

## GUEST EDITOR'S PREFACE

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Epistemic democracy represents a very fertile ground for the interaction between epistemology and political philosophy, as well as a promising interdisciplinary field where philosophy meets economics, sociology, psychology, political science and other social sciences. Since epistemic democracy can be interpreted as a rather wide research field, it is not always easy to pinpoint central themes or research questions, nor to set clear boundaries. However, there are a few important questions that every epistemic democrat has to settle.

First of all, epistemic democrats have to explain what the epistemic value of democracy is, and how does the epistemic value of democracy contribute to its legitimacy-generating potential<sup>1</sup>. Is democracy epistemically valuable because it helps us achieve substantively good (correct, true) decisions, or because it embodies some intrinsic (procedural) epistemic values?

Second, how should epistemic democracy be institutionalized in modern societies<sup>2</sup>? Assuming that (at least some) political decisions can be true or false,

<sup>1</sup> John Rawls famously shifted the discussion from the legitimacy of states and governments typical for the 19th and early 20th century to the legitimacy of the decision-making process. As Chiara Destri cleverly indicates in her paper, most philosophical positions on political legitimacy take some form of proceduralism - a decision is considered legitimate iff it is a product of a decision-making procedure that has legitimacy-generating potential. The disagreement comes in when we try to define what the source of procedure's legitimacy-generating potential is.

<sup>2</sup> Some scholars avoid to address the second question. David Estlund, for example, wholeheartedly endorses the idea that the legitimacy-generating potential of democratic decision-making procedure is constituted, in part because of the procedure's (instrumental) epistemic value, yet he rejects the idea that contemporary democratic systems should be modified in order to approximate the best possible democratic procedure. That would lead us to the problem of the second best: Estlund claims that, once we know that a political ideal cannot be met, aiming for the second-best approximation of that ideal need not be the right thing to do. If the ideal is to exclude power from politics, but one party nonetheless uses power to achieve its

are there people who are better at getting it right or wrong? And if there are such people, what role should they play in the democratic decision-making process? Finally, how can our current political institutions be modified to better accommodate and promote the epistemic value of democracy?

These difficult questions have occupied the minds of many prominent thinkers and philosophers who believed that politics could not be done without the concepts of truth and correctness. Plato and Aristotle thus agreed on the answer to the first question, i.e. they agreed that the legitimacy-generating potential of a decision-making procedure comes from its epistemic virtues and its ability to produce good (correct) outcomes. They disagreed on the answer to the second question, with Plato holding that politics (or statecraft), like any other craft, should be done by a few experts specially trained and prepared for this task, and Aristotle defending the idea of the 'wisdom of the crowds', i.e. the idea that, the more people participate in the decision-making process, the better the final decision will be. Similar ideas appeared in and after the Enlightenment, with Rousseau, Condorcet and Mill defending (different) types of democratic decision-making procedures by appealing (at least in part) to the substantive quality of the decisions produced in that manner. Contemporary political philosophy somewhat neglected the epistemic role of democracy<sup>3</sup>, and though it might seem that Rawls' emphasis on '*political, not metaphysical*' public conception of justice<sup>4</sup> goes against epistemic democracy, it is important to note that many contemporary defenders of the epistemic conception of democracy take the liberal criterion of legitimacy as a starting point in their argumentation.

## SUBSTANTIVE REASONS VS. PROCEDURAL REASONS

political aims (and so the ideal cannot be achieved), maybe we should abandon the ideal altogether and use power ourselves to confront that particular party (i.e. maybe abandoning the ideal will yield better results than holding it no matter what). Having established what the epistemic value of democratic procedure is (first question), we should not ask ourselves how to approximate this value and institutionalize it in real world politics because (as long we cannot mirror the ideal procedure) we would be subjected to the problem of the second best.

<sup>3</sup> In contemporary philosophy the epistemic conception of democracy was first established by Joshua Cohen. He set up an account characterized by an independent standard of correct decisions, a cognitive account of voting and an account of decision-making as a process of adjustment of beliefs. For more information, see Cohen, Joshua (1986) An Epistemic Conception of Democracy. *Ethics* Vol. 97, No. 1 (pp. 26-38)

<sup>4</sup> See Rawls, John (1985) Justice as Fairness: Political not Metaphysical. *Philosophy and Public Affairs*, Vol. 14, No. 3. (pp. 223-251)

The idea that, in order to be legitimate, a constitution, law, policy or decision has to be acceptable to all qualified citizens, has been thoroughly discussed throughout the past two centuries<sup>5</sup>. Most defenders of epistemic democracy thus believe that no one can legitimately be coerced unless sufficient reasons can be given—reasons that do not violate his reasonable moral (and epistemic) beliefs. In order to be legitimate, a political decision has to be justified by reasons that all reasonable citizens can endorse. Of course, this takes a form of a hypothetical, and not an actual consent - the reasons we use to justify a particular political decision have to be acceptable to reasonable citizens under certain *ideal conditions*. How demanding this public justification will be depends on the kind of reasons used in it.

(1) Some scholars hold that, under certain *ideal conditions*, reasonable citizens would agree on *substantive* reasons for collective decisions<sup>6</sup>. The aim of deliberation is thus to generate consensus, and legitimacy of a particular decision depends on whether shared substantive reasons can justify it. The ideal outcome of such decision-making process is a rationally justified decision, i.e. one everyone has a substantive reason to endorse.

(2) Other scholars believe that, even under *ideal conditions*, reasonable citizens would not be able to agree on *substantive* reasons for most collective decisions<sup>7</sup>. However, they do not think that this implies that political decisions cannot be legitimate. They instead focus on other kind of reasons - *procedural reasons*. These reasons are not about the correctness of a particular decision, but about the qualities of the decision-making procedure that has produced it. Reasonable citizens thus have a procedural reason to endorse a decision that

<sup>5</sup> Rousseau and Kant are among philosophers who addressed this problem. See Kant, Immanuel (1999) *Practical Philosophy*. Cambridge: Cambridge University Press and Rousseau, Jean-Jacques (1988) *On the Social Contract*. Indianapolis: Hackett.

<sup>6</sup> Habermas' conception of democratic legitimacy focuses on political consensus on substantive reasons. See Habermas, Jürgen (1996) *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Cambridge: The MIT Press. Moreover, some philosophers who develop substantive conception of Rawls' idea of public reason also believe that political decisions, in order to be legitimate, have to be supported by substantive reasons all reasonable citizens could endorse. See

Quong, Jonathan (2011) *Liberalism Without Perfection*. New York: Oxford University Press.

<sup>7</sup> Peter explicitly adopts this position, and I believe that Estlund's argument rests on the same ideas. See Peter, Fabienne (2011) *Democratic Legitimacy*. London: Routledge. and Estlund, David (2008) *Democratic Authority*. New Jersey: Princeton University Press. Moreover, the procedural interpretation of Rawls' idea of public reason claims that a political decision can be legitimate if it is produced by a decision-making procedure which all citizens may reasonably be expected to endorse as free and equal.

was produced by a collective decision-making process that has some epistemic qualities. But what these epistemic qualities of a decision-making process are?

Epistemic democrats can either call upon the *intrinsic* epistemic value of democratic procedures or try to develop a more sophisticated argument in favor of the *instrumental* epistemic value of democratic procedures, having in mind that it has to be endorsed by all reasonable citizens. This dilemma constitutes the core of the first question that all epistemic democrats have to answer: what the epistemic value of democracy is and how does the epistemic value of democracy contribute to its legitimacy-generating potential?

### EPISTEMIC INTRINSICALISM VS. EPISTEMIC INSTRUMENTALISM

Authors that perceive epistemic qualities of a democratic process as a necessary (though not sufficient) requirement for its legitimacy-generating potential disagree when discussing what represents this epistemic value, as well as what the best institutional arrangement for achieving it is. Most authors believe that the best way for the development of epistemic qualities of democracy can be found in the context of deliberative democracy. However, they disagree on the epistemic value of collective deliberation. For some authors<sup>8</sup>, epistemically valuable procedures are those that have a high probability of producing correct outcomes. The epistemic quality of a procedure is determined by its ability to ‘track the truth’ (veritistic, consequentialist epistemology), and it is this ability that gives legitimacy-generating potential to the already fair procedures. On the other hand, some authors<sup>9</sup> have argued that collective deliberation has both instrumental and procedural value; however, they emphasized procedural value as the source of legitimacy-generating potential.

(1) Epistemic intrinsicalists<sup>10</sup> build their position on proceduralist epistemology that focuses exclusively on intrinsic qualities of procedures, to judge their epistemic worth. They reject the idea that the procedure-independent standard is necessary to assess the quality of knowledge-producing procedures. These positions often rely on hybrid epistemology<sup>11</sup> that combines usually descriptive proceduralist epistemology with normative elements. Not

<sup>8</sup> For example David Estlund, Joshua Cohen, Robert Talisse and Jose Marti, but also (as far as I can see) all contributors in this issue of the journal.

<sup>9</sup> See Peter, Fabienne (2011) *Democratic Legitimacy*. London: Routledge.

<sup>10</sup> This position was originally named Pure Epistemic Proceduralism.

<sup>11</sup> Longino, Helen (2002) *The Fate of Knowledge*. Princeton: Princeton University Press

every democratic procedure is justified; in order for it to be considered an intrinsically good epistemic procedure (and thus a procedure that has legitimacy-generating qualities), there are several normative conditions that the knowledge-producing process ought to satisfy. As I have emphasized earlier, these conditions are purely procedural, and they do not depend on the ability of the procedure to generate true or correct outcomes (that would be a form of consequentialist epistemology). *First*, publicly recognized forum for the criticism of evidence, methods, assumptions and reasoning should be formed, thus creating space for the critical discourse. *Second*, deliberation should have transformative potential and people should be responsive to one another's arguments. *Third*, publicly recognized standards should be made by reference to which theories and observational practices should be evaluated, thus securing that critical discourse is orderly and constructive. *Finally*, tempered equality of intellectual authority should be established, thus enabling all citizens to actively participate in public deliberation<sup>12</sup>. Only if deliberative procedure can satisfy these four normative conditions can it be considered fair and epistemically valuable, regardless of the substantive epistemic quality of the outcomes it produces. Epistemic values are irreducibly procedural—there is nothing beyond engaging critically with one another in a transparent and non-authoritarian way.

(2) Epistemic instrumentalists hold that there exists, independently of an actual decision-making process, a correct decision and that legitimacy of democratic decisions depends, at least in part, on the ability of decision-making process to generate the correct outcome. It invokes veritistic consequentialist epistemology, according to which we evaluate the epistemic value of a certain cognitive practice by evaluating its ability to track the truth, i.e. to produce a correct outcome.

(2.a) Scholars claiming that the democratic decision-making process has instrumental epistemic qualities disagree on whether these qualities are sufficient to give a decision-making procedure legitimacy-generating potential. Some take a *monistic* position<sup>13</sup> and claim that a procedure with adequate instrumental epistemic qualities has a legitimacy-generating potential - democratic decision-making procedures are thus justified as being necessary for creating decisions of substantive epistemic quality, and the decisions made by them are legitimate because they were made by the procedures that have the

<sup>12</sup> These conditions are specified by Helen Longino, and later used by Fabienne Peter and other proponents of epistemic intrinsicism.

<sup>13</sup> See Talisse, Robert B. (2009) *Democracy and Moral Conflict*. New York: Cambridge University Press and Misak, Cheryl (2000) *Truth, Morality, Politics: Pragmatism and Deliberation*. New York: Routledge.

greatest instrumental epistemic value, i.e. procedures that have the highest chance of producing correct or true decisions. Alternatively, the aim of producing correct decisions can be replaced with the aim of having correct beliefs, and thus scholars following this argumentative line shall favor political and institutional systems (and not necessary decision-making procedures) that enable belief-revision supported by normative diversity and universal inclusion. The account developed by Marko Luka Zubčić in this issue of the Journal is an example of an instrumentalist monistic position. It focuses on democracy as an institutional arrangement that guarantees certain rights and liberties rather than as a collective decision-making procedure, and follows Mill's instrumentalist argument<sup>14</sup> that focuses on the epistemic benefits of the system's output.

(2.b) Others take non-monistic positions<sup>15</sup>, claiming that the instrumental epistemic qualities of a democratic procedure are necessary, but not sufficient condition for its legitimacy-generating potential. These positions emphasize that a decision-making procedure has to be fair in order to have legitimacy-generating potential. Only after we have eliminated unfair decision-making procedures can we differentiate between the fair ones by evaluating their instrumental epistemic qualities, i.e. their ability to produce substantively correct decisions. Ivan Mladenović's account, which builds on Estlund's standard account of epistemic democracy, is a good example of a non-monistic position. The central idea that full justification of the most adequate decision-making procedure should reflect a balance of epistemic and non-epistemic considerations clearly supports this classification.

As I have indicated earlier, instrumentalism represents the dominant approach to the epistemic value of democracy<sup>16</sup>. However, it faces a serious challenge - unlike intrinsicism, it has to be able to demonstrate how democratic decision-making procedures improve the substantive quality of the

<sup>14</sup> See Mill, John S. (2008) *On Liberty*. Oxford: Oxford University Press. It is important to emphasize, however, that Mill's argument in *On Liberty* deals with negative rights and liberties and focuses on the appropriate institutional arrangement for belief-revision, yet when he discusses positive rights and liberties and focuses on the appropriate decision-making procedure, his argument takes a substantively different form. See Mill, John S. (1977) *Considerations on Representative Government*. Toronto: University of Toronto Press. For detailed discussion on the two different argumentative strategies used by Mill, see Cerovac, Ivan (2016) *Plural Voting and Mill's Account of Democratic Legitimacy*. Croatian Journal of Philosophy Vol. 16, No. 46 (pp. 91-106).

<sup>15</sup> This non-monistic account of democratic legitimacy is presented in Estlund, David (2008) *Democratic Authority*. New Jersey: Princeton University Press.

<sup>16</sup> Fabienne Peter goes so far as to call Estlund's epistemic proceduralism (a non-monistic account that focuses on the instrumental epistemic qualities of a decision-making procedure) a standard account of epistemic democracy.

decisions produced by them. This is why many defenders of epistemic democracy focus on answering the second question - how can epistemic democracy be institutionalized in contemporary societies and how should democratic decision-making procedures be shaped in order to have proper (instrumental) epistemic value.

## INSTITUTIONALIZING EPISTEMIC DEMOCRACY

Epistemic instrumentalists and epistemic intrinsicalists agree that not all democratic decision-making procedures have equal legitimacy-generating potential. Some democratic procedures have better epistemic qualities and consequently have greater legitimacy-generating potential. There are many qualities of a decision-making procedure that can affect its epistemic value, including the role it gives to the experts in politics, the way in which the decisions are made (pre-deliberation or post-deliberation voting) and the level of participation and inclusion of citizens. Furthermore, the socio-economic system in which the collective decision-making procedure takes place can also influence its epistemic value. Two qualities of democratic procedure deserve our special attention:

(1) Many defenders of epistemic democracy, especially those with a background in moral and political philosophy, are skeptical about the role of experts in the democratic decision-making process<sup>17</sup>. After all, acknowledging that there are experts in politics and giving them greater political influence might endanger democratic ideals and lead to some form of epistocracy - the rule of 'those who know'. Other epistemic democrats, those with a background in epistemology, fear that abandoning the idea of expertise on many public and political issues might greatly endanger the substantive quality of the decisions produced by the democratic decision-making process. Snježana Prijić-Samaržija's paper addresses this problem and offers a persuasive argument

<sup>17</sup> Both Estlund and Peter are very careful when they discuss the role of experts in a democratic society. In her earlier work Peter doubts that there are experts in politics, claiming that sometimes the relevant knowledge is so widely dispersed that no one can be considered an expert. Estlund, on the other hand, believes that there are experts in politics, but since we cannot agree on who they are, we cannot ascribe them political authority on the reasons everyone could endorse.

based on veritistic, consequentialist epistemology and focused on the idea of the division of epistemic labor<sup>18</sup>.

I believe that this disagreement is, at least in part, caused by the imprecise use of the term 'decision-making process'. Many often refer to democracy as a collective decision-making process, but what they have in mind is a system in which the supreme power and authority is vested in the people, and not in some particular individual or a group. Democracy is the actual collective *authorization* of laws and policies by the people subject to them<sup>19</sup>. This says very little about how laws and policies are made - they could, for all we know, be made by a small group of people or even by one individual. The important thing is that the source of their authority and legitimacy is democratic *decision-authorizing* process. This means that we can have laws and policies made by experts but still claim that the authority of these laws and policies does not come from the expertise of those who have made them, but from the consent of the people subject to them<sup>20</sup>.

2) The procedure people use to authorize (but also to make) political decisions defines to a great extent the substantive quality of the decisions thus produced. The way how citizens cast their votes, how they regulate abstentions, but also how they directly participate in the decision-making process by initiating referendums influence the epistemic value of democratic procedures. These very important issues are sometimes neglected in the normative political philosophy and Sebastian Linares Lejarraga's paper in this issue of the journal brings many original democratic innovations aimed at improving citizen participation by fostering autonomous, informed and public oriented preferences in citizens.

It is important to emphasize that both the inclusion of experts in the decision-making processes and the strengthening of participatory democratic mechanisms contribute to the epistemic value of democratic procedures. These are compatible practices that have to be balanced and used together in order to promote the full epistemic potential of democratic deliberation.

<sup>18</sup> Kitcher and Christiano have offered very good arguments that connect democracy with expertise. For more information, see Kitcher, Philip (2011) *Science in a Democratic Society*. New York: Prometheus Books. and Christiano, Thomas (2012) Rational deliberation among experts and citizens. In: Parkinson, J. (ed.), *Deliberative Systems: Deliberative Democracy at the Large Scale*. Cambridge: Cambridge University Press.

<sup>19</sup> Estlund, David (2008) *Democratic Authority*. New Jersey: Princeton University Press (p. 38)

<sup>20</sup> See Festenstein, Matthew (2010) Truth and Trust in Democratic Epistemology. In: Tinnevelt, Ronald and Geenens, Raf (eds.) *Does Truth Matter? Democracy and Public Space*. Dordrecht: Springer.