



A Declaration of Discourse for America

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The charge was to explore, from different perspectives, what “courageous citizenship” is, and whether there are parallels with this mission and the last lines of the Declaration of Independence: “We pledge our lives, our fortunes, and our sacred honor.”

The Convention adopted a pledge for our time: “I pledge to be a courageous citizen — to choose curious listening over contempt, to build alongside those with different politics, and to embrace our shared duty to renew America's civic culture.”

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Abstract

The American Founders and their enlightenment predecessors wanted people to have their say and have it matter. This is evident in the Declaration of Independence. In this paper, I lay out a modern-day Declaration—not of independence from a distant power, but from the polarization that now threatens our society. My aim is to encourage people to engage each other using six historically important principles that have been used to justify laws and court decisions. I encourage readers to determine which they endorse and to recognize that other people will endorse different sets.

The American Founding contained great promise. The Founders learned much from the British philosopher John Locke. They could and should have also learned from Roger Williams, the founder of Providence, Rhode Island. Both thinkers believed government is made legitimate by the consent of the governed. They wanted people to have their *say* and have their *say matter*. This is behind much of what the American Founders set up; it is evident in the Declaration of Independence. The Founders were prepared to fight for it. Unfortunately, we once again find ourselves in “times that try men’s souls,” as Thomas Paine described 1776. In what follows, I lay out something of a modern-day Declaration of Independence—not independence from a distant power, but from powers that hold us back from what we can be. The aim is to push us to something better, culturally and politically.

The Founding Promise

The American Founders were well versed in Enlightenment thinking, especially the rise of what we now think of as classical liberal thought. They knew the work of John Locke, for example—perhaps especially his [*Two Treatises on Government*](#), but also his [*Letters on Toleration*](#) (all written in the 1680s). The idea of having divisions of governmental power, for example, is already present in Locke’s work, though he thought of the divisions as elements of any government, whether separate or not. They also knew Montesquieu’s work, especially [*The Spirit of the Laws*](#) (1748) which specified why the different elements needed to be separated—what we now think of as a balancing of power at the federal level.

Unfortunately, it does not seem that the founders spent as much time reading the work of Roger Williams. Williams moved to the colonies in 1631, was banished from Massachusetts in 1635, and went on to found Providence, Rhode Island with freedom of religion for all. Especially in his [*“Bloody Tenents”*](#) (1644 & 1652), Williams argued for a complete separation of church and state, arguing that we must “not [be] *pro Domina Regina*, but *pro Domina Veritate*.” That is, we must not be bound to royalty (the “Lady Queen”) but to truth (the “Lady Truth”). He went on to give versions of several of the arguments for toleration and the need for consent of the governed that we find later in Locke, Montesquieu and many others. (The arguments for toleration can be traced at least to St. Augustine but were improved upon by the later thinkers.)

On Williams’ view, as on that of the Founders, we need to recognize that there are “diverse sorts of goodness” and that because we are all fallible, we ought not persecute those committed to ideas of the good that we reject—we, after all, might turn out to be wrong. He thus preached a pretty radical form of toleration for the mid-17th century. Not only did he think Christians of all

denominations must be allowed to practice the religion of their choice, but also that Native Americans have the same right. Indeed, he was for the rights of Native Americans, women and black people—i.e., he was vehemently anti-slavery—an uncommon view at the time.

Rejecting those ideas, Williams believed, meant persecuting people, “so directly contradicting the spirit and mind and practice of the Prince of Peace.” Taking out the religious overtone, he noted clearly that such persecution was “destructive to the civil peace and welfare of all.” We must tolerate all if we want peace and prosperity—which we should obviously want. To tolerate people with different beliefs about the good meant, for him—and for Locke and the Founders—that legitimate government over people requires their consent.

When Thomas Jefferson wrote the Declaration of Independence, he echoed this theme. From the beginning, the Declaration says “the Laws of Nature & of Nature’s God entitle them, a decent Respect to the *Opinions of Mankind*.” It speaks of “the Right of Representation” and the “consent of our Legislatures.” The claim was simple: without our legislatures (to which we as individuals consent) consenting to rule by the British crown, the latter has no legitimacy over us. Hence, when the colonies’ “repeated Petitions” were ignored, they chose to “solemnly Publish and Declare” their independence.

Moving Forward Now

Like Williams, Locke, and Montesquieu, the founders wanted a government made legitimate by consent. They wanted people to have their *say* and have their say *matter*. This is something we seem born with—we each want our say to matter. Young children want to have what they say matter when their parents’ make decisions. Teens get obstinate when they believe their say is ignored. This is not something that started with the American Founding. It is universal. Williams is only the earliest thinker I’ve discussed. It was present in the ancient thinkers of ancient Greece. It is, we should realize, a human universal.

Now we get to a key point. Given the importance of consent—having a say that matters—we must want individuals whose say is *well-considered*. If their say is to matter, it matters whether they can *reason* well or not. We can improve both factors—getting people’s say to matter and having their say be well-considered (before being said!)—by encouraging discourse.

For our say to matter, we must engage in discourse. If we do not, we offer no view to be considered. Our say can’t matter if it’s not available to others. Of course, we will disagree, but that disagreement is a form of beneficial diversity that makes us more prosperous—materially, socially, and spiritually.

We will disagree with others—because we differ from one another in innumerable ways and our histories, psychologies, and intellectual processes all affect what we believe. Importantly, that is to our collective advantage. There is ample empirical evidence that diversity of thought improves outcomes in legal proceedings, medical consultations, and business. (I summarize some of the empirical evidence [in previous work](#).) That doesn’t mean it is easy to dialogue with people we disagree with; there is ample evidence that diversity makes people uncomfortable even when it improves outcomes. We must face up to that and encourage discourse—including

disagreeable discourse. Only then will our say be well-considered. And it's our well-considered say that should matter—in judicial proceedings, medical practice, business, and in governing.

I want to be clear about five general advantages to having extensive discourse:

1. Personal. We may be living with an [epidemic of loneliness](#). Discourse provides a remedy. By actively engaging with others—not with aggression or a desire to show the other they are wrong, but *civilly*—one gets to know and be known by others. Loneliness dissipates.
2. First Political Reason. For our government to have legitimate authority over us, our say must matter and for our say to matter, we must engage with each other.
3. Second Political Reason. Our country—and many others—are now extensively polarized. The unfortunate reality is that we have high levels of *emotional* or affective polarization, often thinking those we disagree with must be either stupid or evil to have their views. This is true even though we do not have high levels of *issue* (or ideological) polarization. That is, there is a high level of agreement about most things that matter but because we are emotionally polarized, we think there isn't. By engaging with each other, we can reduce the emotional polarization and heal the country by helping people see that they do not disagree as much as they believe they do. In the process, they come to see that those with whom they disagree are neither stupid nor evil but in many ways *just like them*.
4. Moral/Intellectual. As John Stuart Mill (in his [1859 On Liberty](#)), the premier 19th century defender of Enlightenment liberalism, argued, it is by subjecting our beliefs to scrutiny by others that we improve our reasoning skills, our beliefs, and our very ability to think clearly. It is by explaining your view to others and having them question you that you learn whether to change that view or not. In the process, you improve the way you reason. *You get better at being what a human being is meant to be.*
5. Societal. The last 150 to 200 years have been the most prosperous in all our history. The reason for that is simple: as we engaged more with others—many others!—we learned new things, got curious about even more things, and came up with things to produce and trade that had never been considered before. Trade made us productive. Discourse was and is necessary for trade. Unless you think we need no more improvements—that nothing can be better—you should think we need more discourse.

We need more discourse. This may be more important now than ever because of the social forces that prevent discourse. So how should we engage? In what follows, I will lay out, in very brief form, a method for engaging. The method is further developed in my forthcoming book, *Engaging Each Other* (Hackett, 2026).

Civility and Discourse

Much of what happens in the public arena today amounts to shouting derogatory comments at each other. One need only open any social media feed to see a complete lack of civility when ethical or political issues are raised. We can do better. We can have civil discourse. Civil discourse is debate that is made with civility by all participants. Civility is *a tendency toward intellectual engagement with others*. That is a tendency to question and seek to determine the

true or best answers to whatever question is raised. It is uncivil to ignore others or lack concern with pressing problems.

Civil discourse is bolstered by curiosity, careful listening, and a willingness to reflect on your views and those of others. It requires a willingness to engage and challenge others—with respect, but also a recognition that you may anger them. That isn't the goal, but it happens. Civil discourse also requires being open to challenge. If you want to argue for or against (or even just question!) “defunding the police” or government provision of schooling, for examples, you must expect opposition. That's OK! Complacency—theirs or yours—is not we want.

Civil discourse requires respect—not mere politeness, niceness, or good manners. After all, someone might be polite or nice and avoid disagreement. Speaking platitudes might be *nice* but isn't civil. Importantly, while we want people to challenge each other even when that may seem impolite, civil discourse involves people genuinely *responding* to each other. Giving irrelevant statements, lying, deflecting, coercing, etc., are all excluded. Our contributions to discussions (and decisions!) about the way society operates should not be irrational, monologic, or purely self-serving. To be rational and more than self-serving, you must be in dialogue with other people—true *dialogue* and not competing or merely overlapping monologues. We must talk *with* each other rather than *at* each other. Many find this difficult but there are ways to make it easier.

At Braver Angels' debates, the discourse is kept civil by use of a simple device: rather than addressing each other, speakers address the chair of the debate, a neutral party. If you want to respond to what a speaker says, you direct your comments to the chair, perhaps saying “Madame Chairperson, I wonder if the former speaker realizes that when they said ----- they implied ----- which goes against the fact that -----”

The chair is not a mediator, but a neutral party toward which all comments are addressed; she does not indicate her own view or if the speaker is saying something factually incorrect. She does indicate if a speaker is failing to maintain the required decorum. If she thinks a statement sounds like an attack, she asks the speaker to rephrase. The process effectively short-circuits anger so that all is civil and reasonable.

Directing your comments or questions to the chair rather than previous speakers is an effective means of keeping passions in check. People are generally inclined to be kind when they have no reason to think the person they are addressing opposes them—and participants in Braver Angels debates have no reason to think the chair opposes them. The person *indirectly* addressed through the chair thus hears a kinder statement than they might have if they were addressed directly.

These debates are fantastic events, but there is a limit to how useful the method employed can be. Outside of those debates, after all, we don't have a chairperson to address. Usually, if we want to engage, we must address each other directly. I want to encourage more of that so offer a different method. The method I propose for civil discourse involves its own device to keep passions in check: a set of principles of public ethics. In place of a chairperson, I encourage you to use these principles. (In the book mentioned before this section, I also provide values that can

be used similarly; the principles, though, are key—partly because they can be supported by different values, depending on one’s overall worldview and partly because they are intuitive.)

The Principles

The six principles I provide here are historically important answers to the questions “when should we tolerate and when should we interfere?” They have been used to justify laws and court decisions that constrain people’s freedom to act as they choose. Importantly, the principles are contested. I am not here defending any of them; rather, I encourage *you* to determine which you endorse and then to recognize that other people will endorse different sets. With this recognition, we can raise the level of discourse—by trying to determine which principle(s) our interlocutors are relying on when we disagree. That helps provide a level of dispassion that enables productive discourse, even about the most controversial topics that would otherwise raise the level of rancor.

Each of the following principles have been the subject of extensive debate amongst scholars and judges. That debate involves determining the best form of each principle *and* whether or not to accept each principle. Here, I simply present them in intuitive form, significantly altered from [Joel Feinberg’s presentation](#).

- A. The Harm Principle: *Harming someone can justify interference*. More precisely: If an individual’s act caused, causes, or will likely cause, harm to another (harm either has been done to, is being done to, or is credibly threatened against, another), there is a good reason to constrain or interfere with that individual.
- B. The Paternalism Principle: *Harming yourself can justify interference*. More precisely: If an individual’s act caused, causes, or will likely cause, harm to himself or (likely) prevents that person from flourishing, whether physically, morally, or otherwise (whether the harm or flourishing-prevention is done or credibly threatened), there is a good reason to constrain or interfere with that individual.
- C. The Benefits Principle: *Someone needing help can justify interference*. More precisely: If constraining or interfering with an individual will cause or likely cause benefit to one or more others, there is a good reason to constrain or interfere with that individual.
- D. The Offense Principle: *Offending someone can justify interference*. More precisely: If an individual’s act caused, causes, or will likely cause, offense to another (offense either has been done to, is being done to, or is credibly threatened against, another), there is a good reason to constrain or interfere with that individual.
- E. The Morality Principle: *Acting immorally can justify interference*. More precisely: If an individual’s act was, is, or will likely be, against morality (or, perhaps, against morality in a certain way), there is a good reason to constrain or interfere with that individual.
- F. The Society Principle: *Weakening society can justify interference*. More precisely: If an individual’s act was, is, or will likely be, against society’s ethical code of behavior, there is a good reason to constrain or interfere with that individual.

Harming, helping, offending, acting immorally, and weakening society, are all good reasons to interfere. Note that in each case, the principle provides a “good reason” to constrain or interfere. *Good* reasons are not necessarily *decisive*. They are what we call *pro tanto* reasons—reasons *to an extent* or with *some but not necessarily decisive weight*. For example, loving chocolate obviously provides you good reason to eat it. But how weighty is that reason? If you just gorged yourself on other deserts, you would do better not to eat the chocolate. Similarly, if you are allergic to chocolate, you would do better not to eat it. Those two facts give reasons that may outweigh the *pro tanto* reason (loving it) to eat the chocolate.

It is also important to note that the principles give guidance only regarding what sorts of scenarios merit some form of interference or constraint but do not tell us *how* we should interfere in those scenarios. That is also something that would require civil discourse, perhaps using the principles and recognizing that there is some inchoate sense of proportion that matters. If we interfere too much, we wrongfully harm the person we interfere with. If Jill pushes Jack, for example, the harm principle likely suggests we can interfere; it does not say we must imprison her (perhaps a scolding is what is merited).

As I’ve already suggested, I do not expect you to accept all six principles (I don’t!). The point is to be able to explain your views and understand the views of those you talk with. These principles can help with that because they often underlie our thinking, even if we are not aware of it. Each principle can each be accepted for multiple reasons. One person might endorse a principle because it protects one value while another person endorses it because it protects a different value. The Harm Principle, for example, might be endorsed because it protects individuals against those who would prevent them from thinking for themselves, because it protects them from physical violence, or because it protects the communities individuals care about.

Finally, it’s important for discourse that merely *claiming* something is a harm, a benefit, an offense, an immorality, or something that would weaken society is not sufficient to justify interference. Anytime you are inclined to think you are calling out someone for doing something that one of the principles justifies interfering with, you should be prepared to explain that to someone who disagrees; if someone else makes the claim, you should be willing to ask them to explain it. Not all explanations will be convincing.

The Method

The key to the method here is that when you engage someone, you should try discussing the topic using the principles *they* endorse. You can explain your view using the principles you endorse, but using the principles they endorse is more likely to be persuasive to them. If you can persuade them to endorse the principles you favor, so much the better. That, though, is likely a lengthier project. I encourage you to try it, but to also be aware that in a single discussion, it’s likely to be less fruitful than working with principles they are already (implicitly) committed to. Even that takes time and effort. What follows is my suggested way to proceed with the method.

If you are engaging with someone—whether you antecedently agree or disagree with them—ask them *why* they believe what they claim. For examples:

Why do you think there should be a law against abortion?

Why do you think abortion should be permitted?

Why do you think no neo-Nazis shouldn't be allowed to speak on your college campus?

Why do you believe transwomen shouldn't be allowed to compete in women's sports?

Listen carefully to what they say and carefully think about their response. Try to figure out what principles their comments suggest they accept. If you think they might accept a particular principle, explain that principle and *ask* if they accept it and think it underlies their thinking. For example, if you think that they seem to accept the Society Principle, you might say:

Are you worried that if people are allowed to do this (whatever "this" is), society will somehow fall apart or be made worse? I worry about that sort of thing myself—but right now I am only trying to figure out if that is what is behind your thinking. Is it?

If they agree, you can continue by discussing with them whether their worry is realistic (with empirical data if possible) or if what they want to protect is worthy of protection. If they disagree, you might press a little but *don't press too much*. No one responds well to being told they misunderstand their own thinking. You do better to ask a similar question about another principle that might underlie their thinking. With iterations of this process (and perhaps invoking values in the same way), the dialogue can be productive. You might not get agreement about whether interference is warranted in the case under discussion, but you'll at least gain mutual understanding, which is itself likely to lower the emotional polarization.

A point of caution. If you can't work with a principle you reject but the person you engage accepts, consider the following possibilities: perhaps you need to show that the principle they accept is not relevant (despite their thinking it is); perhaps *you* are wrong; perhaps there is no definitive answer. If, though, you are so completely opposed to a principle underlying their view that you simply can't understand their overall reasoning, either try harder to understand their view or learn to walk away, realizing *you* are at least as much the problem as they are. Perhaps with more thought, you can come back and continue the discussion.

Conclusion

People in our society are too often unwilling to engage in dialogue about serious issues. We've all had experiences at family gatherings we'd like to forget. Sometimes that's because of some relative whose political views are so far from those of our immediate family and friends that we dread talking to them. We think their views are "beyond the pale." As children, our parents may warn us not to mention any controversial topics. As adults, we might do the same to our own children. We'd rather avoid any possibility of disagreement, believing that's the only way to have a pleasant gathering. I urge you to reject that way of thinking and to engage more. That often takes courage but will provide you better relationships with other people, can help improve our contributions to public discourse, reduce polarization (and thus fortify our social and political institutions), can help you improve yourself as a thinker, and can promote peace and prosperity.

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