General Information

Free Speech, Public Deliberation, and Global Affairs
Date: 17-19 June, 2014.

The hotel
Quality Hotel Saga, Richard With's plass 2, 9251 Tromsø, phone: +47 77 60 70 00.

Arrival: from the airport to the city center
Taxi: 10 min/NOK 160 (approximately). Taxis are available outside the terminal building.

Airport express bus: Airport express buses (Flybuss) run to the hotel in the city center, and
some also to the University campus. 10-15 min/NOK 70 (return ticket NOK 100, valid for 30
days, cash and credit cards accepted).

Bus: 40 and 42, approximately 25 min/NOK 45 (only cash accepted). To access the bus stop,
cross an underground parking lot in front of the airport.

Venue
UiT The Arctic University of Norway
Universitetsveien 29
Breivika
NO-9037
Norway
TEO-H6 6.303/Auditorium 3

From the airport
Taxi: 10 min/NOK 160.00 (credit cards accepted).
Bus: 40, 42 change at Giaoverbukta for 34 (only cash accepted), 30 min/NOK 45.

From the city center
Taxi: 10 min/NOK 160.00 (credit cards accepted).
Bus: 20, 21, 15 min/NOK 45 (only cash accepted). You can buy tickets at Narvesen and Mix
Kiosk in the center for NOK 33.

Campus Map: http://en.uit.no/inenglish/map

Taxi: Tromsø Taxi, phone (land code +47) 03011.
     Din Taxi, phone (land code +47) 02045.
Airport express bus: http://www.flybussen.no/en/Troms%C3%B8
Busses: http://www.tromskortet.no/busser/category23.html
Conference website:
http://en.uit.no/tavla/artikkel/359313/free_speech_and_public_deliberation

Internet access
1. Connect to the wireless network uit-conference.
2. Log on with the following password: arctic2014.

The conference is organized by the Pluralism, Democracy, and Justice Research Group, and the Department of Philosophy at UiT The Arctic University of Norway, supported by the Research Council of Norway.

Organizing Committee
Tomasz Jarymowicz, Ph.D. candidate
Dr. Erik Christensen
Dr. Øyvind Stokke
Keynotes

Carol C. Gould is Distinguished Professor in the Philosophy Department at Hunter College and in the Doctoral Programs in Philosophy and Political Science at the Graduate Center of the City University of New York, where she also serves as Director of the Center for Global Ethics & Politics at the Ralph Bunche Institute for International Studies. She is Editor of the Journal of Social Philosophy.

A native New Yorker, Gould received a BA from the University of Chicago and a PhD from Yale University. Prior to joining CUNY in 2009, she taught at Lehman College, Swarthmore College, Stevens Institute of Technology, Columbia University, George Mason University, and Temple University. Her research addresses hard questions in social and political philosophy, with particular attention to the relationship between theory and practice. Her particular interests range across democratic theory, the philosophy of human rights, feminist philosophy, critical social theory, and international ethics.

Gould's latest book is Globalizing Democracy and Human Rights (Cambridge University Press, 2014). In her new book Gould addresses the fundamental issue of democratizing globalization, that is to say of finding ways to open transnational institutions and communities to democratic participation by those widely affected by their decisions. The book develops a framework for expanding participation in crossborder decisions, arguing for a broader understanding of human rights and introducing a new role for the ideas of care and solidarity at a distance. Accessibly written with a minimum of technical jargon this is a major new contribution to political philosophy.

Gould has been active in both the American Philosophical Association and the American Political Science Association, and currently serves as Executive Director of the Society for Philosophy and Public Affairs, and as series editor for global ethics and politics at Temple University Press. She has served as President of the American Society of Value Inquiry, as well as President of the American Section of the International Society of Philosophy of Law and Social Philosophy (the IVR). She has been the recipient of numerous awards, including fellowships from the Rockefeller Foundation and the National Endowment for the Humanities, a National Science Foundation grant, a Fulbright Senior Scholar Award in Paris, a Fulbright Distinguished Chair Professorship in Political and Social Science at the European University Institute, and a fellowship at the Woodrow Wilson International Center for Scholars in Washington, DC.
Andreas Føllesdal is Professor of Political Philosophy at the Faculty of Law, University of Oslo. He is a political philosopher particularly interested in puzzles of globalization and Europeanization. As Fulbright Fellow at the Philosophy Department of Harvard University he graduated in 1991 with a PhD dissertation on The Normative Significance of State Borders, advised by philosophers John Rawls and TM Scanlon, and economist, later Nobel Laureate Amartya Sen. Føllesdal also study human rights law at Harvard Law School; welfare economics, game theory and international political economy at the Economics Department; and international relations at the Department of Government.

Føllesdal has continued multi-disciplinary research on international and global puzzles and dilemmas in the intersection of law, international relations and political theory. Over the last 20 years his intellectual curiosity has tracked the fascinating changes wrought by globalization: from the profound challenges states face in an increasingly interdependent world, over Europeanisation, to multi-level governance. He also studies the emerging roles and obligations of non-state actors, multinationals and organized consumers and investors.

Føllesdal’s multi-disciplinary interests are also exhibited in his appointments: While serving as Research Director at ARENA Centre for European Studies, he was Full Professor in the Department of Philosophy for several years, and recognized as competent as Full Professor in Political Science. Føllesdal moved to the Faculty of Law in 2001, first to serve as Director of Research for the University’s multidisciplinary Centre for Human Rights. He now head MultiRights, a 5 year research project funded by the European Research Council on the Legitimacy of our Multi-Level Human Rights Judiciary; and PluriCourts, a Centre of Excellence for the Study of the Legitimate Roles of the Judiciary in the Global Order.
Christian F. Rostbøll is Associate Professor at the Department of Political Science, University of Copenhagen, Denmark. His scientific interests include deliberative democracy theory, autonomy and multidimensional conception of freedom, freedom of expression, and critical theory. He was awarded his PhD in political science with distinction by Columbia University, New York in 2004. His advisors included Professors Jean L. Cohen and Jon Elster. His doctoral dissertation Deliberative Democracy and Conceptions of Freedom was later published as Deliberative Freedom: Deliberative Democracy as Critical Theory (State University of New York Press, 2009).

Rostbøll has been publishing extensively in well-established philosophical journals such as Philosophy & Social Criticism and Political Theory on various aspects of deliberative democracy theory. His contribution focuses on liberty justification of deliberative democracy, the question of autonomy in democratic theory, and emancipation vs. accommodation in Rawlsian and Habermasian accounts of democracy. He also engaged in the debate on Danish cartoon controversy with his critical articles on justification of freedom of speech and limits of Millian and Kantian autonomy as character ideals. Currently he is working on the possibility of giving a non-instrumental justification of democracy. His aim is to defend a freedom argument for democracy that does not entail procedure-independent epistemic standards.

In the years 1998-2003 he was a Fulbright Grantee at the Columbia University. In 2010 he was awarded the Silver Medal by The Royal Danish Academy of Sciences and Letters. Currently he is an editorial associate for Constellations, An International Journal of Democratic and Critical Theory, and an editor for Politik [Journal of Politics] based in Denmark.
Program

Day 1: 17 June, 2014

09:00-09:30 Registration at TEO-H6 6.303 Auditorium 3

09:30-10:00 Welcome Speeches from Kjersti Fjørtoft, Head of the Department of Philosophy, and from Tor Ivar Hanstad, Head of the Pluralism, Democracy, and Justice Research Group

10:00-12:00 Session 1 Global Justice
Chair: Melina Duarte

- Deliberative Democracy at the Global level: The Participation of Indigenous Peoples and Traditional Communities in the Amazon Region
  Denise Vitale

- The Doomed Aspiration of Pure Instrumentality: Global Administrative Law and Accountability
  Danielle Rached

- Governing the commons through deliberation? On the environmental promise of deliberative democracy
  Øyvind Stokke

- Gezi Park Protests in Turkey: A New Way of Participation at Local Level?
  Ömer Çaha

12:00-13:00 Lunch

13:00-14:15 Keynote lecture Carol C. Gould
- The Sociality of Free Speech: The Case of Humor across Cultures
  Chair: Annamari Vitikainen

14:15-14:30 Coffee Break

14:30-16:30 Session 2 Epistemic democracy
Chair: Michael Morreau

- Deliberative Proceduralism: Thomas Christiano and the Intrinsic Value of Democratic Procedures
  Pilvi Toppinen

- An Epistemic Case for Deliberative Democracy
  Chris Thompson
- Can Epistocracy Save the Climate?
  *Trygve Lavik*

- Offensive Expressions: The Limits of Neutral Balancing Tests and the Need to Take Sides
  *Yossi Nehushtan*

16:30-16:40 Coffee Break

16:40-18:10 Session 3 Free Speech 1
Chair: Espen Gamlund

- Norms of Civility: Hannah Arendt on Free Speech
  *Odin Lysaker*

- What Does Cultural Pluralism Require of Human Rights?
  *Claudio Corradetti*

- Religion as ‘the social bond of society’ – Suppressive and Ideological Consequences of a Seemingly Innocent Concept
  *Dennis Meyhoff Brink*

18:10-19:10 Reception\(^1\) and Exhibition of Religious Satire

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**Day 2: 18 June, 2014**

9:00-11:00 Session 1 Democratic Deliberation
Chair: Jonas Jakobsen

- Parliamentary Deliberation: An Absent Focus of Research in Democratic Theory
  *Jose Maria Rosales*

- Public Deliberation and Norms of Civility in an Era of ‘Raceless Racisms’: The Case of Norway in the aftermath of the Terror Attacks of 22/7 2011
  *Sindre Bangstad*

- Federalism, Democracy, and Public Deliberation
  *Jose Gomes Andre*

- Public Deliberation and Religious Pluralism: The Dilemma of Lebanese Consociational Democracy
  *Ari Tatian*

11:00-11:10 Coffee Break

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\(^1\) The cocktail reception is free of charge for all the participants.
11:10-12:30 Keynote lecture Andreas Føllesdal
- Tracking Justice Democratically, or With International Human Rights Review – or Both?
  Chair: Øyvind Stokke

12:30-13:30 Lunch

13:30-15:30 Session 2 Free Speech 2
Chair: Claudio Corradetti

- A Hohfeldian Analysis of Language Rights
  _Manuel Toscano_

- Freedom of Expression and Offense: Deliberating in Contexts of Cultural Diversity
  _Kanchana Mahadevan_

- Harmful Speech and Self-Disclosure in the Case of the Danish Muhammad Cartoons The Diverging Implications of Enlightenment Liberalism and Romantic Liberalism
  _Gina Gustavsson_

- Public Reason and Citizenship Education
  _Andrée-Anne Cormier_

15:30-15:40 Coffee Break

15:40-17:40 Session 3 Public Reason
Chair: Kjersti Fjørtoft

- Revisiting Harm, Humour and Humiliation
  _Krishna Menon_

- Pluralism, Public Justification, and Religious Reasons
  _Aurelia Bardon_

- Truth or Reasonableness?
  _Adam Etinson_

- Occupy Gezi Park: Legitimacy Crisis of Representative Democracy and Building a New Public Sphere
  _Ülker Yükselbaba_

20:00 Conference dinner at Quality Hotel Saga²

² Free of charge for all the participants presenting a paper or chairing a session. Listeners and accompanying persons can purchase their meals directly in the restaurants.
Day 3: 19 June, 2014

9:00-11:00 Session 1 Free Speech 3
Chair: Christoph Laszlo

- Blind Spots and Complementarity in Habermas and Rawls’ Models of Deliberative Democracy
  
  Silje Aa. Langvatn

- Mill’s Freedoms and the Margin of Appreciation
  
  Hege C. Finholt

- To See and Remain Silent Rethinking the Public Sphere and Formation of Public Sentiment
  
  Mladjo Ivanovic

- Between Fundamentalism and Relativism: Normative Aspects of Hanna Arendt’s Concept of Freedom of Speech
  
  Pawel Murzicz

11:00-12:00 Lunch

12:00-13:30 Parallel Sessions
Session A room TEO-H6 4.213
Chair: Trygve Lavik

- A Non-Authoritarian Religious State? Critical Reflections on Mauve Cooke’s Postsecularism
  
  Jonas Jakobsen

- A Critique of David Estlund’s Epistemic Proceduralism
  
  Tomasz Jarymowicz

- Joint Opportunities and Cultural Disadvantages
  
  Annamari Vitikainen

Session B room TEO-H6 5.202
Chair: Silje Aa. Langvatn

- Territorial Rights of Liberal Democratic States: Challenging the (Federal) States’ Right to Control the Movement of Persons Across Borders
  
  Melina Duarte

- In Favor of a “Politics of Suspicion”: A Modest Defense of a Moderate Political Realism
  
  Tor Ivar Hanstad
Our Obligation to Aid Knowledge

Heine Alexander Holmen

13:30-13:40 Coffee Break

13:40-15:00 Keynote lecture Christian F. Rostbøll

- A Non-Instrumental Justification of Democracy and Freedom of Expression
  Chair: Claudio Corradetti

15:00 Final remarks from Kjersti Fjørtoft, Head of the Department of Philosophy, and from Tor Ivar Hanstad, Head of the Pluralism, Democracy, and Justice Research Group.
In recent decades, following the path of globalization, the advance of democracy within nation-states has related directly to the democratization of decision-making processes beyond national borders. The decisions made within international organizations have an important impact on local and domestic issues. In this sense, domestic issues are now international issues; they are the purview of various and varied communities, independent of national citizenship. However, there is a paradox: if, on the one hand, the substantive themes of politics are globalized, on the other hand, political institutions remain internally oriented. International bodies responsible for developing global public policies reproduce familiar aspects of a known international order that is poorly adapted to the last decades’ evolution. From a deliberative democracy perspective there is a legitimacy deficit because although citizens may not participate in formulating international norms, they are still affected by those norms.

The aim of this paper is to analyse the process of deepening democracy in environmental global governance, regarding the participation of Southern non-state actors in the United Nations conferences. More specifically, the paper discusses the role, limits and possibilities of a particular group of non-state actors, the indigenous peoples and traditional communities of the Amazon region, in the decision-making process of the Convention on Biological Diversity (CBD) and of the United Nations Framework Convention on Climate Change (UNFCCC). Indigenous peoples and traditional communities have been considered a constituency by these conventions and have been active in addressing their interests and demands at UN conferences. The approval of the Nagoya Protocol, in 2010, under the CBD, on Access and Benefit-Sharing (ABS), is at the same time an important achievement for the autonomy of indigenous peoples in international law, and also a current challenge, since its effectiveness depends on future implementation.

This empirical investigation sheds light to the debate on the theoretical level about legitimacy and democratic representativeness, as well as over complex conceptions such as world public sphere, transnational civil society and global democracy. To the extent that the mentioned constituency has a given position in the contemporary geopolitics, usually called “the periphery of the periphery”, many questions emerge: how relevant can be their participation process on environmental issues? In which way do they influence the political
position of their respective governments? And to what extent do they enhance democratic and deliberative global governance? These questions are more difficult to answer if capitalism contradictions are considered as part of the decision-making process. Having as reference the contributions of authors such as Jurgen Habermas, David Held, Nancy Fraser, Jean Cohen, Seyla Benhabib, Mary Kaldor and Jan Aart Scholte, the paper aims at contributing to the reflection on the quality of democracy on both theory and practice.

*Ph.D., Federal University of Bahia, Brazil and Brazilian Center for Analysis and Planning

The Doomed Aspiration of Pure Instrumentality: Global Administrative Law and Accountability

Danielle Rached*

In the field of international law scholarship, the concept of accountability has become the cornerstone of a respectable portion of current discussion on the prospects of legitimate and effective global governance. In spite of its rather high currency, accountability does not partake in the select group of first-order political ideals: democracy, human rights, constitutionalism and rule of law have all been historically uttered in much more vocal tones and still remain at the forefront of public demands for legitimate authority. The paper departs from the premise that what complicates accountability discourses is not only the multiplicity of concepts they imply and their more or less pronounced normative undertones, but also the various contexts they address. To this end, the paper is dedicated to illuminate what accountability has so far meant in practice, along with the values that are built in accountability arrangements, and some of the challenges that lie ahead. Zooming out, and in spite of a dense interconnectedness between them, two general contexts of political accountability come forth: ‘within the state’ and ‘beyond the state’. If one zooms in, one would perceive that the state context comprises, due to the pulverisation of internal sovereignty through a broad distribution of power, an intricate chain of interlocking bodies that are accountable in multiple ways (certainly not just in the hierarchical principal-agent style). One would also realize that the ‘beyond the state’ context – traditionally depicted as a world of sovereign and autarchic political communities that may contract among themselves – is under intense transformation. It not only accommodates and sets the terms of engagement between multiple sovereigns, but also includes non-state actors that did not have any significant political weight until recently. If one gets even closer, one would further notice that the very distinction between domestic and international gets blurred at the edges and fails to grasp an evolving institutional space in between, which is not precisely grasped, however one tries, by that categorical dichotomy. The second section of the paper will describe how accountability, despite obvious variations, is generally organized in constitutional democracies. The third section will then describe how accountability had been somewhat settled, and currently has been disrupted at the international arena. This sequence – from ‘within the state’ to ‘beyond the state’, using the former as a departing default template for looking at the latter – replicates the expository strategy of the mainstream literature thereupon. The dichotomy, however, is a loose one and should not obscure the presence of significant intermediary decision-making sites. The fourth and the fifth sections will outline how that sense of ‘accountability deficit’ or ‘legitimacy crisis’ has been approached by one of the most influential legitimacy discourses that have recently surfaced: “global administrative law” (GAL). The ‘GAL project’ is one of the current intellectual enterprises that seek to understand, describe and take a critical stand on what is
happening beyond the state from a legal and institutional point of view. Largely oriented towards due process, I argue that the GAL project, in order to maintain a normative appeal, should not ignore larger political ideals, however controversial they might be. Otherwise, it remains a manipulable and hence unreliable cause to be endorsed.

*Post-doctoral fellow at the International Relations Institute, University of São Paulo

**Governing the commons through deliberation? On the environmental promise of deliberative democracy**  
Øyvind Stokke*

Why exactly should we expect deliberative democracy to produce good environmental results? While the fair distribution of emissions is often treated as a question of distributive justice, ecological problems seem to demand a kind of complex cognitive capacity that deliberative democracy can offer. Moreover, public deliberation has a moralizing effect and is indispensable in a late modern political order dominated by moral problems that cannot be solved only by the voting mechanism. One moral problem highlighted by the Intergovernmental Panel on Climate Change is the radical injustice affecting about four hundred thousand indigenous people conducting traditional lives in the Arctic. These people have contributed virtually nothing to climate change, but they are among the first to suffer from its consequences. On the other hand, the way of life close to the environment has put indigenous peoples in a unique position when it comes to observe, interpret and relate to environmental change. In order to strengthen the resistance against the commodification and privatisation of the commons (land and water) in the Arctic, democracy needs to be transformed, rather than being dispensed with. Here I draw on Habermas’ theory of critical mediation between expert cultures and everyday concepts and explore the rationale of Habermas’ epistemic concept of deliberative democracy for a kind of participatory governance of the natural resources in the Arctic. Thus, I question the argument that it is democracy per se that is at fault in the current crisis of climate change. Rather, what is lacking is enlightened and critical debates about the imperatives of capitalist development incompatible with the limits of the earth, causing environmental degradation – or so I will argue. A critical mediation is called for between environmental, political and economic expert cultures, and the traditional knowledge of indigenous peoples for pastoral resource governance.

*Associate Professor, UiT The Arctic University of Norway

**Gezi Park Protests in Turkey: A New Way of Participation at Local Level?**  
Ömer Çaha*

Turkey has realized important reforms under the AKP (Justice and Development Party) government related to local governments since 2004. The AKP government enacted a series of regulations serving the transition of power from central administrative offices to the local governments, motivating the development of civil society and developing principles of transparency and accountability in ruling in the local level. Two important renewals have come into existence as the result of these reforms. One is the transition of power from the central government to the local governments and the other one is the establishment of “urban councils”. These councils are assumed to be open to civil society organizations as well as to the professional chambers, businessman associations and universities in the local level.
The basic goal behind the establishment of urban councils is to include citizens, through civil society organizations, into the decision making process concerning any issue in the local level.

Despite such reforms, the Istanbul Municipality decided to design the Gezi Park, near to the Taksim Square, including a shopping mall and a military barrack. When the decision caused the reaction of environmentalist groups and they started to protest the decision they were oppressed by the police at the end of May 2013. This gave way to a massive reaction remained about one month along the country and resulted with the death of seven people (including a policeman) and left thousands injuries and hundreds of public cars fired. The government defined the protests as the manipulation of “interest rate lobbies” and of national and international actors bent on degrading the ruling AKP government, and particularly its leader Prime Minister Recep Tayyip Erdoğan. The protesters, however, claim that it is about issues such as police oppression, freedom of assembly and freedom of expression.

This paper will shed light on political change in Turkey in the level of grass roots and civil society organizations presented through Gezi Park protests. It argues that the greatest share holder of the Gezi protests were post-material groups developed in the course of last three decades over pos-material values such as human rights, freedoms, women’s rights, environment etc. My paper will firstly emphasize the characteristics of civil society developed in the post-1980 period and the values civil society organizations have defended in Turkey. It will secondly, analyze the Gezi protests in reference to its participants and their demands. The participants’ profiles, their demands and motivations, the way they did politics and the results of these protests will be analyzed from the vintage point of civil society development in Turkey since 1980s.

*Prof. Dr. Ömer Çaha, Yıldız Teknik Üniversitesi*

12:00-13:00 Lunch

13:00-14:15 Keynote lecture Carol C. Gould
- The Sociality of Free Speech: The Case of Humor across Cultures
  Chair: Annamari Vitiainen

14:15-14:30 Coffee Break
14:30-16:30 Session 2 Epistemic democracy
Chair: Michael Morreau

**Deliberative Proceduralism: Thomas Christiano and the Intrinsic Value of Democratic Procedures**

_Pilvi Toppinen*

Democratic proceduralism is torn by the aim for substantially just outcomes and by the insoluble political disagreement over the substance. Roughly put, epistemic proceduralists defend democratic procedures for their tendency to produce decisions that are ‘good’ or ‘just’ according to certain independent standards, i.e. lay the main emphasis on the fairness of the outcomes, whereas intrinsic proceduralists put more emphasis on the intrinsic fairness of democratic decision-making procedures. These modes of justification yet often foil for each other, and most views are hybrids of some kind. In the paper I concentrate on
intrinsic proceduralism. Intrinsic procedural approaches have been influentially challenged by epistemic proceduralists and instrumentalists. Epistemic proceduralists, David Estlund in front, warn about retreating to non-substantial proceduralism claiming that mere procedural fairness is not sufficient to explain the authority of democratic institutions, if it appeals on no ability of democratic procedures to make substantively good decisions. Either procedural view must include at least some substantial, i.e. procedure independent elements, or if not, it turns out too thin to have enough justificatory power. Estlund seems to be right when criticizing entirely unsubstantial stances. However, what seems crucial is that from that it does not necessarily follow that one should bring procedure-independent substantial standards into picture. There is another possibility: substantial standards that are not procedure-independent. In this paper I pursue a hybrid view that rests on values that are at the same time substantial yet not independent of the procedure in a broad sense – an alternative that does not lean merely on the outcomes of processes but emphasizes the value of procedures as such. I start from a promising candidate, intrinsic proceduralism, as presented by Christiano. He defends democratic procedures because he sees them as intrinsically just. One main challenge for the type of hybrid view that rests on procedural footing lies in explaining the nature of deliberation. Yet it seems that Christiano could face that challenge. The public deliberation is justified on basis of democratic equality. However, even if deliberation could be justified via equality, one should be able to show that the value of democratic fairness is intrinsic, that it is not procedure independent. It is this explanation of the intrinsic value of democratic procedures that seems complicated. For the rest of the paper I concentrate on that. For making sense of the intrinsic worth of procedures, one should focus on democratic procedures themselves, as it seems to me that they have certain special features that are relevant for understanding the intrinsic worth. Employing Iris Young’s idea that justice is relevant in considering the institutional relations individuals have with each other, I suggest that the value of democratic procedures could be understood as constitutive – democracy constitutes a relation of mutual accountability.

*Ph.D. candidate, University of Helsinki

An Epistemic Case for Deliberative Democracy

Chris Thompson*

Epistemic democracy involves two claims: firstly, that at least some political decisions are – at least in part – about matters of fact and therefore can be correct or incorrect; and, secondly, that there is some feature of democratic decision-making that makes for reliable decisions. Claims of epistemic democracy require some mechanism or justification for why it is that democratic decision-making can be reliable. Most existing accounts rely on the aggregative conception of democracy, majority rule, and the classic Condorcet Jury Theorem (CJT) to provide the required mechanism. Very informally, majority rule voting serves as a mechanism to ‘pool’ the information dispersed across the electorate into the social choice. Advocates of epistemic democracy have mostly ignored the deliberative interpretation of democracy. Those that have advanced what would count as epistemic interpretations of deliberative democracy have tended to be metaphorical or vague in nature. Aristotle, for example, claimed that “…a feast to which many contribute is better than a dinner provided out of a single purse.” J.S. Mill argued that “… conflicting doctrines… share the truth between them; and the nonconforming opinion is needed to supply the remainder of the truth”. More recently, David Estlund cites the proverb of the blind men and the elephant, each of whom can only touch part of the animal but not enough to identify the animal.
Helene Landemore cites the film Twelve Angry Men, where the jurors are able to reach the correct conclusion as a group that they are unable to reach as individuals. I advance a more precise account of how democratic deliberation can lead to more reliable decisions. To make the epistemic case for deliberative democracy we must firstly fill out the details tacitly assumed by the aggregative conception of epistemic democracy. Firstly, it is assumed that agents extract information from the environment about the correct alternative on the agenda. Secondly, these pieces of information act as causal factors on the judgments of agents – the information makes agents more likely to vote correctly. Thirdly, when agents express their judgments via their votes and the votes are aggregated into the social choice, the private information found by individuals is shared with the group. Democratic deliberation can be an essential feature of a democratic information pooling mechanism where one or more of these three stages fail. In some cases, agents will extract relevant information from the environment, but this information does not act as a causal factor on that agent’s judgment. We may require deliberation to generate epistemic closure on propositions, so that the conclusion deduced from the conjunction of propositions may act as a causal factor on agents’ votes. In addition, where there is only a limited amount of evidence, deliberation serves to maximise the amount of information pooled into the social choice. Thus, although standard judgment aggregation procedures such as majority rule can provide epistemic justification for democracy in many cases, there are other cases where group deliberation will be an essential epistemic mechanism.

*Ph.D., University of Cambridge

Can Epistocracy Save the Climate?

Trygve Lavik*

“Is it possible to solve the climate problem?” If this question goes to experts we may expect different answers. If the expert is an economist, or an engineer the answer may very likely be “yes”, but if it is an expert in political science, the answer will probably be “no, it is impossible”. Many expert reviews in economic and engineering state that the climate problem is solvable, for example the well known The Economics of Climate Change: The Stern Review from 2006. Solutions to the climate problem are available, but the political will to solve the problem is not strong enough. Democracy seems unable to solve the problem, and since autocracy is not doing any better, but rather worse, this paper asks: Why not epistocracy? Or in other words: If the politicians are not able to solve the climate problem, why not give the job to the knowers? This paper discusses three versions of epistocracy (rule of knowers).

1. Jason Brennan’s proposal of restricted suffrage
2. EU interpreted as a mild form of epistocracy
3. An independent institution of experts that has power to make decisions on a certain area, under some democratic control, as an analogy to The Federal Bank and the Supreme Court.

1. Brennan argues that only competent citizens have the right to vote. A citizen is not competent if he either lacks knowledge, is irrational or morally unreasonable. If we apply Brennan’s logic on the climate problem, most citizens must be judged as incompetent. They either lack knowledge, are irrational (believe in conspiracy theories and so on) or morally unreasonable (knows the science, but don't care). I argue that Brennan's version of
epistocracy fails because it is impossible to define and apply what he calls the competence principle.

2. The EU is often criticized for democratic deficit. EU has expert groups with extra decision-making powers, which make EU into an institution with epistocratic elements. In this paper I discuss whether this mild form of epistocracy might be good for the climate. In international climate negotiations the rich countries are broadly divided into two groups: EU and the Umbrella nations (non-EU developed countries). EU has a much more ambitious climate policy than many of the big Umbrella nations, as Australia, Canada, and The U.S.

3. There are many institutions in a society which are given independent decision-making power under some democratic control. The Norwegian Bank Investment Management assignment is to take care of the Norwegian oil wealth. This wealth belongs to the Norwegian people, but the Investment Management is given the power to "make investment decisions independently of the Ministry". Short time thinking is a weakness of democracy. Politicians refrain from making unpopular decisions. They are afraid of not being re-elected. In order to fix the climate problem, unpopular decisions have to be made. I shall argue that this problem can be solved by establishing an institution which is given a mandate to make climate change mitigations, independently of the government.

*Associate Professor, University of Bergen

Offensive Expressions: The Limits of Neutral Balancing Tests and the Need to Take Sides

Yossi Nehushtan*

This paper discusses the case of offensive expressions, i.e. expressions which cause harm or offence to sensitivities and values of others. The discussion focuses on cases where a certain expression needs the authorities’ approval before it could be legally manifested or where the speaker needs the authorities to provide him protection in order for him to safely manifest his freedom of expression.

When the authorities are asked to approve an offensive expression or to protect the offensive speaker, they usually apply various types of balancing tests. At this point, the inevitable question would be which considerations should be balanced in order to decide whether to permit the expression or to protect the speaker, and accordingly which considerations should be excluded from the balance of reasons. In this paper, it is argued that in certain cases the relevant values of the offender and the relevant values of the offended should be included in the balance of reasons when a decision about the legality of an offensive expression is made. In other words, it is argued that in certain cases the state should take sides in the dispute, that is, to prefer one set of values over another. The answer to the question 'which set of values should be preferred by the state' depends on the kind of the political theory that the state’s authority holds.

Freedom of expression is a battlefield in which three political theories compete for dominancy or exclusivity: neutral liberalism, perfectionist liberalism and perfectionist non-liberalism. Each political theory provides a different answer to the question of which considerations should be balanced in order to decide whether to permit offensive expressions or to protect offensive speakers.

Neutral liberalism only allows considering neutral considerations such as the amount of harm that may be caused by the expression while taking into account variants such as time, place and general circumstances. The authorities are not allowed to consider neither the content of the expression, nor the content of the values on which the expression is
based or the content of the values of the offended person. Perfectionist liberalism allows considering all the above but in addition would give priority to liberal values such as autonomy, freedom and equality. Perfectionist non-liberal theories also allow considering neutral consideration but will give priority to anti/non-liberal values.

In this paper it is argued that perfectionist liberalism should prevail and decide the limits of offensive expressions. The claimed priority of perfectionist liberalism with regard to regulating offensive expressions derives from an argument in favour of perfectionist liberalism in general – and regarding cases of freedom of expression. Accordingly, the deficiencies of neutral tests as exclusive tests with regard to offensive expressions result from the deficiencies of neutral liberalism in general – and regarding cases of freedom of expression. A few examples from Israeli and UK case law will be given as test cases. The examples will refer to cases where abhorrent values of the offended provide a reason not to curtail the expression.

*School of Law, Keele University, UK

16:30-16:40 Coffee Break
16:40-18:10 Session 3 Free Speech 1
Chair: Espen Gamlund

**Norms of Civility: Hannah Arendt on Free Speech**

*Odin Lysaker*

Hannah Arendt’s political thought is characterized by what seems to be a paradox. On the one hand, Arendt introduces what she calls ‘human conditions’, where one main aspect of freedom is action and speech in the public sphere. On the other hand, however, she does not relate her concept of freedom to the free speech discourse in a satisfying manner. In Jeremy Waldron’s reading, however, Arendt’s account of free speech is interpreted as what he describes as ‘constitutional politics’. According to Waldron’s picture, Arendt’s reflections on free speech combines two models of democracy, namely a liberal model that is based on the constitutional state and a deliberative model that is grounded in public use of free speech. Furthermore, Arendt’s approach to free speech seems to be founded on what she calls ‘public freedom’. Still, and in line with the Waldronian story, Arendt seems to move beyond Isaiah Berlin’s seminal dichotomy between ‘negative’ and ‘positive’ freedom. On the background of Arendt’s notion of human conditions, it may be explored in what manner and to what degree her approach can avoid the problem of paternalism. Since most stances in the current discourse on free speech take negative freedom as their point of departure, Arendt’s outlook on free speech as public freedom seems describable as a Berlinian positive freedom and thus paternalism. Ultimately, her account of freedom seems to imply an illegitimate limitation of the citizens’ legally secured and hence negative freedom of expression. Nevertheless, viewing Arendt’s account of freedom as based on a so-called weak paternalism may solve this tension between free speech as negative freedom, on the one hand side, and public freedom as potentially paternalistic, on the other. I suggest that if this solution sounds plausible, a mutually supplementary relation between Arendt’s and Waldron’s contributions may be disclosed: Waldron can support Arendt’s account of free speech with a conceptually more precise analyzes, while Arendt can supplement Waldron with a stronger ontological justification of free speech, which grounds his norms of civility in a fashion that avoids the problem of strong paternalism. As a result, Waldron’s civility
norms, such as the contingent notion of citizens’ mutually respect for their ‘social standing’, as well as the recognition of each other’s opposing views, may be grounded in the Arendtian non-contingent picture of ‘social standing’ as fundamentally speaking every individuals’ humanity (i.e. ‘humanness’). In today’s globalizing world, such a justification of civility norms seems to be needed in order to safeguard free speech in disagreements and conflicts due to for example identity politics or value pluralism.

*Associate Professor in Ethics, University of Agder

What Does Cultural Pluralism Require of Human Rights?

Claudio Corradetti*

With this essay I analyze the notion of cultural difference with a reference to moral and epistemic relativism. I then explain how the contradictory nature of relativism leads to the notion of cultural difference and then to the idea of cultural pluralism. Cultural pluralism does not only acquire significance in view of moral arguments but is the result of the fulfillment of socio-political standards for mutual cooperation. The latter can be achieved only if the potential conflict among different comprehensive views is defused. According to my views, in order to overcome the potential conflict among comprehensive views of the good, one has to recognize the normative force of one fundamental principle of human rights – the principle of equal liberty of communication. The formulation of such a principle is sensitive to the critical-genealogical reconstruction of the primary meaning of human rights as a concept originating from the end of the Wars of Religion (1598). What I will claim is that the principle of equal liberty of communication is required by the same “fact of pluralism” (Rawls 1993).

Contrary to its original meaning as equality of conscience, the principle of equal liberty of communication is to be interpreted today in accordance to its most extensive public participatory form, that is, as equality of participation. One crucial aspect of the proposed argument is showing how there is a strict interconnection between the principle of equal liberty of communication and the role of reflective judgment in constructing pluralism along exemplar lines. It is believed that the model of public reason suggested here will prove to be both more inclusive and stable than those grounded on forms of presumed neutrality.

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Religion as ‘the social bond of society’ – Suppressive and Ideological Consequences of a Seemingly Innocent Concept

Dennis Meyhoff Brink*

Throughout European history, ecclesiastical as well as political authorities have suppressed critique and ridicule of religion. This paper makes the case that the main modern European argument for this suppression of free expression was developed in the latter half of the 17th century when the notion of religion as “the social bond of society” spread throughout Europe. Before the 17th century, the main argument for the suppression of religious satire and critique was theological; it was feared that irreverence would arouse the wrath of God. After the 17th century, the main argument was political; it was feared that irreverence would undermine moral and social order.
This shift from theological to political justifications for suppressing critical and satirical accounts of religion was initiated by political thinkers such as Samuel von Pufendorf and later radicalised by, among others, Charles-Louis de Secondat Montesquieu. With historical consequence, they ascribed two political functions to religion: They claimed, firstly, that only fear of a deity could restrain man from acting as a wild beast without morality and, secondly, that only religion could create coherence in society.

By demonstrating how these claims were incorporated into modern European law during the 18th century, the paper argues that the notion of religion as the social bond of society became an ideological tool used to justify the suppression of critique and ridicule of religion. In the 18th and 19th century, it was used to legitimise censorship of religious satire, and today the European Court of Human Rights still justifies its rulings banning blasphemous artworks by referring to the threat they pose against the existing moral and social order.

In addition, the notion of religion as the social bond of society has been used to promote conservative identity politics. In the 18th and 19th century, it was used to support the claim that Europe would fall apart in chaos and anarchy without its religion, and today politicians, such as Angela Merkel and David Cameron, and intellectuals, such as Marcel Gauchet and Gianni Vattimo, claim that Christianity has given Europe its identity and values and thus has created coherence in European society.

Against the legal consequences of the notion of religion as the social bond of society, the paper argues that an unjustified bias is implied because it privileges the traditional and established values of the religious majority while suppressing the freedom of expression of religious and non-religious minorities. Against the role of this notion in conservative identity politics, it is argued that European identities and values are more firmly rooted in critique and ridicule of Christianity than they are in Christianity itself.

*Ph.D. candidate, University of Copenhagen*
nineteenth century. The second section briefly accounts for the historical blend of theoretical with empirical research largely characterizing democratic theory all through the twentieth century to the present. It then proceeds in the next section to document the paradoxically diminished attention to parliamentary politics observable in democratic theory research, arguing a hypothesis on the fading role of parliamentarism. The paper acknowledges the pedagogic uses of deliberative experiments, but questions whether laboratory conditions provide enough empirical evidence to support the critical claims advanced in the academic literature.

*Associate Professor, University of Malaga

Public Deliberation and Norms of Civility in an Era of ‘Raceless Racisms’: The Case of Norway in the aftermath of the Terror Attacks of 22/7 2011

Sindre Bangstad*

“Under what conditions does freedom of speech become freedom to hate?” asks Judith Butler in her response to Talal Asad and Saba Mahmood in the edited volume Is Critique Secular? (2009). The aftermath of the 22/7 2011 terror attacks in Norway, during which a total of seventy-seven people, most of them teenagers attending a youth camp of the Norwegian social democratic Labour Party, were killed by a white Norwegian right-wing extremist who through his acts wanted to instigate a continent-wide civil war leading to the ethnic cleansing of Europe of its Muslim minorities, saw a renewed debate about freedom of expression and its limits in Norway. Since the debacle over the publication of Salman Rushdie’s Satanic Verses in 1988, Norway has seen a significant shift towards more ‘free speech absolutist’-positions among Norwegian media, political and academic elites. Developing in parallel with the rise of the political influence of far-right political formations in Norway, this has resulted in Norwegian media editors becoming increasingly vociferous in their support for providing a platform for voices articulating racism in public in Norway (whether of biological or cultural racist inflections) and for the abolishment of Norway’s international human rights commitments as enshrined in the Norwegian penal code against racist and/or discriminatory speech (§ 135 (a)). The publicly stated motivation for this elite’s shift centrally revolves around the supposedly anti-democratic character of any attempts to curtail freedom of expression at all. By all accounts, these elites in Norway represent an albeit significant minority in the Norwegian population, a population in which a majority continue to hold that rights to freedom of expression must be balanced with other relevant human rights. The crowning moment for this minority was the awarding of NOK 50 000,- to the Norwegian mass murderer Anders Behring Breivik’s main ideological inspiration, the far-right biological racist ‘Eurabia’-blogger Peder Are Nøstvold Jensen (aka ‘Fjordman’) by the Fritt Ord Foundation in Norway for a book in the making in 2012.

Based on the last chapter of my forthcoming monograph Anders Breivik and The Rise of Islamophobia (Zed Books, 07/2014), this paper will explore the changing conceptions of public deliberation in the mediated public sphere and requisite norms of civility in Norway pre- and post-22/7 2011. I will inter alia argue that notions of public deliberation centered on conflict and contestation rather than dialogue have been driven by media elites facing declining profits and revenues for traditional media platforms, and that classical Habermasian notions of democratic deliberation in the public sphere do – to the extent that they were ever meant to say something about the present – in the centrality they accord to
The concept of modern democracy has its roots in the liberal revolutions of the 18th century and it is linked to a set of principles widely recognized today, including free elections, political representation, a multiparty system, the rule of law, checks and balances, secularism and the protection of human rights.

Although indispensable to present democracies, these elements have nevertheless been insufficient to fully cope with the new challenges posed by contemporary democratic societies – such as globalization, the unchecked growth of economic powers, the predominance of party “machines” in the public sphere, etc. This has lead to a progressive weakening of current democracies, controlled by ineffective political elites and marked by a still dormant civil society and a growing distance between citizens and the political deliberation process.

Our paper aims to consider potential solutions to these problems, re-considering particularly the benefits of federalism in promoting democratic principles. Indeed, given its polycentrism, federalism is particularly useful to stimulate civic participation in the decision-making process and to accommodate the plurality of interests that coexist within contemporary societies. The creation of a network of institutions, spread over the territory, but also across society itself (with political organs of a local, regional and national nature – all of them intertwined and simultaneously trusted with relevant power in specific matters), is a very effective and inventive way to improve public deliberation.

Due to its natural predisposition to diffusive administrative patterns, federalism creates thus several stages for political organization, engagement and mobilization. Such provisions do not guarantee per se an increase of popular involvement in politics, but they surely present a supplementary chance of active participation, particularly compelling to the people because a large part of substantive policy-making takes place at a local level, which is more accessible to common citizens and where the effects of the political process are much more visible. At the same time, global issues and the idea of the “common good” can still be preserved, since national organs will be empowered to direct general policies and create a common political thread that binds the composing units of the federation.

Other eventual merits of federalism we wish to highlight include:
- its ability to reinforce the vigilance mechanisms of a democratic system (by increasing the number of players in the system, federalism divides power and stimulates political structures to oversee each other);
- the way it emphasizes political accountability (the public decisions tend to be connected with familiar names and groups, and no longer to distant and often unidentified political officers);
- the possibility to reappraise the notion of citizenship (as the commitment of each individual to actively take part in public deliberations, which is reinforced by the multiplication of assemblies and other political structures);
- the democratic essence of federalism (based on dialogic processes such as open discussion and shared decisions) and its capacity to promote collaboration between
various entities in search of common goals makes it indispensable in a globalised world (whose rising challenges demand comprehensible answers).

*Ph.D., University of Lisbon

**Public Deliberation and Religious Pluralism: The Dilemma of Lebanese Consociational Democracy**

*Ari Tatian*

Power sharing is considered an enhancing mechanism for cohesive public deliberation on policy issues, and an accepted resolution for pluralist states to mitigate endemic conflicts among constituent religious groups. However, such arrangement is leading to steady erosion of state authority, and emergence of “confederation” of religious groups engaged in futile discourse, as it is the case in Lebanon. Literature review had identified the merits of power sharing – including that of consociational democracy. They are introduced as plausible requisites to public discourse and political stability among contending religious communities, especially when there is a lack of common vision on strategic issues of public interest. Pluralist demands are supposed to be accommodated through legal and policy mechanisms of consociationalism, i.e. segmental autonomy, proportionality, mutual veto and grand coalition. However, some criticised the concept for being peace-inducing without being democratic, perpetuating the interests of certain political elites, though no alternatives were proposed to remedy the intricacies of religious diversity management. Facing these facts, the paper treats the following question: is power sharing conducive to free public deliberation in pluralist societies affected by lack of rule of law, and foreign intervention? The paper bases its answer on the Lebanese experience, as its new power sharing settlement, which put an end to the civil war (1975-90), had greatly enhanced public debate on strategic issues. Yet, the transformation process of non-state armed groups into credible political actors, along with the heated public deliberation on the course, was unsuccessful, since political leaders had sectarian rather than national allegiance, mobilizing and manoeuvring communities as competing religious fortresses, while electoral laws were reproduced to perpetuate those leaders. Public debate, which was also associated with national state building efforts, complicated matters further, as deteriorated living conditions, unattained fiscal discipline, stalled governance and reform programs, coupled with ineffective national political dialogue and reconciliation policies, hindered the recovery efforts to a dangerous extent, and compromised the integrity and competence of public institutions. Public controversy triggered demands for more equitable power sharing, as a result of power disequilibrium among major public institutions distributed along sectarian considerations, together with weak internal consensus on the functions of constitutional institutions, as well as serious reservations regarding their legitimacy during times of crisis. Thus, the deliberations among religious communities sought to consolidate their parochial interests, within a complicated framework of balance of power apparatus, performed usually under the auspices of foreign powers, who often compromised undergoing efforts to maintain harmony and cooperation among local religious groups, as Lebanon is still unable to absorb and manage external challenges, experiencing overt bipolarisation in its foreign policy. Evidently, power sharing enhances public deliberation in the Lebanese pluralist society, creating wide space for religious groups to exercise their rights of free expression on public matters, without leading however to a favourable outcome, where matters are aggravated with inadequate application of law, followed by foreign intervention,
transforming public discourse into chaos, and rendering Lebanese democracy governance an arduous task.

*Head of Division of Research & Studies Lebanese Parliament*

11:00-11:10 Coffee Break

11:10-12:30 Keynote lecture Andreas Føllesdal

- Tracking Justice Democratically, or With International Human Rights Review – or Both?
  Chair: Øyvind Stokke

12:30-13:30 Lunch

13:30-15:30 Session 2 Free Speech 2
Chair: Claudio Corradetti

**A Hohfeldian Analysis of Language Rights**

*Manuel Toscano*

Talk about language rights figures prominently in contemporary discussions on language diversity and language policies. As a matter of fact, all sorts of claims about languages are wrapped and put forward in the language of rights. However, language rights have developed as a subject field practically isolated from legal and philosophical discussions on rights in general, and quite apart from the main concepts, debates and dividing lines in the theory of rights. Rather, the discussion on language rights has been carried out with concepts and typologies of rights completely sui generis and created ad hoc for this discussion. For instance, the taxonomy of language rights based on the distinction between tolerance-orientated versus promotion-orientated languages regimes is practically omnipresent in the field. This isolation is understandable in so far as research on language rights initially took place in sociolinguistics, applied linguistics and related disciplines, but surprisingly enough, it continued when philosophers, political theorists and legal scholars also began to address the issues.

In this paper I focus on a set of analytical tools, widely used in legal and philosophical thinking about rights, arguing that they have been completely ignored in the literature of language rights. I mean the analytical framework of legal rights developed early in the twentieth century by the American jurist Wesley Newcomb Hohfeld. The first section is a presentation of Hohfeld’s main concepts along with some few contemporary additions. Secondly, I hold that Hohfeld’s account should be seen as a powerful analytical tool for examining language rights and framing issues in normative debates. To put it to the test, the discussion will be focused on the alleged right to speak our own language under human rights international standards, insofar as this is commonly considered as a sort of baseline for language rights.

*Associate Professor, University of Malaga*
Freedom of Expression and Offense: Deliberating in Contexts of Cultural Diversity

Kanchana Mahadevan*

“...an unsubverted political public sphere ...would be realized to the extent that opinion-forming associations developed, catalyzed the growth of autonomous public spheres, and,...changed the spectrum of values, issues and reasons.”- Jürgen Habermas

The deliberative model of democracy proffers room for collective decision making in the political sphere. As one of its proponents Habermas notes, the public discursive character of deliberation enables its participants to critique and reconstruct their individual interests. With an ability to restrain individual interest and negotiate diversity, deliberation contests the aggregative view of democracy. For the latter, conflicts of competing interests can be reconciled through a compromise reached through bargaining. In contrast, deliberative democracy articulates the possibility of shared public identity through dialogue. The backdrop of a post-cold war world rife with conflicts of wars and cultures has foregrounded the role of deliberation in the search for participation in civic and institutional life. Yet this context also confronts deliberative democracy with the question of the type of reasons offered as justification to further dialogue in a public domain stratified by culture, ethnicity, religion and so forth.

This paper examines the extent to which Habermas’s paradigm of deliberative democracy can address this question in the Indian context. The impact of prevailing cultural or religious norms on public deliberation can be interrogated through instances of opposition between free speech as the right to expression by writers and the possibility of taking offense to it on cultural or religious grounds. Cases of book banning to protect cultural-religious hurt (which is not confined to the government) from Salman Rushdie’s Satanic Verses or recently Wendy Doniger’s The Hindus: An Alternative History reveal that this opposition has held ground since the inception of deliberative democracy. Such an opposition between the right to free expression and group injury seems to bring deliberation to a halt. Moreover, the repression of the former at the institutional level is often done by appealing to the latter. Yet, there is a need to interrogate whether this opposition can be understood as that of an individual’s rational right to self-expression on one hand, and emotive group injury on the other.

In an endeavor towards such an interrogation, this paper will scrutinize the shift to a deliberative model of democracy in the Indian context within the larger global horizon. It will examine how Habermas’s paradigm of public deliberation can best describe the opposition between free expression and offense in Indian attempts to balance the claims of individualism with those of public participation through rule of law. It will demonstrate that such a constitution-oriented account tends to paradoxically concede to both rational discourse and emotions in privileging the perspective of the insulted as legal entitlements. It will conclude by dwelling on prospects for reconciling public deliberation with authorial freedom by going beyond the binary between individual freedom and group hurt. Arguing that this requires transcending Habermas’s legalism, this paper attempts to works toward a more inclusive account of public deliberation.

*Professor, University of Mumbai
Harmful Speech and Self-Disclosure in the Case of the Danish Muhammad Cartoons The Diverging Implications of Enlightenment Liberalism and Romantic Liberalism

Gina Gustavsson*

This paper addresses a puzzle brought to light by recent debates on the Danish Muhammad cartoons from 2005. The puzzle consists in a seeming inconsistency regarding the kind of public debate that follows from a commitment to ‘enlightenment liberalism’, which places the Kantian ideal of autonomy at the heart of the liberal project.

On the one hand, there is a widespread assumption that the ideal of autonomy requires self-disclosure, and that this in fact represents one of the strongest arguments for allowing harmful speech. This position has been put forward by for example Ed Baker, and it has more recently been addressed by Jeremy Waldron in "The Harm in Hate Speech" (Harvard University Press, 2012). Although Waldron argues that the Rawlsian conception of society as a system of mutual cooperation among equals gives us reason to restrict hate speech, he nevertheless sees the autonomy argument from self-disclosure as the strongest objection to his own case. This is also how the defenders of the Danish Muhammad cartoons of 2005 have often been understood, i.e. as ‘enlightenment liberals’ trying to foster autonomy among supposedly heteronomous Muslims (cf. Rostbøll 2009, 2010, 2011).

On the other hand, it has recently been suggested that the values that were invoked by the most vehement defenders of the Muhammad cartoons were in fact representative not of an ‘enlightenment liberalism’, but rather of a Romantic strand of liberalism (Gustavsson 2014). Moreover, as Waldron indeed acknowledges, many of the most famous Enlightenment philosophers clearly condemned harmful speech as part of the public debate. At the same time they were often committed to autonomy – yet not, it seems, to the value of self-disclosure.

This paper offers to solve this puzzle by looking closer at the argument from self-disclosure that supposedly follows from the ideal of autonomy. Upon closer analysis, we see that such an argument in fact conflates two very different things: the Enlightenment ideal of autonomy as self-transcendence, on the one hand; and the considerably more Romantic ideal of individuality as self-expression, on the other hand. Only the latter of these requires self-disclosure of the kind discussed by Baker. In fact, not only does the Enlightenment ideal of autonomy fail to justify a right to self-disclosure; in certain cases this ideal may even give us strong reasons against engaging in self-disclosure.

The paper ends by considering the implications for the Muhammad cartoon publication of 2005. I argue that, although both positions require us to support the right to publish such cartoons, a liberalism focused on the enlightenment ideal of autonomy gives us reason to refrain from using this right, while a liberalism focused on the romantic ideal of individuality, on the contrary, encourages us to use it.

*Postdoc, Uppsala University

Public Reason and Citizenship Education

Andrée-Anne Cormier*

According to the ideal of public reason (Rawls 1993, 1997), when government officials and ordinary citizens deliberate with one another on constitutional essentials or matters of basic justice, they have a duty – the duty of civility – to give each other reasons (at least “in due course”) that they believe any reasonable person could accept. Given the importance of this
model of public deliberation and good citizenship, it is surprising that the question of its implications for citizenship education has received so little attention. This paper explores the question of whether, and under which conditions, it is justified to adopt public reason’s norms of civility in schools, and more specifically, to impose them in the classroom. I argue against two opposite views on the issue. According to the first, public reason directly applies in schools and classroom debates. It is thus permissible for teachers (or policy makers) to require students (and teachers) to refrain from giving arguments based on reasonably controversial, i.e. “comprehensive”, worldviews when discussing issues of basic justice in the school context (Levinson 2012; Neufeld 2013). According to the second view, instead, it is both irrelevant and inappropriate to adopt the requirements of public reason in schools (Costa 2010). It is irrelevant since the classroom is not a public forum where actual decisions about justice are made. It is inappropriate since their adoption might have the effect of “silencing” many children. I believe that both of these perspectives are mistaken. In order to support this position, I shall defend three main claims. The first is that teaching public reasons’ norms of “civility” should be seen as a key goal of citizenship education. The second is that limiting children’s freedom of speech for the sake of developing their disposition to “civility” is permissible only in some contexts. This contrasts with the situation of in “real” public forums, where the adult citizens’ right to free speech has always priority over the duty of civility. Symmetrically, the third claim is that it is sometimes impermissible for teachers to impose public reason’s rules of deliberation in the classroom. This is true for two main reasons. (I) To do so may hinder, rather than favour, the goal of creating good “public reasoners”, especially in “non-ideal” contexts, e.g. when a number of pupils are committed to plainly “illiberal” views. (II) The responsibility that schools and teachers have to create good citizens can be trumped by teachers’ other moral obligations. Indeed, although the classroom shares many of the characteristics of a public sphere, it also possesses some of the morally relevant characteristics of a private sphere. For instance, the teacher-child relationship is, in many respects, more analogous to the parent-child relationship than to the state citizen one. This generates special care-based obligations for teachers that can potentially conflict and have moral priority over the goal of developing future citizens’ capacity and disposition to deliberate in public terms. I conclude that the practical implications of public reason for citizenship education are more complex than they are taken to be and are largely context-specific.

*Ph.D candidate, Université de Montréal

15:30-15:40 Coffee Break

15:40-17:40 Session 3 Public Reason
Chair: Kjersti Fjørtoft

**Revisiting Harm, Humour and Humiliation**

*Krishna Menon*

Free speech and expression despite being central to the definition of a liberal society, is a very contentious issue. It is so because this right is enjoyed within a sovereign modern nation-state that has immense control and surveillance, censorship initiated by the state is a constant threat to the right to free speech and expression. Free speech in any democratic society can however only be a limited right and not absolute because speech and expression
we need to remind ourselves takes place within a specific context of competing values and hierarchies. The liberal idea that the ‘free market place of ideas’ would help discover and understand the truth is however not borne out in the contexts of highly unequal and hierarchical societies such as ours. Such a free market place of ideas does not exist, mitigated as it is by oppression based on caste, gender, class etc. However, the centrality of free speech in emancipatory movements needs to be simultaneously stated. What happens when humour is seen as humiliating? Would this justify a ban on such expressions? Here, I would refer to a controversy over a cartoon in a high school text book published by the government. The cartoon, drawn sometime in the early 1950s, depicted the Chairperson of the drafting committee of the Constitution of India, Dr. B. R. Ambedkar as a slow and ponderous snail. On the snail holding a whip, is the first Prime Minister of independent India, Jawaharlal Nehru goading Ambedkar to work faster. The Prime Minister was of course a member of the upper caste, whereas Ambedkar belonged to the erstwhile caste of ‘untouchables’. This came to be referred to as the ‘Ambedkar cartoon controversy’, when in the twenty first century this cartoon reproduced in school text books, created a furor. Critics felt that this cartoon seen in the context of contemporary Indian politics when many parties and leaders belonging to marginalized groups are attempting to break into mainstream politics is humiliating. The response was that the Dalit groups that were critical were lacking in a sense of humour. I would place this discussion in the context of the feminist critique of sexist humor. Dalit groups have argued in a similar vein that while the cartoon might appear innocuous to upper caste viewers it is deeply offensive and indeed humiliating to Dalits. Clearly, caste mediates the perception of cartoons and other similar representations. In this context should censorship be the answer? I would like to propose that while the Dalit objections are valid- and my paper will address the nature of these objections, but in the final instance as feminists in India have argued, it would be better to create spaces where such cartoons or similar representations can be debated and discussed rather than ask for a ban. Such a ban would facilitate the state’s repeated encroachment into the sphere of citizen’s right to learn, understand and critique.

*Associate Professor, University of New Delhi

**Pluralism, Public Justification, and Religious Reasons**

*Aurelia Bardon*

Liberals are committed to pluralism: they accept, and even value, the fact that citizens disagree about many important issues. But liberals are also committed to a specific conception of legitimacy based on the principle of public justification: they expect citizens to agree that state action is supported by good reasons. In other words, liberalism respects disagreements but requires agreement.

To explain the compatibility of both claims, some liberals (John Rawls, Thomas Nagel, Brian Barry) have argued that disagreements concerning conceptions of the good are of a particular and controversial kind; consequently, they have claimed that the object of state action should be limited to issues of justice that are not reasonably disagreed on. This has however made them vulnerable to the asymmetry objection (raised by Simon Caney, Joseph Chan, Simon Clarke): how can liberals justify that pluralism entails disagreements concerning the good but not concerning justice? And if there are also disagreements concerning justice, why should it be the case that conceptions of the good, including religious ones, cannot be legitimate grounds to justify state action?
The purpose of this paper is twofold. First, it aims at showing that liberals can respond to the asymmetry objection. I examine Gerald Gaus, Jonathan Quong and Steven Lecce’s responses to this objection. Although all of them ultimately fail because they rest on controversial assumptions concerning the distinction of the right and the good and the concept of reasonableness, their fundamental intuition is persuasive: legitimacy and public justification do not require an actual and complete agreement of all citizens on the reasons supporting state action. I shall argue that public justification requires that state action be supported by valid reasons, not that it is considered as justified by all citizens. Reasons are considered as valid provided two conditions are fulfilled: there must be an agreement concerning the identified objective of the reason, and the logical relation between the proposed state action and the identified objective must be accessible to all, i.e. all must be able to understand how and why the proposed state action can allow the realization of the shared objective. Such requirements guarantee that state action is publicly justified, and at the same time they leave room for significant disagreements.

The response provided by this new understanding of public justification to the asymmetry objection is based on the claim that the relevant distinction is between valid and invalid reasons, and not between justice and the good. The second purpose of the paper is to show that these two distinctions are in fact different: valid reasons, legitimately used in public justification, might to some extent be based on conceptions of the good, including religious ones. I argue that invalid reasons do not necessarily overlap with religious reasons. Drawing on Andrew March’s distinction between different types of religious reasons, I claim that the diversity of these reasons is such that they cannot be reduced to a single category that would fit entirely under either valid or invalid reasons.

*Research Associate, School of Public Policy, University College London

Truth or Reasonableness?
Adam Etinson*

John Rawls’ theory of political constructivism requires that matters of institutional justice in a modern democratic society be decided on the basis of “political” values – a set of normative judgments that is both implicit in the public political culture of a society and held in common by its members or participants. Thus, rather than seeking out the truth about matters of institutional justice, or making informed judgments about such matters on the basis of what one takes to be the best, truest, or most plausible reasons, political constructivism requires that we reason on the basis of what are in essence shared and institutionally embedded evaluative judgments. The aim of political justification is reasonableness, and not truth. In this brief paper, I shall argue that Rawls’ prioritization of reasonableness over truth is unjustified. Indeed, I argue that some garden-variety notion of truth should be the ultimate aim of any inquiry into the content and requirements of institutional justice. And my argument for that claim is largely negative, and narrower than it could be. It is narrow because the adoption of reasonableness as a standard of public political justification is sometimes argued for on the grounds that it promotes “stability” in a well-ordered, diverse, and pluralistic democratic society. However, in this paper I only examine arguments that motivate such an adoption on the grounds that it is essential to the “legitimacy” of such a regime. In assessing the legitimacy-based rationale, I distinguish between moral and epistemic interpretations of that argument. In no case, however, do I
find these arguments fully compelling, and so the paper concludes (negatively) that the relatively restrictive standard of reasonableness should be rejected in favor of a more open, intuitive, and evidence-based standard of moral truth. Although I don’t offer a full philosophical account of the standard of moral truth that I have in mind in this paper, I do explain why it is different from the standard of truth recently endorsed by Joshua Cohen as appropriate to public reason. The difference lies in the fact that the notion of truth that I favor requires an abandonment of the methodological strictures of public reason, which is something that neither Rawls nor Cohen are willing to countenance.

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Occupy Gezi Park: Legitimacy Crisis of Representative Democracy and Building a New Public Sphere
Ulker Yukselbaba*

Everything began on May 28th, 2013 at Gezi Park, Taksim in central Istanbul. The government was planning to build a shopping center in place of the park. Young people joined the calls of the nongovernmental organizations which rebuffed at this decision and began to stand guard to save the park. Disproportionate use of force by the police against the activists triggered support actions all over Turkey. People crossed the threshold because of the disproportionate use of force against a legitimate effort of young people to save the environment.

The spontaneous and rapidly growing resistance movement was organized by the social media. In response to very humanitarian and democratic demands of the people who joined the movement, the government insisted on its oppressive, tough and rude line, insulting the masses, which increased and deepened the anger of the people. The fundamental causes of this uprising includes among others the signs of AKP’s (Islamic ruling party) authoritarian tendencies which are getting more frequent, violent intervention of the police forces against each and every demonstration as if all demonstrators are their “natural enemies”, increasing prohibitions and oppressions, intervention by the government to lifestyles and spaces of people, privatization of public places and passing of many “bag” laws by the government almost every day and without properly informing the public.

The main problem is the government (AKP) justifies its legitimacy based only on their “being elected” and believes that they have the right to do whatever they would like. During the resistance, the prime minister was defined as a dictator and it was not in vain. In practice the principle of separation of powers was practically abolished and the legislative and judicial powers were in part subordinated to the executive, and this undermined the pillars of legitimacy for the representative democracy.

The resistance has began with the aim of saving the Gezi Park but in a short while it provided examples of a new way of living and implementation of direct democracy in the tents set up in the park. The actions and forums created within the parks across Turkey further clarified how direct democracy can function. The legitimacy crisis of the government and representative democracy has led people to meet in the forums and begin to make their own decisions in their own public sphere, trying to generate new ideas, share their knowledge and engage in a common action. In this respect, the relationship between the public sphere and legitimacy is quite striking. Forums are places where everyone recognize each other as an autonomous and rational subject, everybody who has the ability to speak and act in a public debate is existing there on the basis of equality, there are no taboos such
as source of the power, wealth, traditional values or authority. Therefore forums are emerging as an appearance of the direct democracy and they highlight the nature of the democracy that general public is now demanding.

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20:00 Conference dinner at Quality Hotel Saga

Day 3: 19 June, 2014
9:00-11:00 Session 1 Free Speech 3
Chair: Christoph Laszlo

Blind Spots and Complementarity in Habermas and Rawls’ Models of Deliberative Democracy

Silje Aa. Langvatn*

This paper seeks to clarify some important differences in Habermas’ and Rawls’ models of deliberative democracy, with a focus on how one model relies on “the public use of reason”, and the other on the “use of a public reason”.

Habermas’ model sees the “public use of reason” among citizens in civil society as crucial for popular sovereignty. In Habermas’ model popular sovereignty is first and foremost secured by ensuring the structural conditions for citizens engaging in public use of reason (communicative reason) in civil society, and by channeling its output into the law-making procedures. This, according to Habermas, allows citizens to see themselves as authors of their laws, and not merely as subjects. Rawls’ model, on the other hand, focuses on decision-making and justifications of thereof in the public political sphere. He thinks that popular sovereignty can only be fully achieved insofar as citizens’ and public officials are willing to exercise political power in fundamental political matters in ways they sincerely see as compatible with their “public reason”. In Rawls’ latest articles this means that they should consider whether their exercise of power is compatible with the basic political-moral ideas of a constitutional liberal democracy, or with what they see as a coherent interpretation of these ideas.

The paper argues that Rawls and Habermas’ different models of deliberative democracy respond to different types of challenges facing constitutional liberal democracies. Habermas, inspired by Luhman’s systems theory, focus on the danger of systems’ imperatives colonizing civil society and undermining citizens’ communicative reason or their public use of reason. Rawls, on the other hand, focus on the challenge of citizens having different and conflicting beliefs, including conflicting views on what justice requires, that makes it difficult to see how laws and policies decided by a democratic majority can be the expression of the shared will of the people.

The paper also argues that both Rawls and Habermas have certain blind spots. Habermas says little about citizens as citizens (as a “Staatburger” and not just a “Bildungsburger”) and what is required of persons in that capacity. Habermas also says little about how to reconcile one’s role and commitment as citizen with ones other roles and priorities. Rawls, on the other hand, focuses very little on the reasoning in what he calls the “background culture” or the “civil society”. He also pays insufficient attention to the
Mill’s Freedoms and the Margin of Appreciation

Hege C. Finholt*

In On Liberty John Stuart Mill argues that the only reason the state is allowed to interfere with the life of its citizens is to prevent harm. He also argues in favor of an almost uncompromised right to express one’s thoughts and ideas, what we today call freedom of thought and of religion. If we are to take Mill’s theory seriously, what shall we do when expressions of thought and of religion might be said to harm either other individuals or the society as a whole? By making a comparison between the French ban on wearing religious symbols in public spaces and the ruling in the European Court of Human Rights against Leyla Sahin, this paper argues that there might at times be good reasons to limit certain freedoms. These reasons cannot, however, be formally expressed in the form of a “check-list” for those who make the decisions. Instead, the court and the decision makers should be given a so-called margin of appreciation, making it possible to take present contexts into account. Yet, the margin of appreciation should not be treated as a green card for the officers of the law to limit freedoms based on ungrounded and inconsistent political considerations, as I believe was the case in the ruling against Leyla Sahin.

This paper holds that Mill’s stress on an uncompromised freedom of speech, although not without limits, is of crucial importance when we are to make a decision as to whether a specific speech/symbol should or should not be given space in the public. Mill’s insights teach us that there must always be a presumption in favor of limitless freedoms, but it might, in rare circumstances, be wise to limit certain freedoms. Interestingly, and perhaps surprisingly, this paper goes a long way to show that the margin of appreciation was better respected in the French case than in the Turkish case. To this end, I show what it means to apply the margin of appreciation in the spirit of Mill’s uncompromising stress on the unlimited use of freedom of speech. Interestingly, Mill argues that one reason why the freedom of speech is so important is that it is a necessary ingredient in a society that aims at being progressive. I argue that the Human Rights Court’s ruling against Leyla Sahin did not take this insight into account, whereas the French ban did a better job in this regard. Although this paper is more sympathetic to the French ban than to the Sahin ruling, the paper still questions whether the reasoning behind the French ban should have been given more weight than the reasoning against the ban. This goes to show that there are in fact limits to the margin of appreciation, namely Mill’s consistent reminder that certain freedoms should not be compromised in a progressive society.

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To See and Remain Silent Rethinking the Public Sphere and Formation of Public Sentiment

Mladjo Ivanovic*

This paper questions how public sentiment is formed and what form political deliberation ought to take if we consider state efforts to quell public criticism and intellectual dissent/debate. It is a common fact that political (and ethical) reasoning is preconditioned in
the capacity of the public sphere to represent social conditions and historical events that surround social actors. What is less apparent, however, is that dominant forms of representation within the public domain are constituted in part by censorship and exclusion. These limits of public knowledge serve to define and control the political behavior of social actors by delineating perimeters that circumscribe the latter’s experiences and processes of reasoning. In order to critically examine such an intentional reduction of what can appear within the public domain (i.e., what is immanently experienced), one must acknowledge that these perimeters determine the norms under which the public will come to understand itself. In other words, these perimeters designate a model through which the state conceptualizes its identity and attains control over its subjects. Taking into account that the public sphere is constituted in part by what cannot be said and shown, such limitations define the domain in which political reflection and political discourse operates. To disclose the ideological grounds of such processes, this paper has two primary goals. First, it renders visible social mechanisms that mute critical discourse and public debate. Analogously, in order to advance and protect certain interests, the state apparatus establishes a system of values (cultural, national, racial, gender, etc.), that delineate what is included and excluded from public apprehension. In doing so, they also seek to restrain the public sphere from being open to certain forms of debate. To achieve such a hegemonic political form, it is necessary to control the way in which people conceive their social environment. In other words, public understanding is constituted in part through a selection of what can appear, and such regulation of public representation is one way to establish what will and will not be counted as reality. Second, it charts possible ways to challenge dominant forms of representation that render dissent and public criticism ineffective. The goal is to allow a cognitive and discursive field to develop in which political (and ethical) accountability might be understood apart from predominant cultural and political norms. Although this essay doesn’t offer grand utopian conclusions, it points out that the democratic political culture depends on social actors’ capacity to contest political and cultural values and develop terms under which opposition can be formed.

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**Between Fundamentalism and Relativism: Normative Aspects of Hanna Arendt’s Concept of Freedom of Speech**

_Pawel Murzicz*

“Not human, but people live on the earth. Plurality is the law of this world”, argues Hannah Arendt. In my presentation I would like to discuss the role played by the concept of the plurality in the thought of Hannah Arendt and show how the plurality implicates the freedom of speech. Ontological fact for Arendt is that human exists among other humans. “Human exists”, for Arendt it means that human speaks and acts. Plurality of people is the plurality of speech and action. Owing to the possibility of speaking and acting the human is free. The plurality is therefore the essence of the human, but not in the metaphysical meaning. Justification of plurality is justification of freedom of speech. Limitation of the plurality is the synonym of limitation of freedom. Institutionalization of freedom of speech is not an act of creation of what is morally right. Institutionalization, as legitimization, of freedom of speech is just the reflection, acknowledgement of what already exists – the plurality among people. Judging actions, political regime or economic system, frame of
reference should not be morality in penal code but human condition with its unchangeable
dimension – plurality based on plurality of speaking and acting.

In the second part of my presentation I would like to explain Arendt’s justification of
plurality setting two examples: fundamentalism and relativism. Fundamentalism is wrong,
not primarily because it stands in contradiction with our set of values; for Arendt
fundamentalism is wrong because it repeals the essence of the human – the plurality of
people. If it comes to relativism Arendt dismiss identification of plurality and relativism in
which both destroys the basis on which people can speak and act. Relativism in her opinion
is instrumentalism, acting in the name of ones’ interest not the society – the example of
which is homo faber. Conversation in which the plurality is being deflated does not have
claim to legality because epistemologically such statements destroy itself – there are the
results of plurality and deflating it we are deflating ours. It leads to normative conclusion
that conversation possess itself criteria that is observation of the condition, which enables
the conversation. Arendt does not give us a specific receipt of the good life but instead her
concept offers conditions under which the mere possibility of such question can emerge. At
the end of my presentation I would like to, as a sort of summary, answer to the following
questions: 1. Is it possible to classify Arendt as communitarian or liberal thinker or maybe
she stands in quite different place? If so, in which?; 2. What kind of deliberation she
advocates when she declares “the truth is a communication” or when she says that pluralism
is based on persuasion and rhetoric?”.

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11:00-12:00 Lunch

12:00-13:30 Parallel Sessions
Session A room TEO-H6 4.213
Chair: Trygve Lavik

**A Non-Authoritarian Religious State? Critical Reflections on Mave Cooke’s Postsecularism**

*Jonas Jakobsen*

In a series of recent works, Mave Cooke has contributed to a so-called ‘postsecular’ turn in
contemporary political philosophy and critical theory, and defended the view that the liberal
democratic state should be postsecular rather than secular. According to Cooke, the
standard liberal view according to which ‘religious reasons’ and arguments should be
excluded from formalized politics is flawed on at least three accounts: (1) it is premised the
Western experience of secularism as a historical process and therefore “remote or even
alien” to non-Western immigrants; (2) it privileges agreement and consensus over
disagreement, learning and contestation of worldviews; (3) it violates the political autonomy
of religious believers who are not allowed to participate in democratic politics on equal
terms. Cooke therefore attempts to replace liberal secularism, as defended by John Rawls
and Jürgen Habermas, with an alternative postsecular conception according to which
religious reasons can be included in formal political will- and opinion formation as long as
they are not “authoritarian”.

Even though I am sympathetic to several aspects of Cooke’s account, this paper
problematizes her critique of the standard liberal position, as well as her own postsecular
alternative. Since the main target of Cooke’s criticisms is Jürgen Habermas, I begin by
demonstrating that Cooke’s critique of liberal secularism is based on a rather selective and one-sided reading of Habermas’ defense of the secular state. In fact, Habermasian liberal secularism has the resources to defend itself against all three criticisms mentioned above. Then, in the remaining sections of the paper, I discuss two possible readings of Cooke’s postsecular alternative: a ‘weak’ and a ‘strong’ reading. The weak reading neither adds anything to nor detracts anything from the standard liberal position. The strong reading, by contrast, poses a real alternative to liberal secularism in that it allows laws and constitutions to be justified with reference to specific religious figures, doctrines, or beliefs. Against this alternative I argue that the liberal democratic state should not misuse its authority by taking side in the ongoing discussion between religious communities (Protestant-Catholic, Sunni-Shia, etc.), or between believers and non-believers, say, atheists and monotheists.

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A Critique of David Estlund’s Epistemic Proceduralism

Tomasz Jarymowicz*

David Estlund in his book Democratic Authority: A Philosophical Framework tries to steer a middle course between pure procedural accounts of democracy which evaluate the democratic process only in terms of whether the procedure was carried out properly, and correctness theories which posit an independent substantive standard against which the outcomes of the democratic process are evaluated. He rejects pure procedural accounts on grounds that if democratic process is only about fairness, we can just as well flip a coin, which would be the fairest method available of making decisions in a democratic society. He also rejects correctness theories since they rely on experts’ knowledge, which is open to reasonable disagreement and so cannot be forced on anyone if each and every person’s equality and freedom are to be respected.

My critique will focus on three areas: Estlund’s critique of deliberative democracy, his qualified acceptability requirement, and how it works in his account of freedom of speech. Estlund criticizes deliberative democracy either for making unqualified claims about its justice tracking abilities (Juergen Habermas) or for making deliberation redundant (Jeremy Waldron). I will argue that Estlund is wrong in inferring from procedural character of deliberative democracy the fact that it is only fairness of the procedure that matters. What he plays down both in Habermas and Waldron is how equal respect and ultimately collective autonomy and not only fairness drive the procedure in deliberative democracy accounts. Procedure is not only about being fair but also about respectfully given everyone equal consideration and subjecting their perspectives into public and collective decision making processes to arrive at outcomes that secure everyone maximum amount of rights.

I will also argue that Estlund’s qualified acceptability requirement (QAR) privileges status quo by filtering certain claims to justice. Estlund’s epistemic proceduralism is a fair procedure that is supposed to have a modest tendency to track justice because it must be acceptable to all qualified views that hold an account of persons as free and equal as true. As it turns out in Estlund’s conversation with Thomas Cristiano, the QAR is a strictly moral device which in effect acts as a moral constraint on democratic decisions. This makes lack of coercion a default and privileges coercion over omission and neglect. However, this has very important consequences for Estlund’s framework since it makes certain issues very hard to politicize and thus filters out claims to justice which point to discrimination arising from lack of legislation and not from too much of state interference.
To show how QAR works I will use Estlund’s account of freedom of speech. Estlund’s acceptability requirement assumes lack of coercion as a default and filters out coercion which stems from the lack of legislation. In this account, citizens in the public sphere are autonomous since they are assumed to abstract from any dependency, coercions, and contexts, which could hinder communication other than interference in self-expression. In other words, the point is to have the opportunity to express oneself; the actual reasonable expectation to have one’s speech taken into account does not seem to matter. It seems that Estlund’s proposal rules out any attempts at making one’s speech more respected in the public sphere since there is a very high threshold of justification or significantly higher than the default of no coercion to politicize any claims to justice other than lack of interference. However, we have had recent attempts aimed at making free speech more civilized without necessarily chilling it. For example Corey Brettschneider proposition in When the State Speaks, What Should It Say?: How Democracies Can Protect Expression and Promote Equality who wants to justify state’s advertising of the reasons for equal rights including withholding state funds from institutions who deny them. Furthermore if we recognize that less regulation is not necessarily more speech, we could look at the solutions that enhance participation and valuable speech without necessarily limiting it.

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Joint Opportunities and Cultural Disadvantages

Annamari Vitikainen*

According to Johathan Quong much of the discussion on equality of opportunity within multiculturalism misconceives the level upon which the inequality (that is the proper concern of the liberal state) lies. Whereas most theorists discuss equality of opportunity within the framework of singular cases – such as (equal) opportunity to X (employment) or (equal) opportunity to Z (education) – Quong argues that the main issue of equality of opportunity should not be whether people have (equal) opportunities to X or Y or Z, but whether they have (equal) opportunities to X and Y and Z. For Quong, equality of opportunity is not simply about having roughly identical opportunity sets X,Y,Z to choose from or about being able to take advantage of an opportunity without excessive costs (Miller 2002), but about having an opportunity to X and Y – that is, to combine one’s cultural commitments with one’s aspirations in public life, such as education and employment.

In this essay, I develop Quong’s notion of equality of opportunity in terms of joint opportunities (X and Y) in order to show how this notion can be used in more specific cases of cultural conflict (X* and Y*). I aim to show that, in comparison to the alternatives, this notion has the advantage of taking the experiences of those disadvantaged seriously, and shifts the burden of proof from those disadvantaged to those who claim these disadvantages to be justified. The notion of equality of opportunity in terms of joint opportunities is thus far more sympathetic towards those who are, already, disadvantaged by the incompatibility of their cultural practices and the commonly upheld rules or criteria, providing certain legitimacy to their claims to fight these disadvantages prior to the questions of whether these disadvantages may, nevertheless, be justified.

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Territorial Rights of Liberal Democratic States: Challenging the (Federal) States’ Right to Control the Movement of Persons Across Borders

Melina Duarte*

Why liberal democratic states do not have the right to control the movement of people across borders anymore?

David Miller has recently divided the territorial rights into three different elements: (1) the right to jurisdiction; (2) the right to control and use the natural resources within the states’ territory; (3) and the right to control the movement of goods and persons across the borders of the states’ territory. He acknowledges that, initially, these three elements may be, in fact, inseparable from each other, since to have the right to jurisdiction seem to imply to have the right to control the resources and also the movement of goods and persons across borders. However, although he concludes his argument justifying the union of these three elements, Miller himself believes that there are good reasons not to reduce the two later to the former. The reasons he gives have to do with the different nature of these elements. The right to jurisdiction is a right exercised over persons within the territory. The right to control and use the natural resources is exercised over things and goods within the territory, not over persons. Finally, the right to control the movement across borders it is a right exercised over persons and things outside their territory. I will argue that even though the contemporary states do have the right to jurisdiction, the other two claimed rights have become illegitimate. More specifically, I will show that contemporary liberal democratic states do not have the right to control the movement of persons across borders anymore. This is because of two reasons: (a) states do not own, but merely possess the right of management of their territory and (b) governmental legitimacy in liberal democratic states is nowadays based not on a societal, but on an international aspiration for self-determination. Therefore, states cannot prevent new persons to claim for their share in the state’s territory, as well as they cannot rule persons who have no say in the determination of the laws and rules in force.

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In Favor of a “Politics of Suspicion”: A Modest Defense of a Moderate Political Realism

Tor Ivar Hanstad*

In this paper I discuss the political realism as it is found in Carl Schmitt and Thomas Hobbes, and I argue that this version of political realism is unable to establish any metaphysical truths on neither the true nature of the political as such, nor on human nature. In this I side with Arash Abizadeh who, in the article “Does Collective Identity Presuppose an Other? On the Alleged Incoherence of Global Solidarity” rightly denounces any attempt to ground political realism in any version on metaphysical and conceptual grounds. Hence, central distinctions with a long tradition in political philosophy and theory, like “friend/enemy”, “us/them”, “trust versus suspicion” etc. are rejected on metaphysical grounds. Based upon this main premise, I claim that this also means that no other alternative approach to the political can be defended on similar grounds, which leaves us with a rather open playing field where the only conclusion that seems to be acceptable, is that the “true” nature of the political is that
it has no true nature. The political as such puts on display all kinds of human thought and behavior; thus, hostility and friendship, suspicion and trust, trickery and charity, among others – exists simultaneously side by side in this complex field. This means further that we are left with a choice: either going for an approach that cannot be grounded theoretically (self-contradictory, metaphysically based “utopianism”), or to approach the political based upon empirical “facts”. The latter approach, transformed into a political realist approach, is what I call “moderate realism”, and is the approach I defend in this paper. The argument, which is pretty much in line with the realism found in the writings of John Gray, is that human history tells us that blind trust in your political opponents can come with a high price and a great risk (of being outright “screwed”). History further informs us that periods of peace and stability have been replaced with periods of war and conflict (what Gray calls the “continuous cycle of order and anarchy”). Hence, what we can read out of this is that the field of the political is plagued with a constant and seemingly unending uncertainty, and, based upon this I argue that a moderate realism is the best approach to minimize the risks we constantly face as inevitable parts of the political realm. It may not be the best approach or strategy in all settings, but to reject it altogether would imply that one has to contest the thesis on firm empirical grounds. Finally, the approach I suggest can help eliminate the pitfalls of any version of utopianism, which so far has been both conceptually and empirically false, and, not to mention, have caused the most widespread and violent wars in political history.

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**Our Obligation to Aid Knowledge**

*Heine Alexander Holmen*

One can dominate in all so many ways, just as one can be dominated in manifold ways. And, more often than not, the different means of domination and injustice will work together to aggregate, to complicate and, thus, to strengthen fundamentally unjust relationships.

In this essay, I analyze a particularly epistemic way in which the world can be structured that facilitates and strengthens domination: namely, when someone is the victim of an epistemic injustice, whereby one is wronged – either by an agent, a group of agents, or by agentless structures where no-one in particular functions as a transgressor – specifically in one’s capacity as a knower and an epistemic subject, as a part of systematic social injustice. Following Miranda Fricker, I recognize two distinctive kinds of epistemic injustice: namely, testimonial injustice, whereby one fails to accept – and thus in a certain sense fails to respect – someone’s sincere testimony due to non-epistemic factors, such as racial- and sexual stereotypes, sexism, or other types of chauvinism; and hermeneutical injustice, where a socially disadvantaged group is deprived of their ability to understand their own social situation, because one lacks the relevant collective social understandings and concepts that would reveal this situation as an injustice.

My aim is to argue that it follows certain epistemic obligations from such injustices: namely, obligations to aid someone specifically in their capacity as an epistemic subject and knower. In particular, the essay focuses on hermeneutical injustice and cases of structurally derived testimonial injustice. I argue that such cases are especially problematic – due to the fact that one more often than not lacks a clear perpetrator – with the result that it can be difficult to locate an obligation to aid its victims. I contain that we can employ an Epistemic Beneficiary Principle, whereby the obligation to help facilitate adequate social
understandings and relevant concepts among the epistemically and socially underprivileged, as well as work to correct structurally derived imbalances in our epistemic practices, becomes an obligation for those of us who benefit more or less innocently from the injustice. Finally, I claim that we can use this principle to derive a moral- and political obligation to uphold and provide adequate financial support for relevant research within the humanities and social sciences, given that such research activities may provide suitable social understandings and concepts, as well as recommend relevant countermeasures. In this way, the essay is also an attempt to answer why democracy needs the humanities and the social sciences.

*Associate Professor, UiT The Arctic University of Norway*

13:30-13:40 Coffee Break

13:40-15:00 Keynote lecture Christian F. Rostbøll
- A Non-Instrumental Justification of Democracy and Freedom of Expression
  Chair: Claudio Corradetti

15:00 Final remarks from from Kjersti Fjørtoft, Head of the Department of Philosophy, and from Tor Ivar Hanstad, Head of the Pluralism, Democracy, and Justice Research Group.