become domesticated, civilized, and rationalized. Truth becomes commonplace. There is a new consensus. The community returns to a new stable existence founded in a new set of agreements. On this account, revolution is the antithesis of community. There are no communities of truth, only of agreement. Hobbes' sovereign defines right and wrong, just and unjust. New sovereigns define truth again for the community, but until they succeed in becoming sovereign, they offer not truth but force. On that picture, competing interests, tastes and desires

dear to us, yet it is our duty to prefer the truth.
The question is when we have such an obligation, and what actions that obligation entails.

can co-exist in a community, but competing truths are in a state of nature towards each other. The modern state is an alternative to civil war because it reduces truth claims, and claims to justice and other values, to interests, tastes and desires.

Aristotle's idea of rhetoric offers some help in understanding how communities can aim at truth – and agreement based in truth, and agreement to pursue the truth – and not merely agreement. The kind of practical rationality suitable for aiming at agreement is different from practical reason aiming at truth. In the former case, Rawls' method of reflective equilibrium is what we want. The purpose of democratic deliberation and public reasoning is to preserve and harmonize as many widely held beliefs as possible to arrive at a consensus, separating those areas in which we must agree to disagree from those where compromise and common deliberation are possible. By contrast, Aristotle helps us to expand rationality beyond instrumental rationality and so extends justice to include friendship. Truth and not merely agreement enters a community when it moves beyond justice to friendship, and beyond a limited kind of instrumental rationality to the fuller practical rationality that includes appeals to character and emotion. As I will show later, Aristotle's *Rhetoric* is especially useful for us today because there the appropriate kind of political friendship does not already presuppose a moral consensus and violate democratic values of pluralism, equality and freedom.[5] In that way, a community based in truth need not be more homogeneous or uniform than a community of pure agreement, not a community of friendship less amenable to pluralism and diversity than a community of pure justice.

The purpose of the modern liberal state is to have justice without demanding friendship. Aristotle would regard the liberal community not as a community in his sense at all but as an alliance, a peace treaty or a

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[5] For one observation of the difference in practical reason that aims at agreement and that which aims at truth, David Strauss argues that formalistic legal reasoning has its place when agreement is the goal.

> Issues of equality and reproductive freedom (...) elicit strong reactions. In these contexts, people are less likely to accept a solution just for the sake of having the matter resolved with minimal friction. They are willing to live with controversy as the price of trying to resolve the issue in the way they think is right. They are therefore much more likely to force the issue by directly addressing the moral rights and wrongs. But in dealing with separation of powers issues it is more important that the issue be settled than that it be settled just right – so that we know which acts are valid, which political actor must make which decision, and so on. Consequently our practices are more formalistic. That is what conventionalism predicts, and that is our practice. The more important the provision, the less formalistic its interpretation. (Strauss 1996: 918).

commercial treaty. Fellow citizens in his community "care about each other's virtue" (*Politics* III.9.1280b5-12). That is just why liberalism revolted against Aristotelianism. To care about one another's virtue is, from the modern point of view, to impose my values on you. The appeal to truth rather than agreement has no place in a liberal democracy. In a liberal state governed by instrumental rationality, you and I discover that through working together, dividing our labour and exchanging goods, each of us can get more of what we want. Which things you think are good and which things you desire is of interest to me because I can deliberate about which of your desires I can satisfy at what price. Whether what you want is truly good or not is no concern of mine.

If you are my friend, though, rather than my potential customer or trading partner, I care about whether what you desire really is good. It is for this reason that truth is so dangerous and so potentially disruptive. There is a limit to how many friends I can have because there is a limit to how many people I can put up with caring about what is good for me. This is the appeal of liberalism, with its pluralism and tolerance, its legalism. But such peace comes at a price, and the price is the sacrifice of truth for agreement. Claims about truth and not merely agreement usually come, paradoxically, from excluded outsiders rejecting the myths that reject them, and such outsiders are the last people rulers usually regard as friends – hence my Kuhnian picture – but the turn to truth is a reconstitution of community in the name of friendship and not only justice.

Justice and agreement require a narrow sense of what counts as rational. Liberalism shows its origin as an alternative to religious civil war. In such situations, truth, justice, and stability require that everyone be rational in the narrowest possible sense, appealing only to impersonal evidence and ways of thinking, in order to deliberate about ends all agree to. Justice is severed from friendship and re-defined in terms of what is legally available. It is the genius of liberalism to make a political ideology out of this narrowing of rationality to instrumental rationality with criteria for rationality such as publicity, impersonality and universality. Yet there is a price to pay for such narrowing of practical reason, and that price becomes evident periodically when we do have to worry about truth.

A concern for truth rather than agreement changes the nature of community, as well as the nature of political argument and democratic deliberation. The important issue is how a community can orient itself to truth without destroying the freedom that is modern liberalism's gift to the world. Agreement-seekers speak the language of freedom, democracy and constitutionalism, while truth seekers speak the totalitarian language of

coercion, whether in the name of national unity or some higher purpose. Here I think Aristotle can help. In the *Rhetoric*, there are three sources of persuasion: argument (*logos*), emotion (*pathos*) and character (*ēthos*). My thesis is that the friendlier we are, the more my legitimate and rational rhetorical appeals to you can be emotional and ethical. The more we are strangers, or enemies, or simply mistrust each other, the more emotional and ethical appeals are illegitimate and outside the art of rhetoric, and the more rhetoric is confined to logic. In situations of suspicion and mistrust which set the problem that liberalism was designed to solve, appeals to character and emotion as ways of encountering and communicating truth make things worse.

Disputes which are more intractable when framed in terms of an opposition between the rational and the emotional become more productive when we talk about the Aristotelian trio of *ēthos*, *pathos* and *logos*. Modern psychology encourages us to think solely in terms of a choice between the rational and the emotional. If those are the alternatives, then the Kuhnian vision of periodic alternation between rational argument about agreement and irrational appeals to truth makes sense. It is part of Aristotle's genius instead to talk about his trio, *ēthos*, *logos*, and *pathos*, and it is ethical argument that is the way of moving from justice to friendship, from agreement to truth.

There is a circularity here, which shows why there are no simple solutions to the problems of truth in politics. The friendlier we are, the more our emotional and ethical appeals are rational and argumentative rather than irrational appeals to personal experience or authority. Without friendship, potentially rational appeals are perceived as emotional and so as potentially coercive. What counts as a conversation-stopper and what as a contribution to deliberation cannot be determined outside of context. But while, on the one hand, it depends on how friendly we are whether emotional and ethical appeals are licit, on the other hand, friendship in the relevant political sense depends on our having this broader sense of rationality that includes the emotional and the ethical. With a broader sense of rationality, we can see the concern for truth as a form of common reasoning and not as its own form of violence.[6] There is, thus, a circularity between truth and reconciliation.

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[6] Rorty 1994: 4:

> Moral decisions that are to be enforced by a pluralistic and democratic state's monopoly in violence are best made by public discussion in which voices claiming to be God's, or reason's, or science's, are put on a par with everybody else's.

For another account of how the less trust, the more narrowly logical and formalistic practical reasoning must be, see Strauss 1996: 924:

Hence the important truth behind the cliché of "confidence-building measures".

There is always, within practice, a difference between the rational and the irrational, and that boundary is always subject to revision and criticism. Since to call something irrational is pejorative, everyone wants to claim rationality for themselves and to characterize others as irrational. People in power get to define what is rational, but that does not mean that rationality is only a matter of power. Concretely, modes of argument are not owned by one side or another, and so a way of arguing that a ruler introduces can be adopted by a dissenter for her own purposes. I can testify personally that the "same" words, drawn from the "same Bible", sound and mean something completely different when they are a reading from the Old Testament during a Catholic mass and when they are a reading from the Hebrew Bible at a synagogue service.[7] As Dewey put it,

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> When a nation does not have well established traditions, the words of its constitution are correspondingly more important in providing something on which people can agree. When a nation is just starting, it is important for political actors to be able to point to the text of the constitution to justify their actions. Creative interpretations of that text will breed distrust and make it more likely that whatever consensus exists will dissipate. Once people think that their political opponents are playing fast and lose with the text, all consensus is more likely to break down because there is so little to fall back on. Only by staying very close to the text – being as formalistic as possible – can political actors in an immature regime convince others that they are acting in good faith. By contrast, once a society develops political traditions, political actors can be more confident that their opponents, even if arguably departing from the text, will operate within the traditions, or will be reined in by other forces in society if they do not do so.

Kent Greenawalt 1995:157:

> At least for many religious arguments, the speaker seems to put himself or herself in a kind of privileged position, as the holder of a *basic* truth that many others lack. This assertion of privileged knowledge may appear to imply inequality of status that is in serious tension with the fundamental idea of equality of citizens within liberal democracies.

[7] Saperstein 1989: 59-60:

> Though one frequently hears the assertion that Christians share with Jews a profound commitment to the Bible as the Word of God, a cautionary note is in order. We must not forget that the Hebrew Bible is not the same as the Christian Old Testament, even though it may contain precisely the same books.…The essential story of the Hebrew Bible as read by Jews is quite different from that of the Old Testament as read by most Christians. For Jews, it is essentially a book of history and of law, providing an account of a people's origin and golden age and the constitution of the legal system. For Christians, it is essentially a book of prophecies and types, a preparation for things to come, important not as history in its own right but as prefigurement and prophecy of a new dispensation which would make the old obsolete. Reading the same words, the content turns out to be quite different.

> Even when the words remain the same, they mean something very different when they are uttered by a minority struggling against repressive measures, and when expressed by a group that has attained power and then uses ideas that were once weapons of emancipation as instruments for keeping the power and wealth they have obtained. Ideas that at one time are means of producing social change have not the same meaning when they are used as means of preventing social change.[8]

While I think the Aristotelian idea of ethical argument can help us to see how a community of truth is possible, I do not want to oversell *ēthos* as a panacea. There are certain community-building things that only *ēthos* can do, but each of Aristotle's three sources of proof, *logos*, *ēthos* and *pathos*, can be used to make a community more open or more closed. Each can be used in the name of progressive and retrograde causes. Nietzsche talks about reasoning as a weapon of the weak, to be used against people who are strong enough not to need to give reasons. The strong never apologize, never explain. On the other hand, being rational is a mark of a ruling class, who rely on calm reason instead of the messy emotionalism of outsiders, whether women or other groups that the powerful want to think of as less civilized.[9]

Just as the purely rational can sometimes insure the stability of communities, sometimes restrict entrance into communities, and sometimes provide access to the weak, so both *ēthos* and *pathos* can be sometimes community building and sometimes community destroying. Consider, on *pathos*, these lines from the late US Supreme Court Justice Brennan:

> The framers [of the US Constitution] operated within a political and moral universe that had experienced arbitrary passion as the greatest affront to the dignity of the citizen(...). In our own time, (…) the greatest threat (…) is formal reason severed from the insights of passion.[10]

Intensity of emotion can gain hearing for a cause where reason alone produces indifference. Protest movements such as prohibition of alcohol, anti-abortion, or vegetarianism depend on shocking the feelings, not on rational appeals. On the other hand, feelings of offence and outrage have been used to justify the *status quo*, as in laws against inter-racial marriage or homosexuality.

And so too for *ēthos*. Rational appeals to character or ethical arguments

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[8] Dewey 1987, XI: 291. See too Balkin 1993: 869-891. Contrast the variability that Dewey observes to the demand for replicability in the sciences.

[9] Bohman 1997: 332:

> Deliberative democracy should not reward those groups who simply are better situated to get what they want by public and discursive means; its standard of political equality cannot endorse any kind of cognitive elitism.

[10] Brennan 1988: 17. Similarly, just as *ēthos*, *logos* and *pathos* can all be used to advance progressive or retrograde causes, there is nothing inherently superior about narrative rather than argument. For this see Garver 1999.

are both useful and dangerous. They can constitute and can destroy communities. In both cases, they are especially powerful:

> [There is persuasion] through character (*ēthos*) whenever the speech is spoken in such a way as to make the speaker worthy of credence (*axiopiston*); for we believe and trust (*pisteuomen*) fair-minded people to a greater extent and more quickly [than we do others] on all subjects in general and completely (*pantelōs*) so in cases where there is not exact knowledge (*akribēs*) but room for doubt (...) character is almost, so to speak, the controlling factor in persuasion. (I.2.1356a5-13, cf. I.9.1366a28, II.6.1384a23).

Like *logos* and *pathos*, *ēthos* can cut both ways. All practical reasoning is based on opinions, and which opinions count – those which Aristotle calls *endoxa* – is an ethical question. Character, *ēthos*, and trust have been used to defend privilege against outsiders. "Trust me. I know what is best, and I will act in the interest of all, not just of one group." On the other hand, personal testimony has often been used by outsiders to gain a hearing. While established and reputable opinions seem to limit practical reasoning to agreement instead of truth, the word of outsiders presents character and personal experience that seems to supersede reasoning in the name of truths accessible by more noble methods than the rational calculation that is the method of agreement. The friendlier we are, the more I interpret what you say charitably. But, too, the friendlier we are, the angrier I became when I think you have wronged me.

Character as a source of belief, conviction and persuasion sets the boundaries within which reasoning might then work. The certainty of knowledge and testimony beyond criticism can make deliberation unnecessary, but it can thereby destroy community. To present oneself with self-certainty as uniquely possessing the truth is to withdraw from community, and so create suspicion. Both the power and the danger of *ēthos* comes from its being beyond criticism, since we deliberate about things that can turn out in different ways but often need to act with single-minded decisions. Character is a principle from which reasoning starts. But character itself is not derived from reason. Because of this finality, sometimes the ethical – the character we impute to someone – is another name for prejudice; sometimes it is a form of knowledge that cannot be reduced to the purely rational. Because he thought that all true communities were founded on truth, however partial that truth sometimes is, and not merely on agreement, Aristotle did not need to worry about distinguishing *ēthos* from prejudice; we do.[11]

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[11] There is thus an affinity between *ēthos*, as simultaneously historically contingent and constitutive of practical rationality, and Vico's *sensus communis* and its adaptation in Gadamer. In opposition to the Kuhn-inspired picture of alternation between normal communities of

Ethical arguments are especially worthy of attention because they occupy the essential political middle ground between rights and politeness, between instrumental rationality and the sort of friendship and love that dissolves personal identity, the kind which Plato thought essential to a good state and which Aristotle thought reduced political association to a family. Aristotelian political friendship is not an alternative to justice, but its fulfilment. Ethical argument will help us see how to aim at and acknowledge truth without destroying community. It allows us to negotiate the relations between truth and agreement as goals of political argument. The crucial rhetorical question for ethical argument is not whether I have a right to speak, or you have a duty not to prevent my speaking, but whether I should listen. The issue is the same whether I am talking about the *ēthos* which comprises aristocratic privilege and accumulated experience or the experience of the victim. For logic in the narrow sense, there is no difference between the question of whether I have a right to speak and whether you should listen. That logic is universal and so does not have to worry about audience, about relations between speaker and hearer. Thus the criteria for rationality I mentioned above, universality, publicity, independence of point of view, impartiality. Ethical argument allows us to raise the crucial question of what is worth listening to. What *should* I hear? What *can* I hear? To use another American example, one person might feel great pain at being excluded from military service because he is a homosexual, while another feels equally great pain when she learns that homosexual males are allowed to serve in the military, but we still have to answer the political question of which feelings of pain deserve our attention. It is only the *ēthos* of the community that can decide which emotions, and which reasons, we should listen to. The dispute about homosexuals in the military is precisely a dispute about the American *ēthos*.

The *Rhetoric* offers a resource, certainly indirect, for confronting the circularities I mentioned, that the more friendship in a community, the more ethical and emotional appeals count as rational, while friendship requires taking someone else's discourse, be it emotional or ethical, as rational, the circularity that what we share is rational, and so rationality varies with community. It is often assumed that ethical arguments, appeals to character, to what "goes without saying", "what everybody knows" are feasible only in a community characterized by homogeneity and consensus; in the same vein, it is assumed that modern states are instead characterized by a diversity that

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agreement and period disruptions in the name of truth is the idea that criticism is possible only within a community of discourse, an idea elaborated in MacIntyre 1988 and 1990.

makes appeals to *ēthos* and *pathos* unpersuasive and sometimes coercive. That is why liberalism limits practical reason to instrumental reasoning, reasoning about means to ends we all agree on. The more diverse the community, the argument goes, the more limited rationality must be.

For Aristotle, the *ēthos* that is, and ought to be, the most powerful and authoritative source of belief must be an *ēthos* created by the argument. If we are talking about relying on a pre-existing *ēthos* of reputation or shared beliefs, then of course homogeneity and consensus are necessary for making ethical appeals. Just when we need *ēthos* the most, we cannot have it or use it. We have to choose between the community in which people care about each other's virtue and the community which values privacy and personal freedom. But if by *ēthos* we mean *ēthos* created by the argument itself, then that presupposition of uniformity disappears.[12] Rhetorical trust is not trust in people who agree with us, or who look like us, but trust that someone is speaking the truth.[13]

This limitation of *ēthos* to rational *ēthos* offers a way of understanding trust and friendship, the terms I have been stressing, that avoid the awkwardness, or worse, of imposing Aristotelian ethical concerns on

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[12] Just as in Aristotle's *Rhetoric*, the only *ēthos* that counts as part of the art of rhetoric is *ēthos* constructed in argument, so in the *Ethics* and *Politics homonoia,* "being of one mind," the closest Aristotle comes to talking about agreement and consensus, is not a matter of sharing beliefs, but of sharing dispositions to act, that is, sharing practical knowledge.

> *Homonoia* is not merely sharing a belief, since this might happen among people who do not know each other. Nor are people said to be in concord (*homonoia)* when they agree about just anything, e.g. on astronomical questions, since concord on these questions is not a feature of friendship. Rather a city is said to be in concord when [its citizens] agree about what is advantageous, make the same decision, and act on their common resolution. (*Ethics* IX.6.1167a22-30).

> See also *Ethics* IX.6.1167b3-4: Concord, then, is apparently political friendship (*philia*) (...) for it is concerned with advantage and with what affects life.

> McKeon 1957: 99. To be of one mind is not to be of one opinion. Men are of one mind when they possess reason to judge statements of truth, understanding to appreciate statements of their own values and those of others, desires ordered under freedom, and love of the common good for which men are associated. When men are of one mind in these abilities, they can be of different opinions without danger to society or to each other.

[13] Fuller talks about the difficulty of assessing intent in economic regulation and other non-criminal parts of the law. He says that

> the required intent is so little susceptible of definite proof or disproof that the trier of fact is almost inevitably driven to asking, "Does he look like the kind who would stick by the rules or one who would cheat on them when he saw a chance?" This question, unfortunately, leads easily into another, "Does he look like my kind." Fuller 1969: 72-3.

modern liberal democracies. A rhetorical reading of trust and friendship, like a rhetorical understanding of character, avoids the more substantively moral meaning of friendship, which is inappropriate for liberal democracy. Thus I look to Aristotle's *Rhetoric* and not to his *Ethics*. If friendship means presenting one's beliefs, desires and values as arguments and charitably interpreting another's appeals as arguments, then it does not have to extend past the rhetorical situation itself. Similarly, there does not have to be any affection in the friendship and trust that are tied to argument. Rhetorically, when friendship is tied to argument, it is also limited to argument, recalling the connection, in Greek, between *pistis* as trust and *pistis* as persuasion. We do not have to yearn for Aristotle's imagined *polis*. Caring about one another's virtue, making political participation into a positive good – these can be interpreted rhetorically so that they do not carry connotations of community inappropriate for pluralistic democracy. This sort of friendship does not mean affection. It means treating each other as rational agents.[14]

Truth is always potentially disruptive of community. But, just as there is a difference in rhetoric between the kind of *ēthos* produced by argument and *ēthos* as pre-existent reputation, so there is a difference between an appeal to truths which trumps public reason – "Because of my position, or because of my suffering, you must defer to what I say" – and appeals to truths which expand public reason, and so which do not destroy community but deepen it.

Therefore the appeals to character that enhance deliberation and community are those in which such *ēthos* is rational, rationally generated and rationally received. On the other hand, and this seems to me the more interesting conclusion, the ultimate criterion for what counts as rational is an ethical criterion. There is no criterion for practical rationality apart from

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[14] *Politics* VII.6.1327b24-1328a7:

> *Thymos* is the faculty of our souls which issues in love and friendship; and it is a proof of this that when we think ourselves slighted our spirit is stirred more deeply against acquaintances and friends than ever it is against strangers (...).This faculty of our souls not only issues in love and friendship: it is also the source for us all of any power of commanding and any feeling for freedom (...). It is *thymos* that causes affectionateness, for spirit is the capacity of the soul whereby we love (...). It is from this faculty that power to command and love of freedom are in all cases derived).

> A city is maintained by proportionate reciprocity. For people seek to return either evil for evil, since otherwise [their condition] seems to be slavery, or good for good, since otherwise there is no exchange (*Ethics* V.5.1132b32-1133a2).

> Civic friendship (*politikē*) looks at the agreement (*homologia*) and to the thing (*to pragma*), but moral friendship (*ethikē*) at the intention (*prohairesis*); hence the latter is more just – it is friendly justice (*dikaiosunē philikē*) (*E. E.* VII.10.1243a32-34).

specific deliberative situations. What Arthur Fine says about scientific objectivity seems to me to apply equally to practical rationality, namely that there is no simple criterion for the rational, but that it is "trust-making", that is, *ēthos*-making. Objectivity, he says, is

> that, in the process of inquiry, which makes for trust in the outcome of inquiry. Here objectivity is fundamentally trust-making not real-making (...) . There is no list of attributes of inquiry that necessarily make it objective. What counts as an objective procedure is something that needs to be tailored to the subject-matter under consideration in a way that generates trust. It follows that attributes like 'unbiased' or 'impersonal' may be objective here and not there (...) . In every case the question is whether a process marked out as objective makes for trust in the product.[15]

The *Rhetoric* does not presuppose a definition of what is rational, prior to considerations of effective persuasion. Criteria for rationality develop as the art of rhetoric explores the nature of deliberation in its political context. What counts as rational is itself negotiated in the process of persuasion. That is how truth need not destroy community, even a liberal community founded in freedom.[16]

There is a specifically practical reason why practical rationality is ultimately an ethical idea. Democratic or public knowledge is not only knowledge that everyone has. Normally, in the individual case, if I know something I also know that I know. Similarly here for communities. If we know something, we have to know that *we* know. There are things that each of us might know, but which *we* do not know because it is not public knowledge, not democratic knowledge. We cannot acknowledge that we

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[15] Fine 1998: 18. Cohen 1996: 100:

> Which considerations count as reasons? A suitable answer will take the form not of a generic account of reasons but of a statement of which considerations count in favour of proposals in a deliberative setting suited to free association among equals, where that setting is assumed to include an acknowledgment of reasonable pluralism. This background is reflected in the kinds of reason that will be acceptable. In an idealized deliberative setting, it will not do simply to advance reasons that one takes to be true or compelling; such considerations may be rejected by others who are themselves reasonable. One must instead find reasons that are compelling to others, acknowledging those others as equals, aware that they have alternative reasonable commitments, and knowing something about the kinds of commitments that they are likely to have – for example, that they have moral or religious commitments that impose what they take to be overriding obligations. If a consideration does not meet these tests, that will suffice for rejecting it as a reason. If it does, then it counts as an acceptable political reason.

[16] That criteria for practical rationality are themselves rhetorically negotiated is reason to reject Habermas' hopes for a universal, procedural criterion for practical reason. The difference between the rational and the coercive is neither universal nor purely procedural. I agree with Habermas in finding the root of community in argument, and thus in practical rationality, but I think that ethical argument is fully rational without needing to be universal and procedural.

know it, and it cannot figure in our practical deliberations. There is an extensive literature on the difference between public and private preferences, but the relation between private and public knowledge has not been explored in analogous ways. As an outsider, it would be silly for me to explore South African examples. In general, however, each citizen can know something, and there still can be a value to official demonstrations and symbolic affirmations which convert knowledge from something that each person knows to something that everybody knows and which therefore can figure in deliberations. The art of rhetoric can play a useful role in understanding how to convert widely distributed knowledge into shared knowledge, a rhetorical and rational version of Rousseau's conversion of the will of all into the general will. To pick a non-controversial example from the United States, each citizen of that country might know that, statistically, women live longer than men, and white Americans longer than black Americans. However, as a public we are ignorant of these data. We cannot use them, for example, as the basis for arguing that women should pay more or less into retirement accounts than men, or that blacks should pay more or less than whites for medical insurance. Explanations of international problems in terms of national character no longer have a place in our public discourse. We are democratically ignorant of these facts, as of many other facts about race, gender and class. Maybe we should be. But whether we should be or not, the reasons we can share depend not only on what the reasons are but on who we are.[17]

Thus democratic knowledge is the result of argument, in which what each knows, becomes something that everybody knows, and so becomes part of the *ēthos* that constitutes community and is the basis for reasoned deliberation. That movement from the will of all to the general will should sometimes be resisted. This at least is what Socrates advocates when, in the *Apology*, he asks jurors to stop relying on what everybody knows and instead to judge as individuals. He tries to dissolve democratic knowledge into knowledge by individual citizens, and replace prejudice by judgment on

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[17] *EE* VII.12.1244b29-34:

> If one were to abstract and posit absolute knowledge (*to ginōskein auto kath' auto*) and its negation (...), there would be no difference between absolute knowledge and another person's knowing instead of oneself; but that is like another person's living instead of oneself, whereas perceiving and knowing oneself is reasonably more desirable.

> If it be true that all governments rest on opinion, it is no less true that the strength of opinion in each individual, and its practical influence on his conduct, depend much on the number which he supposes to have entertained the same opinion (Madison, *Federalist* 49).

the evidence. It is debatable, and was the subject of the jury's deliberations in judging Socrates, whether this dissolution of democratic knowledge builds community or destroys it. In that case, as in every case, it is debatable whether truth is simply disruptive or can constitute community.

We may entertain the idea that democratic knowledge has as its counterpart democratic ignorance: things that each of us might know but which we as a community cannot know, and so cannot use as the basis for deliberations. This idea is clearer in judicial than in deliberative contexts. There are truths that are not admissible as evidence. If I am trying to prove that you are a rapist, I may not be allowed to show photographs of the violent effects of the assault in question, since they say nothing about whether you are guilty. In legal language, the "prejudicial effect" of these truths outweighs their "probative value". My examples of actuarial differences between men and women, blacks and whites, might fit the same description. Articulating these differences in public is likely to have prejudicial effects that may outweigh any value of using knowledge of these differences as the basis for deliberation.[18] Democratic ignorance is often the realm of the private. And so juries are routinely told to ignore something they just heard. This is a demand, not of amnesia, but that something not become common knowledge.[19] What democracies know and what they do not know, what they should know and should not know, is an ethical question.

Communities of diversity and plurality are constituted by argument, rational processes that are oriented to truth as well as agreement. My picture of the nature of democratic deliberation is different from another currently popular supplement to liberalism, which can be traced back to the American political writer James Madison in the *Federalist Papers* (1787-1788)*,* in which the process of rational deliberation takes those given preferences, desires and opinions of citizens, and transforms them through deliberation into rational desires and opinions, subject to rational criticism.[20] Brute desires give way to rational desires. Selfish preferences are replaced by judgments about what is best for all. Thus Aristotle in the *Politics* talks

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[18] There are other grounds for the inadmissibility of truth in law. One of the most interesting for our purposes is privilege. I cannot be forced to offer true evidence, and in some cases may not offer it even if I want to, if I came to know something in a manner whose confidentiality prevents disclosure.

[19] See Stephen 1995. One might also consider the example of the American ritual of Catholic and, to a lesser extend, Jewish nominees to the Supreme Court promising that their religious beliefs will be irrelevant to their performance as Justices. See Levinson 1990.

[20] See especially Sunstein 1984, 1986, 1991, 1996.

about the advantage of democracy coming from an addition of partial opinions into a superior joint judgment (III.11.1281b1-10; cf. III.13.1283b 27-34). Within a stable democracy it naturally makes sense to work along these lines of transforming preferences into reasons through deliberation. But, even in stable democracies, we should be mindful of ways that the opposite process can occur. By being aggregated, preferences become more fixed, less open to criticism, less revisable. They become consensus and prejudice. Thus Socrates' strategy of dissolving community into individuals claiming truth outside *endoxa.* In the *Apology,* Socrates tries to remake the jury into a set of individuals rather than a corporate body.

Socrates' example should make us pause: sometimes instead of a gain in rationality, deliberation results in agreement that is equivalent to prejudice. It is not selfishness that is sacrificed but truth. What makes community rational is the outsider attacking community in the name of truth, as Socrates does. On my account, the deliberative process makes our desires and opinions ethical as much as it makes them rational, as it makes a plurality of people into a community. Every community is limited, as it is constituted, by the things it knows and cannot know. Making our desires and opinions ethical can mean hardening them into prejudices as well as making them the basis for deliberation towards truth.

And so the ominous truth of the La Rochefoucauld epigram which I set at the top of this article. If friendships are sometimes enhanced by ignorance, it is often just the kind of ignorance I am describing here, where both friends may themselves as individuals know something, but, by leaving it unsaid, stop the knowledge from being shared, reciprocal knowledge. Each knows, but they do not know that the other knows, or at least do not have to acknowledge that the other knows. Communities in a similar position possess democratic ignorance.

But this idea of democratic knowledge, as well as democratic agreement, gives grounds for hope as well. What we know and who we are vary together. The process of bringing truth to a community is not finished when each becomes aware of something. It is the community as a whole which must do the knowing. That is a job for rational persuasion, for trust and friendship, that goes beyond *ēthos* in the individual and community-disrupting sense. The interesting challenge for truth in politics is to move from something which each of us knows to something that *we* know.

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