



# How to evaluate the quality of an ethical deliberation? A pragmatist proposal for evaluation criteria and collaborative research

Abdou Simon Senghor<sup>1,2</sup> · Eric Racine<sup>1,2,3,4</sup>

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## Abstract

Ethics designates a structured process by which important human values and meanings of life are understood and tackled. Therein, the ability to discuss openly and reflect on (aka deliberation) understandings of moral problems, on solutions to these problems, and to explore what a meaningful resolution could amount to is highly valued. However, the indicators of what constitutes a high-quality ethical deliberation remain vague and unclear. This article proposes and develops a pragmatist approach to evaluate the quality of deliberation. Deliberation features three important moments: (1) broadening and deepening the understanding of the situation, (2) envisioning action scenarios, (3) coming to a judgment based on the comparative evaluation of scenarios. In this paper, we propose seven criteria to evaluate ethical deliberations: (1) collaborative diversity, (2) experiential literacy, (3) organization of experiences, (4) reflective capacity to instrumentalize the experiences of others, (5) interactional creativity, (6) openness of agents, (7) quality of the reformulation of scenarios. These criteria are explained and applied to the three moments of deliberation. Based on these criteria, three kinds of outcomes for deliberations are identified and discussed: good ethical deliberations, partial ethical deliberations, bad ethical deliberations. Our proposal will guide researchers and practitioners interested in the evaluation of the quality of ethical deliberations. It provides a reference tool that allows them to identify the possible limitations of a deliberation and to implement actions aimed at correcting these limitations in order to achieve the desired qualitative objectives.

**Keywords** Deliberation · Pragmatism · Experience · Evaluation · Quality · Human flourishing

## Introduction

Ethics designates a structured process by which problems which are moral in nature and thus bear upon important human values and meaning of life are understood and

tackled. Therein, the ability to discuss openly and reflect on (*aka* deliberation) understandings of moral problems, on solutions to these problems, and to explore what a meaningful resolution could amount to is highly valued for clear reasons. Discussing openly implies stepping away from mere replication of moral dogma; it embodies the idea that the moral problem is a problem that has out-resourced our common habits, thereby calling for a kind of search or inquiry. It also signals that no single person is likely to have the complete answer.

Many social science and philosophical theories emphasize the importance of deliberation as a component of the ethics process. For example, Habermas proposes that discussion is a central process by which the universalizability of a rule can be validated and be ascertained as ethical (Habermas 1999). Gutmann and Thompson (2004) argue that deliberation is the very indicator of the democratic nature of solving societal problems and the search for

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✉ Eric Racine  
eric.racine@ircm.qc.ca

<sup>1</sup> Pragmatic Health Ethics Research Unit, Institut de recherches cliniques de Montréal, Montréal, QC, Canada

<sup>2</sup> Division of Experimental Medicine, McGill University, Montréal, QC, Canada

<sup>3</sup> Department of Neurology and Neurosurgery, McGill University, Montréal, QC, Canada

<sup>4</sup> Department of Medicine, Department of Social and Preventive Medicine, Université de Montréal, Montréal, QC, Canada

deliberate justification is at the very heart of the democratic process. Others emphasize the important role of consensus building accomplished through deliberation (Moreno 1990). Despite these proposals, the indicators of what constitutes a high-quality ethical deliberation<sup>1</sup> remain unclear (Dowie et al. 2020; Hartman et al. 2019a).

What could a good ethical deliberation look like? Is it like Habermas suggests: to achieve consensus on the justification of moral norms? Perhaps, although few actually side with this considerably Kantian proposal in ethics practice. Even then, would the convergence of arguments around a norm really be that representative of a good ethical deliberation? What if the considerations brought upon to bear in the discussion were very superficial? What if their diversity was highly limited? Or what if participants of the discussion felt unable to connect their own beliefs about what matters to them to the actual proposed norm? Can Habermas' proposal to separate ethics from morality suffice to really ensure the meaningfulness of deliberations? Much of the experience of health ethics has showed how difficult it is to tease out what counts as the good life (what Habermas calls ethics) and what could count as a form of general morality (what Habermas calls morality) because both are intertwined. This could help explain why Habermas' thinking has had a rather modest impact in health ethics while many scholars and practitioners have looked to more open-ended theories and methods such as narrative ethics, care ethics, and pragmatist ethics to spur practical health ethics approaches (Charon and Montello 1999; DeRenzo and Strauss 1997; Miller et al. 1996).

More concretely, good ethical deliberation often amounts to achieving a more practical and workable enlightenment and agreement on what needs to be done without pretention of achieving consensus on universal norms. In practice, a good ethical deliberation may not always engage deeply or with great sophistication into the foundations underlying an agreement. The often-cited example of the Belmont Report and the work of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research is illustrative of this ability to achieve consensus on mid-level principles regardless of pluralism on their foundations (Jonsen 1998). But good ethical deliberation does not strive for consensus necessarily, for this would be harmful to the expression of diversity and differences of opinion. Moreover, consensus could represent a process of imposing a single objective by authority and hierarchy (Moreno 1995).

An alternative, somewhat simple but practical, orientation to deliberation is offered by pragmatist ethics theory, notably in the writings of John Dewey. In this tradition, good ethical deliberation does not inherently aim to apply pre-set values or principles, even if certain principles deserve to be respected; it is rather an approach of openness and learning in order to identify the action scenarios most likely to contribute to human well-being and to minimize harms (Gouinlock 1978; Pekarsky 1990). As such, consensus, ethical authority, established values, and principles are to be mobilized as instruments in this investigative process rather than goals in themselves. The real expected benefit of ethical deliberation is the offer of enriched action that aligns with human well-being in the sense that the discussion on the case or situation discussed will favor the mutual learning of the agents (Ralston 2010). Identifying issues that should be taken into account for the subsequent implementation of a scenario for action are related but separate steps. Ethical deliberation therefore serves an intermediate purpose because it is ideally part of a more comprehensive ethics approach in which the implementation and evaluation of the impact of an act will take place. In other words, ethics does not boil down to deliberation even if ethics is a deliberative practice (Lekan 2006). The justification for deliberation and deliberative processes resides, not only in its ability to be an effective moral problem orientation, but also in the fact that it reflects the equal status of all participants. It also represents a process by which experiences can be shared and be addressed within a learning (instead of a teaching) approach to ethics (Aiguier and Loute 2016; Inguaggiato et al. 2019). From this standpoint, deliberation needs to move moral agents from the experience of a problematic situation to the envisioning of solutions. Accordingly, three moments of deliberation can be pinpointed: (1) broadening and deepening the understanding of the situation, (2) envisioning action scenarios, (3) coming to a judgment based on the comparative evaluation of scenarios (Racine, *Theory of Deliberative Wisdom, TDW*, in preparation). These three moments are common to many ethical deliberation methodologies (Baertschi 1998; Brown et al. 1992; Gouinlock 1978; Gracia 2001; Steinkamp and Gordijn 2003). They are central to a recent synthesis of pragmatist ethics theory which offers a situated and agent-oriented pragmatist take on them (Racine, *TDW*, in preparation). Using this theoretical backdrop as a starting point, this paper explores a set of evaluation criteria which can help make sense of what constitutes a good ethical deliberation if the crucial point of deliberation is to help us generate and analyze solutions in terms of their ability to contribute to human flourishing and growth (Pekarsky 1990). We first lay out three important moments of deliberation. These are common to many theories and we describe them according to how a generally

<sup>1</sup> We name these deliberations ethical deliberations to follow usage and simplify our writing but deliberations about moral matters are not necessarily ethical in themselves. The ethical nature of ethics deliberations is something we propose to submit to an evaluation process because it can be of varying quality.

pragmatist-minded epistemology explains them. Then, we propose a set of seven criteria to evaluate the quality of ethical deliberations. Quality of deliberation is here not taken to concern the quality of the action ensuing from deliberation (which is evaluated based on its actual implications) but rather the quality of the deliberation itself as an effort to broaden understandings of moral problems, generate response scenarios, and discuss the merits of these scenarios. We then apply these criteria to each moment of deliberation. Finally, we show how these criteria can help assess the quality of an ethical deliberation.

In this paper on ethical deliberation, it is worth clarifying the normative and conceptual orientation of our proposal rooted in pragmatist theory and highlighting some of its most obvious differences from Habermasian discourse ethics to which it could be assimilated (Caspary 2007). Contrary to Habermas who sides with Kant in the search for strategies which allow the universalization of our moral norms – in Habermas’ case through deliberation – Dewey invites a more modest role of deliberation. Habits are the ways that humans have developed to respond to their physical and social environments, but many habits are left unexamined such that their outcomes are not evaluated in light of their actual impact on human flourishing. Often times, new outcomes of engrained habits emerge because of social and cultural changes such that traditional ways of doing things become morally problematic. Deliberation is a psychological and social process by which we examine the actual moral worth of our habits and imagine alternatives. Ethical deliberation supports more encompassing inquiries pursued to examine whether certain habits or certain practices, often implicit in nature (Zembylas 2022), have detrimental or beneficial impact on people and whether alternatives can be imagined. Thus, deliberation is not primarily about norms or about an alleged test to ascertain the universality of norms but, more modestly, about the generation of hypothetical action-scenarios which could surmount problematic experiences. Dewey actually invites stepping away from the focus on universal norms because, in the end, the real ethical value of our habits can only be assessed based on their impact on human experiences. This brought Dewey to take distance with anything that would resemble categorical imperatives or processes of moral norm universalization.

“Progress means increase of present meaning, which involves multiplication of sensed distinctions as well as harmony, unification. This statement may, perhaps, be made generally, in application to the experience of humanity. If history shows progress it can hardly be found elsewhere than in this complication and extension of the significance found within experience. It is clear that such progress brings no surcease, no

immunity from perplexity and trouble. If we wished to transmute this generalization into a categorical imperative we should say: “So act as to increase the meaning of present experience.” But even then in order to get instruction about the concrete quality of such increased meaning we should have to run away from the law and study the needs and alternative possibilities lying within a unique and localized situation. The imperative, like everything absolute, is sterile. Till men give up the search for a general formula of progress they will not know where to look to find it.” (Dewey 1922, p. 283)

Accordingly, the focus is not on norms guiding actions but how a certain way of behaving or of responding to a morally problematic experience in a certain context will allow human beings to flourish instead of withering. Dewey’s unequivocal appeal to lived human experience makes him much more sensitive to the plurality of human needs and interests (Frega 2015) than universalist ethics theories like that of Habermas. The normative grounding of Dewey’s pragmatism is thus to be found in its critique of unexamined and maladaptive habits in situated human experience. Ethical deliberation is an active process of transforming human situations.

## Deliberation as a process of ethics inquiry: the three moments of deliberation

Pragmatism proposes a vision of ethics that is deeply rooted in what Dewey called “the method of democracy”, i.e., deliberation (Pappas 2008). Likewise, several ethics consultation methods and case analysis methods have proposed various steps to guide ethical deliberation. Here we review three moments which are common to several methods and which are essential to a deliberative process that is structured as an inquiry moving from problematic situation, engaging in deliberation, to eventually evaluating the ethical merits of different courses of actions.<sup>2</sup> The three moments of deliberation discussed below are important steps in the process leading to the resolution of the morally problematic

<sup>2</sup> For example, Brown et al. (1992) identify five stages: (1) appreciation of the situation and possible outcomes, (2) review of possible courses of action, (3) selection and application of principles, (4) weighing of practical considerations, (5) decision. Gracia (2003) proposes different steps for deliberations undertaken in a clinical setting: (1) presentation of the case by the person responsible for making the decision, (2) discussion of the clinical aspects of the medical record, (3) identification of the moral problems that arise, (4) the person responsible for the patient chooses the moral problem that concerns him or her and that he or she wishes to analyse, (5) determination of the values in conflict, (6) tree of courses of action, (7) analysis of the best course of action, (8) final decision, (9) decision control consistency.

situation. Ethical deliberations are frequently held in the presence of an ethicist as a moderator who facilitates interactions between the agents. At each moment, the moderator ensures the free, unrestricted expression of each participating moral agent (Inguaggiato et al. 2019). The terminology of “moments” is used to avoid suggesting an overly-linear and mechanical set of steps. The following explanations are summarized based on a forthcoming comprehensive and synthetic deliberation-based theory of ethics (Racine, *TDW*, in preparation). We review quickly these moments to provide a structure upon which our proposal for evaluation criteria can then be applied.

### **Moment 1: broadening and deepening the understanding of the situation**

Deliberation makes sense if there is something to talk about. Hence, deliberation starts with the recognition of a situation as being morally problematic. According to “[a] problem is identified as a problem because it is differentiated from the aspects of the world that are not doubtful.” He also states that “a problem is a problem precisely because one does not know how to respond to certain features of the world in conventional ways” (Moran 1973, p. 68). Thus, the recognition of a morally problematic situation is partly subjective but is bound to be considered from an intersubjective perspective (Racine, *TDW*, in preparation). As soon as a problem is verbalized and shared with others, the assessment of this situation as morally problematic or morally unproblematic shifts from a singular and subjective perspective to a plural and intersubjective perspective.

The plurality of experiences in the understanding of the situation promotes distancing and reflection as agents evaluate their own and others’ experiences. This is done by testing the subjectivity of the agents, i.e., the interactions offer a critical vision through the sharing of their experiences. These interactions support a reconstitution of the understanding of the situation from the perspective of assessing the morally problematic nature of the situation. The pursuit of an in-depth understanding of the situation, after taking into account the experiences of the agents which allow for a progression toward an ethical consideration of the problem, also requires an understanding of the significance of the facts. Still, consistent with a logic of intersubjective understanding, the appreciation of the problem is not limited to being interested to the meanings that the agent gives to the facts, but also to those of the other agents (Gallagher 2014). This interactional approach is important to promote an eventual “resituation” (Racine, *TDW*, in preparation). The “resituation” as a response to the problem must, in fact, lead to a mutual understanding of the experiences shared by the agents during the intersubjective exchange. Thus,

beyond its contribution to solving a problem, the “resituation” signals a transformation of the agents due to the intersubjective nature of the process of moral problem recognition through which some agents learn from the experiences of others to reconsider their opinion on the definition of the case as a morally problematic situation or not. The moderator ensures that this intersubjectivity is recognized in order to promote mutual enrichment of the agents in the redefinition of the understanding of the problem. This process of in-depth understanding of the situation results in a definition of the issue(s) which involves the identification of events or attitudes that promote change or are perceived as innovative in the way of approaching and understanding the situation. Such a goal of change and creativity cannot be possible without taking into consideration the views of each agent and refusing to impose the opinion of one participant on others.

### **Moment 2: envisioning action scenarios**

With the morally problematic situation better established, agents will propose scenarios to tackle it (Racine, *TDW*, in preparation). They are faced with a situation where they are “undecided as to which of several courses of action to take” (Brown et al. 1992, p. 13). A forward-looking approach based on an imaginative process to generate possible scenarios is a useful approach to overcome the problem (Baertschi 1998; Dion-Labrie 2009). Each agent is given the opportunity to come up with scenarios they deem desirable. The procedure for proposing scenarios involves the agent’s reference to values with which he identifies. This initial work carried out by the agent is the result of reflective work based on a transaction with his environment, i.e., people, situations, actions carried out in the past, and participation in events (Dewey 1997). In order to facilitate access to the agent’s views, it is necessary to evolve in an environment where deliberation is done democratically to allow for the sharing of experiences. To ensure a democratic environment that facilitates the emergence of diverse scenarios, the moderator must have the ability to create an atmosphere of openness and ensure that each proposed scenario has an equal opportunity to be considered in the discussion. This step is conducted with a spirit of openness and flexibility where each agent listens and considers the proposals of others. At all times during the deliberative process, the moderator must ensure that the democratic nature of the exchanges between the agents is maintained. Indeed, the moderator must scrutinize possible attitudes of influence and power that restrict the formulation of scenario proposals by agents. Without a democratic process, certain scenarios that may be relevant may never be proposed. Moreover, evolving in a democratic environment favors the expression of the freedom to propose scenarios

and to change them thanks to the opinions and arguments of other agents (Pappas 2008). After this reflective exercise on possible action scenarios proposed by each agent, a phase of refinement and enrichment of the scenarios follows.

### **Moment 3: coming to a judgment based on the comparative evaluation of scenarios**

Generating and refining the scenarios according to their respective ethical merits is a third moment of deliberation. Scenarios are first assessed for their feasibility in order to discard any unfeasible or unrealistic option. Discussion on the feasibility of the scenarios makes it possible to correct the shortcomings of some of them in an attempt to make them feasible, which means that the scenarios can be reconsidered. Subsequently, scenarios are evaluated for their ethical merits. This analysis is rooted in their ability to contribute to human flourishing (Racine, *TDW*, in preparation). A recent proposal articulates this analysis along two interconnected criteria and related tests: ethical acceptability and ethical praiseworthiness. Ethical acceptability implies that harms are minimized while ethical praiseworthiness implies that positive orientations toward flourishing are promoted (Racine 2010). The moderator's approach is important here. The moderator must have a pedagogical approach to enable the agents to understand the reason why certain scenarios could not be retained or require reformulation (Inguaggiato et al. 2019; Widdershoven et al. 2009). The moderator should not use a prescriptive approach or influence the agents, but rather lead some of them to reconsider their scenarios from a perspective of mutual enrichment. Consideration of the ethical value of scenarios consists of referring to those whose concrete actions are based on important values for the agents. These values are those which help the agents reach human flourishing as their ultimate objective.

### **A pragmatist approach to evaluating ethical deliberation**

Many authors agree on the existence and importance of the three moments of ethical deliberation although terminologies used to describe them varies. However, what is less clear is how the quality of the deliberation itself (not the courses of action generated by the deliberation or the enactment of specific courses of action) can be assessed.

One of the most recent, elaborate, and compelling proposal to evaluate deliberation is rooted in the influential moral case deliberation (MCD) method. Originating in the traditions of pragmatism and hermeneutics embodied in a form of dialogical ethics (Widdershoven and Molewijk 2010), this approach has inspired the conduct of studies

that have made important contributions to the evaluation of deliberation. However, in most of these studies, only one type of agent is involved in these MCDs, namely health professionals. Clients who seek services are not involved in deliberative services and are less concerned with evaluation (Charre et al. 2020; Janssens et al. 2015; Spijkerboer et al. 2017; Vrouenraets et al. 2020). Secondly, these studies employ a wide array of data collection instruments, i.e., questionnaires, interviews, focus groups or mixed methods mobilizing both quantitative and qualitative methods (Charre et al. 2020; Seekles et al. 2016; Spijkerboer et al. 2017). Some studies report on the observation of deliberations in the making (Jellema et al. 2017; van der Dam et al. 2012), but the value of experiences and proposals on what constitutes good ethical deliberation is not always explicitly stated. Participatory evaluation methods in which the standards of what counts as meaningful outcomes explicitly engage users of the methods are promising avenues to explore (Metselaar et al. 2017; Pfäfflin et al. 2009; Svanteson et al. 2014). However, these efforts could be supplemented with an explicit look at how shared experiences contribute to learning and transformative change in agents' perspectives in order to arrive at a viable decision. Deliberation is more than a meeting between the agents to discuss an ethical problem (Gouinlock 1978). It is a process that relies on the transformative quality of interactions and of the exchange of ideas. This learning perspective leads us to propose a set of seven evaluation criteria which focus on the quality of deliberation (not on the outcomes of its enactment). We then discuss in subsequent sections of the paper, research project proposals to develop the evaluation of ethical deliberations as well as the use of these criteria to assess the quality of ethical deliberations.

Seen in this light, and inspired by John Dewey's theory of deliberation (Dewey 1922), deliberation is conceived of as a dramatic rehearsal of the different possibilities of action with the objective of choosing one that suits the values and the situation and where the consequences are not harmful for individuals and actually support their growth (Pekarsky 1990). Our proposal builds on this theory of deliberation and provides more details and contexts by making it possible to measure the reality of the interactions, the obstacles and the facilitators to achieving good ethical deliberation.

Following the presentation of seven criteria to evaluate the ethical quality of deliberations, we propose the articulation between the three moments of deliberation and the criteria listed below by offering a way to mobilize the evaluation criteria and their indicators in the ethical deliberation process (see Table 1), a provisional scale concept to evaluate the quality of ethical deliberations, and methodological avenues to develop the evaluation of ethical deliberations (Table 2).



## Seven criteria to evaluate the quality of ethical deliberations

The following seven criteria are based on the authors' critical analysis of literature on deliberation informed by scholarship on pragmatism. The latter orients us toward a learning perspective in ethics where deliberation is primarily conceived as a step in a process of inquiry to enrich and test out ideas. We also drew on Harold Garfinkel's ethnomethodology to describe these criteria because this method recognizes that meanings are ambiguous and that searching for joint meanings is a social process which commands holistic and contextual perspectives. This reference leads us to attend to the way in which the agents structure and organize their experiences in a reflective manner in a specific situational context, in this case, deliberation. The focus here is on the experience that is shared by each member to change an initial context of experienced problem into a context of resolution, to change an initial context of indecision or infeasible proposals by the agents into a context of enriching feasible options. In this sense, the agents are part of "activities whereby [they] produce and manage settings of ordinary everyday affairs" thereby "making those settings 'account-able'" (Garfinkel 1967, p. 1). Building on this idea, "accountable" means that agents have the capacity to give an intelligible narrative of the action that constitutes the shared experience. The seven criteria we propose below are inspired by such an ethnomethodological approach.

**1) Collaborative diversity:** Refers to the consideration of the singularity and uniqueness of the experience of each agent in the process of ethical deliberation. From a Deweyan perspective, deliberative inquiry is rooted in complex social situations where different points of view coexist but are also invited to enrich each other, thus pursuing a desire to learn and collaborate. In the words of Gouinlock, a Dewey scholar:

"It is within the conditions of associated life that moral problems arise; morally problematic situations are social in nature. These are situations in which several persons are involved, yet conflict of some sort arises which prevents or alters unfavorably the continuation of activity. In such cases, when social intelligence is utilized, the parties consult with each other to see if they can determine a mode of conduct which all can agreeably share in. The propositions submitted for consideration are proposals for particular modes of conduct" (Gouinlock 1978, p. 225).

Given this characterization of ethical deliberations, the notion of collaborative diversity takes on its full meaning as an evaluation criterion. Collective or group ethical deliberation takes into account the diversity of interventions and

gives a crucial orientation to assess the merits of the morally problematic situation as presented by the moral agent. This criterion is also important because the consideration of the problem presented in an intersubjective lens makes it possible to proceed to an assessment of the situation taking into account the various agents concerned (Brown et al. 1992). This intersubjectivity is enriched by the diversity of the backgrounds, characteristics and experiences of the agents, even if the diversity makes deliberation fundamentally richer.

**2) Experiential literacy:** Refers to the understanding of experiences reported by agents in the context of transactional interactions. Importance is given to the primary experience which relates to the direct contact of each of the agents with their environment (Acampado 2019). Each agent has a slightly or widely different understanding of a reported experience. Primary experience therefore designates moments of real transaction between the moral agent and the world and the evaluation of these moments by the moral agent (Czeżowski 1953). On the other hand, literacy is an ability acquired following a process of understanding and interpreting this primary experience. It represents a kind of interpretive work carried out by the agents on their experiences and that of others. Understanding each other's positive experiences results in both empathic and reflective work with the objective of improving the participants' transaction with their environment and the contribution of this transaction to the understanding of morally problematic situations and to the resolution of these situations. Experiential literacy refers to the ability to understand another's situation, to understand the meaning of the situation for others, and to identify the things that matter to others. This does not however necessarily mean that these interpretations will be privileged or considered to be final in the search for a solution. Moreover, as described below, it is through a transformative freedom of interpretation that achieving an adequate level of literacy to appreciate and assess the experiences of others is possible.

Transformative freedom signifies that the autonomy of the agents is valued because it allows to freely interpret experiences and to distance one's self from interpretations of the situation, including one's own (Hartman et al. 2019b). This autonomy also favors a transformation through the expression of divergent points of view which pushes the agent to review initial ideas. It therefore embodies a form of contextual autonomy and empowers moral agents (Racine et al. 2021). Deliberation takes place in a social context and takes into account the point of view of others. Indeed, quoting Dewey, Fesmire (2003, p. 74) identifies four modes of deliberation: (1) "Some people deliberate by dialogue."; (2)

“Others visualize certain results.”; (3) “Others rather take the motor imagery and imagine themselves doing a thing.”; (4) “Others imagine a thing done and then imagine someone else commenting upon it.” However, deliberation also has a transformative aim in the sense that it fosters mutual understanding, agreement and collective action arising from the understanding of the problematic situation (Ralston 2010, p. 24). The freedom of transformative interpretation which we propose as a corollary to the criterion of experiential literacy is inspired by this pragmatist perspective since, in the end, the interpretation that an individual has of the experiences of others anchors him socially without this anchoring becoming permanent (Gómez-Vírveda et al. 2019). The agents must also be able to distance themselves in order to innovate and find solutions.

**3) Organization of experiences:** Is defined by the agent’s ability to mobilize experiences during interactions in order to be used in the recognition, discussion and resolution of an ethical problem. After deploying experiential literacy, agents are able to organize shared experiences in the process of ethical deliberation. Since the agents must instrumentalize these shared experiences to produce scenarios, it is important to recognize their importance in the process of deliberation. Dewey asserts rightfully that the experiment is a “*starting point* and *terminal point*, as setting problems and as testing proposed solutions” (Dewey 1981, p. 14) cited by Pappas (2008, p. 20)). Several agents can take part in the process of ethical deliberation based on their experiences. There is a transformative effect that is expected from these experiences to recognize and understand an ethical problem or to change initial scenarios. Indeed, as Pappas (2008, p. 24) points out: “experience as method relies on what is experienced; and what is experienced not only changes but can be modified and improved by the same method.” Therefore, it is important to reflect on experiences to determine how they contribute to the recognition and understanding of the ethical problem as well as to how they contribute to the scaffolding of scenarios. As these experiences are shared through discussions, from an ethnomethodological perspective (Peyrot 1982), our understanding of the organization of experiences is that it takes place through interactions between agents in the deliberative process. Accordingly, deliberation carries an organization of experiences; it is not only a process of pure reporting or of pure sharing of experiences.

**4) Reflective capacity to instrumentalize the experiences of others:** This evaluation criterion is inspired by the composite meaning that Dewey gives to the concept of experience and to the concept of instrumentalization. It refers to an imagination of the feasibility of scenarios which involves the mobilization of reflectivity when sharing experiences

between the agents. In the general sense, instrumentalization consists in seeing our ideas and our practices both as means and purposes so that the purpose of human practices always proves to be a source of possible questioning of our practices. In other words, no means is the implementation of a pure end, and no end can be achieved without means and exist in pure abstraction. However, instrumentalization consists in seeing our ideas as tools that allow (or restrict) the realization of certain experiences. In an ethical context, these experiences strive for the good life, the just life, or the fulfilled life (Ricoeur 1990) so that the instrumentality of our ideas must be put in relation with their capacity to promote human flourishing (Pekarsky 1990).

The instrumentalization of experiences is only possible if there is an ability of the agent to understand and interpret the experiences of others. Accomplishing this is necessary so that the agent can mobilize the experience in a practical way. According to Dewey:

“The nature of experience can be understood only by noting that it includes an active and a passive element peculiarly combined. On the active hand, experience is *trying* — a meaning which is made explicit in the connected term experiment. On the passive, it is *undergoing*. When we experience something we act upon it, we do something with it; then we suffer or undergo the consequences. We do something to the thing and then it does something to us in return: such is the peculiar combination” (Dewey 1980, p. 146).

In a context of deliberation, the instrumentalization of experience within the framework of the interaction promotes greater involvement based on cognitive resources enriched through shared experiences. Indeed, “[experience] includes cognition in the degree in which it is cumulative or amounts to something or has meaning” (Dewey 1980, p. 147). The meaning that an agent gives to the experience of other agents contributes to the formation of a deliberative reflectivity that allows, in accordance with his values, to judge the feasibility of a scenario and also the values of agents against human flourishing. To do this, the experience of others must be instrumentalized, i.e., not to be used against this same person, but rather to be used to reflect better, more exhaustively and extensively on human well-being taking into account the contribution of various experiences to human well-being or harm. The instrumentalization of the experiences of others is a process by one enriches their perspective despite the rather atypical use of this term.

**5) Interactional creativity:** Drawing inspiration from the *Theory of Deliberative Wisdom* (Racine, in preparation) and other like-minded recent pragmatist scholarship Martela 2015, 2017; Racine et al. 2019), this evaluation criterion incorporates the idea of flexibility and openness to others. It consists in organizing scenarios according to their

quality, their feasibility: it refers to the fair consideration of the scenarios proposed by each agent regardless of their status, function, age, professional experience and commitment to the effective proposal of scenarios by all agents during interactions. From the perspective of the democratic nature of the deliberation, the point of view of each agent is taken into consideration in order to achieve a shared good. Thus, the consideration of each opinion means “[T]hat each individual shall have the opportunity for release, expression, fulfillment, of his distinctive capacities, and that the outcome shall further the establishment of a fund of shared values” (Shook 2014, p. 7). The objective of being able to deliberate on a morally problematic situation on the basis of respect for freedom of opinion and the taking into account of each experience and each point of view, characterizes the interactions by giving them a transformative objective which promotes change (Shook 2014). This change is the result of a reformulation of the initial reflections by making them more in line with the values that favor the eventual realization of scenarios. An intersubjective consideration is beneficial because it is based on a “[c]reative construction [which] produces new perspectives and options” (Hoffmaster 2018, p. 124). It avoids ending prematurely the deliberation.

**6) Openness of agents:** Refers to the undifferentiated contribution of each agent and their proposals without prejudging its feasibility or its desirability. By referring to the Deweyan meaning of democracy, this evaluation criterion does not judge a possible mismatch of the scenarios during the process. In order for the role of this knowledge and the openness to be perceptible, deliberation that takes place between the agents must integrate their different points of view – precisely, their points of view on the nature of the situations and the values that guide them in their interpretation of situations, as well as the responses they offer (Racine 2016). This requires enriching scenarios through interactions, which also raises the quality of the sharing of experiences during exchanges in a context of deliberation to resolve a morally problematic situation. In addition, the roles embodied should not be characterized by coercive action or influence. The ethicist, for example, as moderator of the ethical deliberations must have a humble and non-judgmental attitude and allow the opinions of different agents to emerge as described by Hartman and colleagues (Hartman et al. 2019a).

**7) Quality of the reformulation of scenarios:** Refers to how agents learn from each other, and the value placed on this mutual learning in creating and imagining ethically feasible and desirable scenarios. From the moment that mutual learning transforms certain scenarios by giving them a more realistic character, it becomes important to align these imagined

scenarios with their consequences in reference to their ethical value. Democracy cannot contribute to the development of an individual in a social context where information is fixed, and skills do not evolve. Rather, democracy finds its relevance in a society where social relations and institutions are in constant evolution. The individual adapts to these changes and resolves the conflicts caused by them through democracy, which is a learning process in which individuals mobilize their capabilities through free participation (Shook 2014). The recognition of interdependence is required in this process of transformative interaction in a deliberative context so as to avoid relation imbalance favoring the expression of coercion or power on the part of an agent. Thus, “[M]ature deliberation faces problems as wholes and perceives the interdependence of parts” (Fesmire 2003, p. 95). Seen in this light, the proposition of initially impractical scenarios can evolve toward a more ethical vision through the sharing of experiences and mutual learning.

Together these seven criteria constitute an articulation of the quality of an ethical deliberation when deliberation is conceived of as an effort to enrich ideas and flesh out their implications. These criteria help explain why a pragmatist understanding of deliberation proper is far removed from views of deliberation as consensus-searching exercises or as efforts to implement certain pre-established principles. Deliberation is first and foremost a learning process, a process by which understandings of problems are questioned and open to the experiences of others.

## Application of evaluation criteria to moments of deliberation

The proposed evaluation criteria apply to the three moments of deliberation, as presented in Table 1 (Racine, *TDW*, in preparation).

In the first moment of deliberation, collaborative diversity, experiential literacy, and organization of experiences align with the task of broadening and deepening the understanding of the situation (Table 1). They allow agents to determine the ethical nature of the issue presented and how they deepen that understanding.

In the second moment of deliberation, we note the relevance of the following criteria: collaborative diversity, experiential literacy, reflective capacity to instrumentalize the experiences of others, and interactional creativity (Table 1). Here, it is the way in which the scenarios are thought out in a context of diversity, understood by the agents and produced through the interactions that grabs our attention.

In the third moment of deliberation, the deliberative process leading to a judgment or to a decision-making based



**Table 1** Evaluation criteria and their indicators in the ethical deliberation process. The application of the evaluation criteria to the moments of deliberation requires that we detail what are the commitments of agents for each of the criteria mobilized at each moment of deliberation. These indications of how agents engage throughout the process are important for an evaluation that considers the value of experiences, the nature of interactions, and the process of choosing scenarios that lead to decision making based on ethical values of the agents

Moment 1: Broadening and deepening the understanding of the situation		Moment 2: Envisioning action scenarios		Moment 3: Coming to a judgment based on the comparative evaluation of scenarios	
Evaluation criteria	Indicators in the process (beginning)	Evaluation criteria	Indicators in the process (continuation)	Evaluation criteria	Indicators in the process (ending)
<b>Collaborative diversity</b> - Identification of the problem and role of the diversity of shared experiences in recognizing the situation as morally problematic.	1) Representation of diverse agents to take part in the ethical deliberation. 2) Presentation of the problem by the agent or by a group to other agents.	<b>Collaborative diversity</b> - Identification of action scenarios reflecting the contribution of the diversity of experiences of agents.	<b>6) Agents do not have the same point of view, which can lead to unease, uncertainty, tension but is expressed freely when this is the case.</b>	<b>Collaborative diversity</b> - Action scenarios proposed by different agents reflect a real and authentic diversity of experiences.	<b>11) Agents rank action scenarios that have been sorted and refined according to their ethical merits, a process which summons diverse experiential reference points.</b>
<b>Experiential literacy</b> - Grasping the understanding that agents have about the experiences of others in a context of recognizing the problem. - Transformation by agents from their initial positions into positions enriched through interactions with others.	3) Agents move from an initial understanding to a more critical understanding of the problem. 4) Openness to the experiences of others promotes an interpretation that supports recognition of the problem.	<b>Experiential literacy</b> - Learning emerges from understanding different action scenarios and their value for agents.	<b>7) Agents must understand the action scenarios proposed by others which are grounded in their experiences.</b> <b>8) Mutual learning can take place, which promotes human flourishing.</b>	<b>Openness of agents</b> - The mobilization of skills and the openness of agents favor the development of possible action scenarios.	<b>12) Agents take into consideration all the action scenarios including those which seem unrealistic a priori but which can be refined later.</b>
<b>Organization of experiences</b> - Determining how agents take ownership of experiences to recognize the problem.	<b>5) Agents consider shared experiences taking into account the value of the experiences and their ability to contribute to the scaffolding of action scenarios.</b>	<b>Reflective ability to instrumentalize the experiences of others</b> - Determination of the way in which the experience lived by the others favors the capacity of the agents to imagine a feasible and desirable action scenario.	<b>9) Reflectivity helps the agents to sort out action scenarios and imagine which ones are more likely to be achievable.</b>	<b>Quality of the reformulation of scenarios</b> - Mutual learning promotes the reformulation of action scenarios to make them feasible.	<b>13) Agents reformulate the action scenarios and situations deemed insurmountable in order to enrich their learning necessary for the choice of a transformative action scenario and “resituational” potential.</b>
		<b>Interactional creativity</b> - Consideration of all scenario proposals regardless of who shares them.	<b>10) Agents collaborate and together develop the action scenarios they think are feasible while avoiding minimizing those proposed by some during the deliberation.</b>		

on the evaluation of the scenarios, mobilizes the following criteria: collaborative diversity, openness of agents, and quality of the reformulation of scenarios (Table 1). These different criteria focused on the qualitative consideration of scenarios as well as a critical perspective of others' scenarios as to their feasibility, fit well into the process of leading to the comparison of the different scenarios in terms of their ethical merits.

## Evaluating the quality of an ethical deliberation

Based on the proposed evaluation criteria, we can identify what represents a good ethical deliberation, a partial ethical deliberation, and a bad ethical deliberation.

## Good ethical deliberation

A good ethical deliberation focuses on the experience of the other and imbibing the lived experiences of others promotes mutual learning (Pappas 2008). Mutual learning is followed throughout the deliberative process as specified through each step of ethical deliberation. For example, in the context of an ethical deliberation where the patient and his family are involved in a kidney transplantation program, the physician does not have the sole right to make a decision by failing to include the experiences of the patient and the patient's family. This collaborative diversity is necessary so that each agent can have an opinion regarding the recognition of the ethical problem. In a good ethical deliberation, experiences are organized so that there is consideration of all experiences and concerns, and expectations are shared. This horizontal relationship recognizing the value of the experience of each agent comes after the stage of experiential literacy where the agents are involved in a process of understanding the experiences of others and mobilize their capacity for interpretation, transforming their initial point of view on the best scenario in which the consequences are less problematic for the patient who will be transplanted or for a member of his family who will donate his kidney. From an empirical point of view, an example of good ethical deliberation is reported in a study conducted by Hem et al. (2018) whose objective was to assess the importance of participation in ethical reflection groups focusing on the ethical challenges of coercion in mental health care. The authors observed that participants recognized ethical challenges and talked about them in a structured way. In addition, these ethical reflection groups encouraged the participation of patients and their families. During the deliberation, the participants learned from each other on how to deal with these ethical challenges through cooperation. Seen from this perspective, through dialogue, the mobilization of the experiences of different agents allowed them to acquire knowledge in the situation (Widdershoven et al. 2009).

## Partial ethical deliberation

Partial or ethically incomplete deliberations occur when certain criteria (e.g., collaborative diversity, experiential literacy, organization of experiences), are partially met. Because of this situation, in other stages namely the reflective capacity to instrumentalize the experiences of others, interactional creativity, openness of agents, and quality of the reformulation of scenarios, agents will not be fully involved due to factors such as a relational imbalance caused, for example, by the hierarchical position or function occupied by certain agents. Finally, measuring the

feasibility of the scenarios can be biased in partial ethical deliberations. This can come from an absolutist or paternalistic approach while the experiences and values of agents must be considered in order to properly deliberate (Hermann 2011). Some agents are unable to instrumentalize the experiences of other agents in a critical way or to engage in constructive interaction because they undergo a vertical relationship or maintain this verticality by perceiving their experiences as less rewarding during the exchanges. Their knowledge and openness to others are thus undermined by their negative perception of valuing their experiences in the presence of agents who have a richer professional experience or a recognized reputation. They may also be subject to the point of view of those agents who monopolize the floor and whose attitude leads to unequal opportunities for speaking. An experiential literacy problem may arise. Some participants may find it difficult to understand the experiences of others because of the jargon used. The example of the return to work of an individual treated for cancer can be problematic to defend for a union representative who, instead of valuing his experiences and those of the worker, will tend to follow the proposals of a government representative because of the latter's experience. This can restrict the consideration of the experiences of the main agents on the ethical issues related to the return to work of patients treated for cancer. Based on this example, we see that a paternalistic or otherwise authoritarian approach is antithetical to deliberation, for it restricts the agent's ability to take responsibility, and to have a space of volition and self-control to make decisions (Martens 2015). A more concrete example is the process of passing Bill 52 on medical assistance in dying in Quebec. There was opposition between supporters of palliative care and those of euthanasia, the former conceiving of euthanasia as a negation of palliative care, while the latter thought of euthanasia as complementary to palliative care. The deliberation was marred by a confrontation even if in the end the project was adopted (Doucet 2015). We believe that such a situation can be observed when the agents do not have the capacity to be able to mobilize the experiences of others, to act on the scenarios of others or to transform their own in order to propose feasible, laudable scenarios in ethical terms. The implementation of deliberation by an ethicist or any other moderator who asserts himself as an authoritative moral expert can lead to such results as well.

## Bad ethical deliberation

Deliberation becomes ethically problematic if collaborative diversity does not exist and if it is not possible for agents to recognize the existence of a morally problematic situation. Indeed, the absence of essential agents and for all such

**Table 2** Methodological avenues to further research on the evaluation of ethical deliberations. A critical aspect of our proposal is to identify important criteria for each moment of deliberation. Given these criteria, we identify the objectives, and investigations relevant to a proper assessment of the situation for different moments of the deliberative process. The following Table 2 provides information on this proposal and the companion text further explicates the proposal

Moment 1: Broadening and deepening the understanding of the situation			Moment 2: Envisioning action scenarios			Moment 3: Coming to a judgment based on the comparative evaluation of scenarios		
Evaluation criteria	Objectives	Type of investigations	Evaluation criteria	Objectives	Type of investigations	Evaluation criteria	Objectives	Type of investigations
<b>Collaborative diversity</b> - What is the problem posed and in what way the diversity of shared experiences promotes the recognition of the situation as morally problematic?	- Take advantage of the value of the diversity of agents in the reconstruction of the problem. - Understand the facilitators and obstacles to recognizing the problem, particularly on the basis of the experiences of the agents.	- Observation of the interactions between agents.	<b>Collaborative diversity</b> - What type of action scenario promotes the contribution of the diversity of agents' experiences?	- Describe the diversity of action scenarios based on the different professional backgrounds and different life paths of the agents. - Determine the role played by the experiences of the agents in the creation of action scenarios.	- Conversational analysis. - Interviews with agents.	<b>Collaborative diversity</b> - What contribution does collaborative diversity have in the development of action scenarios proposed by the agents?	- Describe the ordering of action scenarios after having shared the various refined action scenarios proposed by the agents.	- Observation of the interactions between agents. - Conversational analysis. - Interviews with agents.
<b>Experiential Literacy</b> - What understanding do the agents have of the experiences of others at the problem recognition stage? - How do agents evolve from their initial positions through interactions with others?	- Check whether the agents understand the meaning of the experiences of others in order to be able to refer to them during interactions. - Check whether the agents are not unduly influenced given the position they occupy or the role played during the meeting; make sure they are able to freely change their minds. - Identify barriers and facilitators to agents' understanding of an ethical issue.	- Interviews with agents. - Conversational analysis aimed at evaluating and reflectivity. - Observation of the interactions between agents. - Conversational analysis during subsequent meetings to remove reluctance to recognize the problem.	<b>Experiential literacy</b> -What understanding do the agents have of the action scenarios proposed by others and what knowledge do they learn on this basis?	- Assess the value of mutual learning in developing action scenarios.	- Observation of the interactions between agents. - Conversational analysis to grasp how the understanding of scenarios contributes to the reformulation of the scenarios of the agents participating in the deliberation.	<b>Openness of agents</b> - What roles do the mobilization of skills and the openness of agents play in the development of possible action scenarios?	- Describe the role and skills of each agent (including the ethicist as moderator) in facilitating ethical deliberation. - Evaluate openness and mutual contribution in facilitating ethical deliberations.	- Observation of the interactions between agents. - Conversational analysis.

Table 2 (continued)

Moment 1: Broadening and deepening the understanding of the situation			Moment 2: Envisioning action scenarios			Moment 3: Coming to a judgment based on the comparative evaluation of scenarios		
<b>Organization of experiences</b> - In what ways do the agents appropriate the experiences to recognize the problem?	- Describe the contribution of the experiences of the different agents to the reconstruction of the problem.	- Conversational analysis. - Observation of the interactions between agents.	<b>Reflective ability to instrumentalize the experiences of others</b> - How does the experiences of others promote the ability of agents to imagine a feasible scenario?	- Determine the experiences that are more valued to imagine action scenarios.	- Observations of interactions between agents. - Interviews with agents.	<b>Quality of the reformulation of scenarios</b> - What is the place of mutual learning in reformulating action scenarios to make them feasible and desirable?	- Determine the value of the learning induced by the development of feasible action scenarios. - Describe how the action scenarios are reformulated through co-learning.	- Observation of the interactions between agents. - Conversation analysis.
			<b>Interactional creativity</b> - Are all scenarios proposed by the agents taken into consideration regardless of who shares them?	- Determine whether the agents are considered fairly in the analysis of the proposed action scenarios.	- Conversational analysis. - Observation of interactions between agents. - Interviews with agents.			

agents to have access to detailed information to confirm this existence, has been noted. In addition, the deliberative process fails to be triggered due to the lack of recognition of the problematic situation. As we mentioned before, this step is crucial in the process of ethical deliberation (Brown et al. 1992). In such situations, there is interactional inertia and agents are less inclined to be receptive to and consider the experiences of others. This closure to others may be due to the perception that others have of the person presenting the morally problematic situation. The observation at the stage of collaborative diversity of a non-recognition of the ethical problem augurs a poor entry into the deliberative process. Scholars like Gracia (2003) or even Brown et al. (1992) highlight in their proposals the importance of the recognition and identification of the ethical problem. The absence of these two criteria is indicative of an incomplete deliberative process. However, an assessment of this situation can make it possible to point out the barriers to this deliberation in order to prevent them in the future, even if the pragmatist perspective considers that the deliberation does not provide definitive results (Pappas 2008). Take, for example, a deliberative process aimed at promoting equity

in access to housing among black populations and where there is no presence of black representatives as agents: if a representative of these populations is not present, the recognition or identification of the ethical problem may be biased. In addition, the objective of involving a diversity of agents have not been achieved. This is a problem because transparency cannot be based on a homogeneous group of agents, but must be achieved through creating a deliberative diversity reflecting the particularities and the specific needs, i.e., the experiences, of the group affected by the outcome of the deliberation. That is to say, transparency stems from being able to adapt to the specificities of a concrete situation, and not being content with applying a general solution to a problem requiring a comprehensive approach based on the unique experiences of the agents involved (Fesmire 2003). It can also be related to racial considerations, age, and gender. An inability of agents to recognize what is a morally problematic situation can also induce this situation. This recklessness or ignorance can lead to a dead end since no step of the process can be observed in such a situation. Daniel Callahan highlighted a form of deliberative deadlock that plagues the American bioethics community with

conservative bioethicists on one side and liberal bioethicists on the other. There is no dialogue, each side carrying out their activities without any possibility of mutual learning. On the contrary, generalizations which do not reflect reality are made, amounting to caricatures and straw man arguments. However, this attitude of division that does not allow learning from the experiences of others is the result of intellectual laziness and ideological considerations (Callahan 2005). It is necessary, in this case, to think of attitudes favoring openness to others since the objective here is to arrive at a common experience, the result of a marriage between individual experiences and experiences that are different (Pappas 2008).

#### **Research to further the understanding of ethical aspects of deliberation and methodological avenues to develop the evaluation of ethical deliberations.**

Table 2 describes some important research questions which could be tackled to further our understanding of the evaluation of the three moments of deliberation. For each moment, we associate evaluation criteria, objectives and the type of investigations to pursue.

### **Moment 1: broadening and deepening the understanding of the situation**

#### **Collaborative diversity**

The recognition and understanding of the situation as morally problematic require the involvement of agents with different backgrounds. Gender, sex, and cultural identity are also taken into consideration in this moment of deliberation. Without the sharing of experiences of people from different backgrounds, there is an incompleteness that does not allow agents to have in their possession all the information necessary to judge the morally problematic nature of a situation. We are faced with a limited rationality that determines its choice of solution, which is not always optimal (Tran 2018). By investigating how shared experiences contribute to the recognition of the morally problematic situation, mutual enrichment and understanding of the phenomena that diversity promotes is sought (Dewey 1922). Another objective would be to identify facilitators and barriers to recognizing the situation as morally problematic through discussion.

#### **Experiential literacy**

Once diversity is achieved, the contribution of experiences can be further explored by assessing the degree to which people understand each other's experiences. This experiential literacy is important because, without it, the recognition and understanding of the morally problematic nature of

the situation is not possible. This is not to say that conflict should be absent, but that consideration of others' points of view should help to resolve disagreements (Fesmire 2003; Gouinlock 1993). This requires answering the question of how much understanding agents have of each other's experiences in the recognition stage of the morally problematic situation and the role of literacy in changing their initial ideas. Here, the goal is for agents to benefit from a transaction that changes their initial view of the recognition and understanding of the morally problematic situation. This transaction is one of the components of literacy that requires openness to others, communication, contact and a dynamic of collective responsibility (Keefe and Copeland 2011). The objective sought is the mobilization of the experiences of others through the agents' understanding of them. This should be done without constraint, without being influenced by other agents. But there may be barriers to mutual understanding of shared experiences. Identifying these barriers is important for evaluating the deliberative process.

#### **Organization of experiences**

The organization of experiences follows the agent's understanding and recognition of the morally problematic nature of the situation. What is sought here is the exercise of appropriation and organization of experiences, the product of experiential literacy. From an ethnomethodological point of view, agents are enrolled in "organizations of naturally occurring ordinary activities, which consist of the relations that obtain between the actions which participate in an organization" (Peyrot 1982, p. 269). In the context of the recognition and understanding of the morally problematic nature of the situation, it is through the actions of sharing experiences that the agents reconstruct their understanding of the situation presented. In this perspective, the ethicist as moderator must ensure that this activity of sharing experience by the agent can allow his peers to be able to rely on it to promote the reformulation of ideas. Indeed, the shared experience must be "organized so as to be intelligible (accountable) to its participants" (Peyrot 1982, p. 269).

### **Moment 2: envisioning action scenarios**

#### **Collaborative diversity**

The scenarios proposed need to be assessed through collaborative diversity. The diverse life trajectories of agents are experiences that produce scenario diversity. This diversity follows a pragmatist approach in the sense that this plurality of proposals act as instruments of enlighten action (Elkjaer 2000) to reach an ethical decision. Learning from others to



create one's own scenarios makes the agent's singularity part of a collective framework for resolving morally problematic situations. Participants contribute by sharing with others and gain in return by learning from their experiences (Pappas 2008).

### Experiential literacy

Understanding the scenarios of their peers is important for agents in the process of imagining their scenarios. The experiences of others must be possible to be understood by the agents i.e., “detectable, countable, recordable, reportable, tell a-story-about-able, analyzable - in short, accountable” (Garfinkel 1967, p. 33). Only then can agents take ownership of each other's scenarios. It is understanding that promotes learning that produces creativity. It is thanks to a transaction that there is mutual enrichment between agents and a transformation in the imagination of scenarios (Brinkmann 2011).

### Reflective ability to instrumentalize the experiences of others

It is not always the case that agents know which scenarios are feasible. By interacting with their peers, agents benefit from the experiences of others in a transactional dynamic that allows them to deliberate about which scenarios are likely to be feasible. This process is reflective and aims at instrumentalizing experiences and imagining those that are more valid and on which the agent can refer to propose scenarios. In this sense, the actions – which here are the scenario proposals – make sense in their interweaving with a concrete situation (Peyrot 1982), i.e. the deliberative process leading to the resolution of the morally problematic situation. The choice of scenarios that leads to deliberation proceeds from “mediation of impulses through reflection” (Fesmire 2003, p. 73) favored by the appropriation of the experiences of others.

### Interactional creativity

The question falling under interactional creativity (Table 2) allows for the consideration of all scenarios regardless of who generates or proposes them. There should not be one interaction between agents that is more privileged than others in reference to the agent's skills, profession, work experience or social recognition. This approach of equal consideration of the agents who propose the scenarios is in line with the democratic character of the investigation mode (Bohman 2004). The objective is to give a fair value to the agents' scenarios without allowing their identity to influence their judgment of the scenarios. This approach advocates a

co-construction and a dialogue that rejects a relationship of domination in the production of the scenarios (Metselaar et al. 2020).

## Moment 3: coming to a judgment based on the comparative evaluation of scenarios

### Collaborative diversity

During the deliberative process, collaborative diversity should allow agents to have access to diverse scenarios that reflect the diversity of agents' experiences. The decision can thus foster human flourishing or allow agents to have a repertoire of scenarios, some of which are consistent with their values if there is a plurality of perspectives and interdependence (Pappas 2008). Once different scenarios are available, it is easier for agents to choose the option from the reformulated scenarios through debate and the benefit of rich moral perspectives (Racine 2016).

### Openness of agents

The open-mindedness of the agents and the consideration of the skills of their peers during the deliberation sessions make it possible to consider all the scenarios without having prejudices on the people who propose them. This openness promotes recognition of the value of the scenarios through a process of inquiry based on lived experience (Fesmire 2003). If there is a lack of openness on the part of the agents, the options may be reduced and the final option may be chosen from scenarios that are less conducive to agent growth than those that are abandoned or that do not adequately address morally problematic situations (Racine 2016). This question of the role of agents' skills and open-mindedness must therefore be well considered in order to facilitate ethical deliberations and the contribution of each agent in the process of choosing the option that is more consistent with their values.

### Quality of the reformulation of scenarios

The open-mindedness and the recognition of the agents' competencies favor a better reception of each other's experiences in the context of the choice of scenarios. However, there is a reflectivity and qualitative judgment work that the agents do when they are part of a process of reformulation of the scenarios which is based on cooperation (Gouinlock 1978). These agents are guided by their values and therefore the shared scenarios will be instrumentalized in such a way that some agents will reformulate their own. On the basis of this reformulation, they will propose scenarios that promote

their own development through a process of transformative interdependence (Bohman 2004). There is reflective work to be done to judge the value of learning in the reformulation of scenarios to make them feasible. A transaction is carried out in the sense that it promotes mutual learning and enrichment leading to a change that is closer to the agents' values.

## Types of investigations

The evaluation of these three moments of deliberation, based on the criteria associated with each of them, allows researchers to better address morally problematic situations. We have proposed three types of investigations (observations, interviews, conversational analysis) to help researchers analyze the way in which agents evolve in this deliberative process whose objective is to choose a scenario that corresponds to their values. This scenario must meet the criteria of feasibility and have ethical acceptability and ideally ethical praiseworthiness by promoting human flourishing.

### Observations

In the deliberative process, assessing certain criteria associated with the three moments of deliberation requires the researcher to make certain arrangements. Note-taking to collect data on the nature of the relationships between the agents involved in the deliberative process can be helpful. According to Mays and Pope, "The researcher usually keeps a field diary or record of the research process to detail events, personal reactions to events, and changes in his or her views over time" (Mays and Pope 1995, p. 184). The type of observation we propose is chiefly direct (without interaction with the agents involved in the ethical deliberation). Since we are interested in the nature of interactions between agents, researchers who collect data with field notes manage to gather "rich, detailed descriptions of the social setting" (Kawulich 2012, p. 153) in the context of resolving morally problematic situations during deliberative sessions. By positioning himself outside the deliberative process, the researcher has a more independent point of view that can allow him to access narratives and information not always verbalized (Ciesielska et al. 2018). In order not to be irrelevant at every moment of the deliberation, the objectives of each criterion must be taken into consideration by making a guiding observation based on questions (Bailey 2006) so that the researchers can know what to observe specifically and analyze the nature of the interactions between agents.

### Interviews

Interviews can be conducted to help understand the objectives assigned to the criteria associated with each moment of deliberation. We need to pay heed to how agents are able to recognize the morally problematic nature of a situation, how they are able to construct feasible scenarios, or how they are able to reformulate them so that they can arrive at a final scenario choice that corresponds to their values and promotes human flourishing. The interviews should "explore the views, experiences, beliefs and/or motivations of individuals on specific matters (e.g., factors that influence their attendance at the dentist)" (Gill et al. 2008, p. 292). A thematic analysis can be performed to analyze the interviews and answer important research questions because it "provides a robust, systematic framework for coding qualitative data, and for then using that coding to identify patterns across the dataset in relation to the research question" (Braun and Clarke 2014, p. 1–2). What is emphasized are the agents' perspectives on how their peers help them move through this deliberative process at the three moments of deliberation.

### Conversational analysis

Conversational analysis can be fruitful for different moments of deliberation. During the deliberation sessions, the speech used by the agents as well as their gestures can be analyzed. The applicable tools are varied and should allow researchers to reach the objectives assigned for each evaluation criterion at each moment of the deliberation. Indeed, conversational analysis "aims at describing the organization of social activities in their ordinary settings, considering interaction as collectively organized by the co-participants, in a locally situated way, achieved emergently through its temporal and sequential unfolding, by mobilizing a large range of vocal, verbal, visual and embodied resources, which are publicly displayed and monitored *in situ*" (Mondada 2017, p. 28).

In the deliberative sessions set up to resolve morally problematic situations, the agents, at each moment of deliberation, produce actions that allow them to achieve the objectives associated with each evaluation criterion. Conversational analysis allows us to understand the way in which these agents engage in a deliberative process that ultimately leads to the choice of a scenario that meets the conditions of acceptability and ethical merit. It is based on the evaluation of the behavior of the agents inscribed in a dynamic of construction of the social action, in reference to an immediate local interactional context, with the objective of understanding the contours of the structural organization through the interaction, starting from an understanding between the participants based on its intersubjectivity

(Heritage and Stivers 2013). Since all the proposed criteria include an intersubjective dimension and reference to values in the process of choosing a feasible scenario to resolve morally problematic situations, the use of conversational analysis in future research to evaluate ethical deliberations is relevant.

## Limits

Our proposal to assess the quality of ethical deliberation and to enumerate a certain number of its consequences is not without limitations. It is centered on the quality of the dialogue (the exchanges) and its evaluation. More generally, we focused on the quality of deliberation itself, and not the deliberations' outcomes. In addition, it is still a theoretical or conceptual proposal, but can, at the same time, be operationalized and guide observations. Also, as a consequence of our pragmatist approach, the proposal is less connected to traditional theories of normative ethics, but these theories do not always fit with situations where the objective is to let the agents freely share their experiences without influence and restrictions (Hoffmaster 2018). Another limitation is that our proposal is less focused on offering a tool to measure the proposed criteria. We orient readers toward open-ended and participatory evaluative strategies such as responsive evaluation (Abma 2005) where the actual evaluation would be undertaken by participants to a deliberation.

## Conclusions

In this paper, inspired by pragmatist theories of deliberation, we proposed seven criteria for evaluating ethical deliberation: collaborative diversity, experiential literacy, organization of experiences, reflective capacity to instrumentalize the experiences of others, interactional creativity, openness of agents, and quality of the reformulation of scenarios. We outlined the benefits stemming from the use of these criteria, notably the ability to assess the quality of an ethical deliberation per se as well as the kinds of research questions which should be pursued in the future. To verify the practical contribution of this proposition, empirical studies on current morally problematic situations must be carried out. They will make it possible to judge at the same time whether it is advisable to refine these criteria.

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## Declarations

**Conflict of interest** The authors declare no conflict of interests.

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