

Epistemic norms of political deliberation¹

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Abstract

Legitimate political decision-making is underpinned by well-ordered political deliberation, including by the decision-makers themselves, their advisory bodies, and the public at large. But what constitutes well-ordered political deliberation? The short answer to this question is that it's political deliberation that is governed by relevant norms. In this chapter, I first discuss different types of norms that might govern well-ordered political deliberation. I then focus on one particular type of norms: epistemic norms. My aim in this chapter is to shed light on how the validity of contributions to political deliberation depends, *inter alia*, on the epistemic status of the claims made.

1. Introduction

Political deliberation is the broad, multi-stranded process in which political proposals get considered and critically scrutinised. There are many forums in which political deliberation takes place. Some of them are formal institutions of government such as the cabinet and parliament. Other forums of political deliberation include advisory bodies, government agencies, political parties and interest groups, the press and other broadcasters, and, increasingly, social media platforms. The latter are not directly associated with political decision-making but still play an important role in the generation of new political proposals and the critical assessment of actual or proposed political decisions (see Parkinson and Mansbridge 2012). Political deliberation, in practice, includes parliamentary debate as much

¹ I have received helpful comments on an earlier version of this paper from Jeroen de Ridder, Michael Hannon, and an external referee.

as it includes a Twitter tread by a political journalist, a Sunday op-ed, pamphlets from Extinction Rebellion or a TV interview with a cabinet minister.

On many theories of democracy, political deliberation underpins political legitimacy. Political deliberation influences whether citizens accept or reject certain political decisions and, as such, plays an important role in the *de facto* legitimacy of those decisions. But political deliberation also has a role to play in settling whether citizens should accept or reject certain political decisions as it assesses the reasons for and against certain political decisions. As such, political deliberation matters for the normative legitimacy of political decisions.

My focus in this chapter is on the normative role of political deliberation. To facilitate legitimate political decision-making, political deliberation must be well-ordered. Well-ordered political deliberation is pushed forward by and adequately responds to all valid contributions. This raises a question of what counts as a valid contribution to political deliberation, and this is the main question I will be discussing in this chapter.

I shall interpret valid contributions as those that satisfy appropriate norms of deliberation. The norms of political deliberation specify which contributions should and should not be allowed to influence the course of political deliberation. There are different types of norms that potentially apply to political deliberation. The most obvious candidates are participation norms, on the one hand, and epistemic norms, on the other. Participation norms focus on standing to contribute to political deliberation. A good example is a norm that aims to secure the equal freedom to contribute for all citizens, such as a free speech

norm. Epistemic norms focus on what can be validly asserted in political deliberation. These are less frequently discussed, but recent political developments suggest that we need a better understanding of this type of constraint on political deliberation.²

I will discuss a range of different epistemic norms. First, I consider truth norms. The appeal of a truth norm is captured in the well-weathered slogan of “speaking truth to power”. And in response to more recent discussions about the dangers of post-truth politics, it might be tempting to think that political deliberation should be subject to a truth norm. There are serious objections against subjecting political deliberation to a truth norm, however, and I will explain what they are.

I then turn my attention to epistemic norms that link what can be validly asserted in political deliberation to what we know or justifiably believe, and to how we respond to what others have asserted. There has been a lot of political focus recently on the question of how much political deliberation should respond to expertise. A good example is Michael Gove’s infamous proclamation, in the context of the Brexit debate, that the British public has had enough of experts. Another example are the discussions of how different governments responded to scientific advice on how to manage the Covid-19 outbreak. While the issue is thus clearly important, the epistemic norms that govern well-ordered political deliberation are currently not well-understood.

² But see Cohen (1986), Bohman (1998), Estlund (2008), Peter (2009), Talisse (2009), Landemore 2013, and Chambers (2017), among others, for discussions of the epistemic dimension of the theory of deliberative democracy.

The chapter is organised as follows. I'll start by saying a bit more on the role of political deliberation in legitimate political decision-making (section 2). In section 3, I introduce epistemic norms of political deliberation, in general, before moving on to discuss different types of epistemic norms. In section 4 I focus on a truth norm of political deliberation and discuss why it's problematic. In sections 5 and 6 I discuss further candidate epistemic norms, distinguishing between substantive epistemic norms (section 5) and procedural epistemic norms (section 6). Section 7 concludes.

2. Political deliberation and political legitimacy

Why think that political deliberation is subject to certain norms? The reason is that well-ordered political deliberation is necessary for the justification of political decisions and, as such, for their legitimacy. Before discussing candidate norms of political deliberation, it is helpful to first shed some more light on this relationship between political deliberation and political legitimacy.

I take the mainstream view of political legitimacy to be, following Rawls (1993) and Habermas (1996), that political legitimacy derives from the justification of political decisions.³ Call this the justificationist view of political legitimacy.

Taking the justificationist view of political legitimacy as our starting-point, we can explain the significance of well-ordered political deliberation for political legitimacy. If the aim of political decision-making is a justified political decision, it becomes clear why political

³ Relevant justifications can be based on substantive or on procedural considerations, or on a combination of the two (see Cohen 1997). Simmons is a prominent critic of this justificationist view (see Simmons 2001).

deliberation is an essential feature of politically legitimate decision-making. In political deliberation, possible decisions and their pro tanto justifications are critically examined. If all goes well, then political deliberation supports legitimate political decisions, i.e. decisions that are overall justified. To support legitimate political decision-making in this way, political deliberation must be well-ordered. It should consider all valid contributions and not get side-tracked by contributions that are not valid, where valid contributions are those that satisfy the norms that govern political deliberation.

Note that political deliberation might not be sufficient for political legitimacy, as even well-ordered political deliberation often fails to reach a consensus on what should be done (Bohman and Richardson 2009). Politically legitimate decision-making might then require some additional decision-making mechanism – voting, for example. But well-ordered political deliberation is still essential for the legitimacy of the political decision, even in this scenario, because it helps with the agenda-setting process and ensures that voting is informed by all valid contributions.

In sum, on a justificationist view of political legitimacy, well-ordered political deliberation is necessary for legitimate political decision-making as it is through political deliberation, in its many forums, that alternative political decisions and their pro tanto justifications can be considered, with a view to facilitate reaching a political decision that is overall justified, i.e. legitimate.

3. Epistemic norms of political deliberation

What are the norms that determine the validity of contributions to political deliberation? As I mentioned in the introduction, most of the literature on deliberative democracy, in particular, has focused on participation norms of political deliberation.⁴ Participation norms are important for democratic political deliberation as they secure inclusion. If there is one lesson that recent political developments have taught us, however, it's that democratic participation norms are not sufficient for legitimacy-conferring political deliberation. What matters, in addition to democratic inclusivity, is that contributions to political deliberation are well anchored in reality and that political decision-making aims to make the right decisions (Peter 2020a).

One way in which political philosophers and political theorists have thought about supplementing participation norms is through some norms of rationality or good reasoning. It has been argued that well-ordered political deliberation, in addition to being inclusive, should be governed by "the force of the better argument" (Habermas 1996), or respond only to contributions that respect constraints of reasonableness (Rawls 1993), e.g. in the form of a norm of equal respect (Larmore 2008), or to contributions that are the result of a respectable amount of good reasoning (Gaus 2011: 250).

These considerations are all important. But well-ordered political deliberation also depends on what is asserted in deliberation. So in addition to norms of participation and norms of rationality or good reasoning, we need to consider epistemic norms that determine what

⁴ See e.g. Habermas (1996), Rawls (1993), and Mansbridge et al. (2006).

can be validly asserted in political deliberation. Political deliberation and legitimate political decision-making suffer if the public sphere is flooded with false claims such as that injecting bleach could treat Covid-19, for example, or that Brexit would generate a massive cash boost for the UK's National Health Service. Because epistemic norms of political deliberation are less well-understood than the other norms, I will focus on those norms in the rest of this chapter.

Epistemic norms of political deliberation can be generally, if somewhat vacuously, described as follows:

Epistemic Norm of Political Deliberation: Everything else equal, your contribution to political deliberation involving a politically relevant proposition p as a premise is valid iff p can be validly asserted in this context.

To illustrate the idea, the epistemic norm implies that the validity of your contribution that we shouldn't further enhance airport capacity when we need to limit carbon emissions to tackle the climate crisis because enhancing airport capacity leads to higher carbon emissions depends on whether you can validly assert (i) that we need to tackle the climate crisis (a normative claim) and (ii) that enhancing airport capacity leads to higher carbon emissions (an empirical claim).

The task in the rest of this chapter will be to clarify what can be validly asserted in political contexts and discuss different interpretations of the general norm. But before I get to this, it will be helpful to comment on the scope of this type of norm.

A first clarificatory comment concerns the importance of context. I stipulate here, without further argument, that what can be validly asserted might differ from one context to another. For example, I take it as a given that certain speculative claims can be validly asserted in a scientific context, but not necessarily in other contexts, e.g. in a context of policy-planning. The general form of epistemic norms of political deliberation factors in such differences by relativizing validity to context. In what follows, I will not discuss norms of assertion, in general. My focus will be exclusively on the epistemic norms that could apply in the context of political deliberation.⁵

A related comment concerns the heterogeneity of the public sphere. As I mentioned in the introduction, political deliberation comprises a wide variety of contributions – from parliamentary debates to Twitter threads and everything in between. Not all contributions are equally influential in shaping political decision-making and for some contributions the stakes are higher than they are for others. A political representative's contribution to parliamentary debate typically is more influential than the pamphlet of a small political interest group. And an incendiary Tweet spiked with false claims by President Trump is far more detrimental for well-ordered political deliberation than a similar Tweet by an anonymous contributor with no followers. It is likely that different epistemic norms apply in high-stakes and low-stakes contexts.⁶ While I lack the space to do this here, when it comes to developing a theory of the epistemic norms that should govern political deliberation, it will be important to spell out which norms apply in which political contexts.

⁵ My discussion is informed by the literature on the epistemology of practical reasoning – Brown (2008) has a helpful overview of the broader debate.

⁶ See Gerken (2011) on the general question of how norms of practical reasoning vary with what is at stake.

A further clarificatory comment concerns the relation between participation norms and epistemic norms of political deliberation. By stating the general form of epistemic norms as including necessary and sufficient conditions, I do not mean to imply that this type of norm determines the validity of contributions to political deliberation on its own. I prefaced the main part of the norm by an everything-else-equal clause to allow for room for other conditions for validity, including conditions that might have normative priority. Different conceptions of political legitimacy will understand the role of political deliberation in different ways and, as a result, prioritise different norms of political deliberation. For example, a strongly democratic conception of political legitimacy might give much more weight to inclusive political participation than to epistemic norms (e.g. Christiano 2008). By contrast, conceptions of political legitimacy that place more emphasis on getting to the right decisions, such as those drawing on Raz' normal justification thesis of political authority (Raz 1986), for example, might give more weight to epistemic norms instead.

The question of what conception of political legitimacy should inform our understanding of well-ordered political deliberation has to be settled elsewhere, and, with that, the question of what much weight epistemic norms should have in our account of well-ordered political deliberation.⁷ In this chapter, our main question, then is this. What can be validly asserted in political contexts, that is to say, what are plausible candidate epistemic norms for political deliberation?

⁷ In Peter (2020a) I develop a hybrid conception of political legitimacy that accommodates both the importance of well-informed political decision-making and of heeding normatively significant disagreements.

4. A truth norm of political deliberation?

A first candidate is a truth norm, which might look as follows:

Truth Norm of Political Deliberation: everything else equal, your contribution to political deliberation involving a politically relevant proposition p as a premise is valid iff p is true.⁸

This norm specifies that the validity of contributions to political deliberation is determined by the truth of the premises on which the contribution rests. In response to worries about post-truth politics and fake news, it might be tempting to think that political deliberation should be subject to a truth norm. The norm also gains support from ideas such as the importance of speaking truth to power. For example, the truth norm could lend validity to claims that struggle to get heard in political deliberation even though, and perhaps because, they report grave social injustices. Some claims about racist or sexist discrimination, for example, might gain validity independently of the hard evidence for such discrimination and of the entrenched disagreements about their seriousness that might surround them.

However tempting a truth norm might be, such a norm is not a plausible constraint on political deliberation. There are several problems with it. First, the norm is too demanding. The norm would rule out too many perfectly adequate contributions to political deliberation. Consider this contribution, for example: our best epidemiological models show that lockdown is required to minimise unnecessary deaths from Covid-19, therefore we

⁸ This norm draws its inspiration from the truth norm of assertions defended by Weiner (2005) and Whiting (2013).

should adopt a lockdown policy. I take it everyone will agree that there is nothing wrong with a contribution of this kind. But as the contribution itself highlights, while we have reason to believe the politically-relevant premise p on which it rests – lockdown being necessary to minimise deaths – it's not asserting a truth. And indeed, the premise may well be false. Scientific models tend to simplify and only focus on certain considerations. They give us good reasons for believing that something is the case, but they rarely give us truth (e.g. Cartwright 1983). If that's the right account of how scientific models explain, we have to conclude that what renders contributions to political deliberation that draw on scientific expertise valid isn't the truth of the premises on which the contribution rests. Instead, their validity derives from how scientific studies respond to the evidence. In general, as much political deliberation takes place in the realm of uncertainty about the circumstances of political decision-making and often involves assumptions that turn out to be false in hindsight, the truth norm would rule out too many contributions as not valid.

To be fair, the truth norm as I've stated it is quite strong. Weaker versions of this truth norm include either the necessity or the sufficiency condition, but not both.

Truth Norm of Political Deliberation_N: Your contribution to political deliberation involving a politically relevant proposition p as a premise is valid only if p is true.

Truth Norm of Political Deliberation_S: Your contribution to political deliberation involving a politically relevant proposition p as a premise is valid if p is true.

Can these weaker versions of the truth norm escape the demandingness objection? The necessity version can't as it says that only contributions that rest on true premises are valid. The sufficiency version of the truth norm can, however. As it only says that truth is sufficient for the validity of a contribution, not that truth is required, contributions that involve false premises might still be valid.

However, a further, related, problem with the truth norm also affects the sufficiency condition. The problem arises because truth is often inaccessible and the truth norm fails to effectively govern deliberation in circumstances where it is not self-evident which premises are true. The truth norm is silent on how political deliberation ought to respond to the scarcity of epistemic resources, so to speak. If the political context was characterised by an abundance of epistemic resources, such that true claims could easily be identified and distinguished from false claims, the truth norm would be appropriate. It would guide political deliberation towards the right political decisions. But the political context is very messy and complex, and political deliberation typically proceeds in conditions where it is unclear, to say the least, what the right political decisions are. An effective norm of political deliberation should thus not be silent on how to respond to available evidence, to disagreement, and to demands for reasoned justification for conflicting claims.

Because of its inability to guide political deliberation in circumstances of epistemic scarcity, a truth norm, and the sufficiency version, in particular, could end up supporting problematic recklessness in political deliberation and political decision-making.⁹ If contributions to

⁹ See Peter (2020b) for a longer discussion of this point. The recklessness worry, in a context of moral truths, also echoes Rawls' well-known worry that appeal truth-driven political deliberation is divisive (Rawls 1993).

political deliberation were valid as long as they are true, this would de-emphasise the need to provide evidential support for one's claims and to demonstrate that they constitute an adequate response to the inevitable uncertainty that surrounds much political deliberation and decision-making. Given epistemic scarcity, the possibility of making wrong, even very wrong, political decisions always looms large. And plausible norms of political deliberation should thus guide us in identifying better and worse responses to this epistemic predicament – something that the truth norm cannot do.

In this section, I have argued that political deliberation should not be subject to a truth norm because of the demandingness problem and the recklessness problem. To help stir political deliberation towards the right decisions and prevent it from supporting the wrong decisions, epistemic norms shouldn't just focus on the content of assertions, independently of whether it is accessible. Instead, they should focus on our political beliefs and anchor political deliberation in what we should believe about politically relevant normative and empirical facts.

The truth-norm is an example of a substantive epistemic norm. Substantive epistemic norms relate the validity of contributions to political deliberation involving a politically relevant premise p to first-order considerations bearing on assertions involving p . Procedural epistemic norms, by contrast, relate it to higher-order considerations. In the next section, I will discuss substantive epistemic norms that are alternatives to the truth norm. In the following section, I will discuss procedural epistemic norms.

5. Other substantive epistemic norms

My focus in this section is on substantive epistemic norms that relate the validity of contributions to political deliberation to the epistemic status, or value, of political beliefs. A first norm of this kind is a knowledge norm:

Knowledge Norm of Political Deliberation: Your contribution to political deliberation involving a politically relevant proposition p as a premise is valid iff you know that p .¹⁰

What should we say about the knowledge norm? I've already argued against the truth norm on the basis of it being too demanding. The knowledge norm, which, on a standard account of knowledge, requires that a premise is both true and believed (with some justification), is even more demanding and that suggests that we should not expect political deliberation to conform to knowledge norm. There are too many uncertainties in the political context to allow for a meaningful restriction of well-ordered political deliberation to what is known. Even the best scientific advice – the kind of advice we would want political decisions to be based on – tends not to consist of what is known but reflects a temporary broad consensus among scientists about what is justifiably believed in this regard. More generally, we typically neither know all relevant details of the situation we're in nor what the future holds, but political decisions need to be made and assessed anyway. As the Dutch prime minister Mark Rutte put the problem after the Covid-19 crisis broke out: "In crises like this, you have to make 100 percent of the decisions with 50 percent of the knowledge".¹¹

¹⁰ The knowledge norm draws (loosely) on Williamson (2000) and Stanley and Hawthorne (2008).

¹¹ See <https://nltimes.nl/2020/03/12/everyone-stay-home-sick-many-events-banned-dutch-government-tightens-coronavirus-rules>. I thank Jeroen de Ridder for the example.

While I believe that the demandingness problem rules out the knowledge norm as a plausible constraint on political deliberation, I want to point out that, compared to the truth norm, it has the advantage of not running into the recklessness problem. If valid contributions to political deliberation are restricted to claims that are based on what is known, then problematic political risk-taking is ruled out. For example, suppose it is known that a recently introduced social benefits scheme is causing involuntary homelessness and it is also known that there is an alternative scheme that is less harmful in this regard. A contribution to political deliberation, then, that argues for the reform of the current scheme based on the known fact of the alternative scheme's lesser harmfulness is not running a risk.

The example should also make clear, however, that much of political deliberation takes place in very different epistemic circumstances. We normally do not have knowledge of all the politically relevant premises. This suggests that plausible norms of political deliberation should be weaker than the knowledge norm.

A second substantive epistemic norm is a norm that requires that political deliberation is based on what is justifiably, or reasonably (Lackey 2007: 596), believed:

Justified Belief Norm of Political Deliberation: Your contribution to political deliberation involving a politically relevant proposition p as a premise is valid iff you are justified to believe that p .

This norm is distinctive as long as knowledge and/or truth are not required for a justified belief. A Justified Belief Norm, thus understood, is a much more plausible constraint on political deliberation than knowledge or truth norms.¹² It is less demanding than either of those norms because it accommodates the need for making assumptions in political deliberation that may, in hindsight, turn out to have been false. Under this norm, contributions that are based on recognised scientific expertise – as in the lockdown example – qualify as valid.

The Justified Belief Norm also helps to keep political recklessness in check. To be sure, it doesn't save us from grave political mistakes. What is justifiably, or reasonably, believed may well turn out to be very far off the mark. But it blocks contributions based on groundless beliefs and unwarranted confidence. In addition, the Justified Belief Norm helps to keep recklessness in check because it invites the interrogation of all contributions to political deliberation. If the validity of your contribution depends on whether you are justified to believe a politically relevant premise *p*, it is meaningful to ask you about that justification.¹³

While I take this feature of political deliberation subject to a Justified Belief Norm to be appealing, some might worry that it would go too far and subject political deliberation to too much unwarranted interrogation and even censorship. Who is well-placed to examine

¹² See Peter (2019) for a longer discussion of this norm of political deliberation and its significance for legitimate political decision-making.

¹³ I'll come back to this below when I consider whether political deliberation itself can have an effect on the justification for belief.

the justification of our beliefs? The problem will be particularly tricky for some of our moral beliefs.

In light of the censorship worry, it might seem advisable to retreat to an even weaker epistemic norm of political justification. The Justified Belief Norm, like the Knowledge Norm and the Truth Norm, are positive epistemic norms: they focus on what counts as a valid contribution to political deliberation. But epistemic norms can also be negative and focus on what is invalid. Consider the following norm, which rules out contributions to political deliberation based on obvious falsehoods:

Avoiding Obvious Falsehoods Norm of Political Deliberation: Your contribution to political deliberation involving a politically relevant proposition p as a premise is not valid iff p is obviously and demonstrably false.

A good example for a contribution to political deliberation that violates this norm is the obviously and demonstrably false claim that more people attended Trump's inauguration event in January 2017 than Obama's inauguration in 2009.

Because it only rules out contributions that involve obviously and demonstrably false premises, the falsity of which anyone can detect at very low cost to themselves and is accessible to everyone, the Avoiding Obvious Falsehoods Norm avoids the censorship worry. It is also most certainly not demanding. There is a concern that it might be demanding too little, of course, and whether that's a price worth paying for avoiding excessive censorship.

How does the Avoiding Obvious Falsehoods Norm fare in relation to the recklessness worry? Because it rules out as invalid contributions to political deliberation that wilfully ignore well-known threats and dangers, it does provide some shield against this worry. But it doesn't shield us as much from the recklessness worry as the Justified Belief Norm. The reason is that there is less pressure to ensure that a contribution to political deliberation is a best response to the available evidence.

Still, how much of a shield is this? Even the truth norm would rule out as invalid contributions to political deliberation that will-fully ignore well-known threats and dangers, so the Avoiding Falsehoods Norm isn't much help here. It might even fare worse than the Truth Norm in this regard because the Avoiding Falsehood Norm is negative and doesn't commit political deliberation to the aim of truth in the way that the Truth Norm does. So the recklessness worry looms large for the Avoiding Obvious Falsehoods Norm.

6. Procedural epistemic norms

In this section, I discuss procedural epistemic norms, which are concerned with how the political beliefs respond to higher-order evidence available in the form of the contributions from other participants in political deliberation. Procedural epistemic norms are important, above and beyond substantive norms, because they govern the process through which well-ordered political deliberation transforms political beliefs. The capacity of political deliberation to change political beliefs has been highlighted by John Stuart Mill, for example, captured in the somewhat unfortunate metaphor of the marketplace for ideas (Mill 1859). In the more recent literature, many deliberative democrats have argued that

the capacity of political deliberation to transform political beliefs through reasoned argument is a key feature of the legitimacy of democracy (e.g. Manin 1987: 352).

Well-ordered political deliberation ensures that all contributions are given the consideration they deserve. There are two concerns here. One is that valid contributions to political deliberation receive some uptake from other participants. The second is that the uptake they receive is not arbitrarily distorted by non-epistemic considerations such as membership in particular social groups.

We can capture the first concern in a responsiveness norm:

Responsiveness Norm of Political Deliberation: everything else equal, your contribution to political deliberation involving a politically relevant proposition p as a premise is valid iff you have appropriately adjusted your original confidence in p in response to political disagreements concerning p .

This norm captures a core idea of the epistemology of disagreements (Christensen 2007; Kelly 2010; Lackey 2010), which is that some of your disagreements with others have the capacity to change the justification you originally had for your belief and to put you under a normative expectation to adjust your belief. If this norm applies, the validity of contributions to political deliberation thus doesn't just depend on deliberation-independent

evidence for one's beliefs, it also depends on how participants respond to each other's contributions in political deliberation.¹⁴

In the general form in which I have stated it, the norm is compatible with different ways of spelling out what counts as an appropriate response and it can thus be fleshed out in different ways. As such, this norm is not vulnerable to most of the objections that have been raised against particular positions in the epistemology of disagreement. The reason for having such a norm is to secure some level of uptake and to rule out extreme forms of dogmatism, which would lead you to ignore the contributions of others, no matter how well-founded. But the norm doesn't imply that well-ordered deliberation always requires keeping an open mind. It leaves open, for example, whether only disagreements with people you regard as your epistemic peers have this capacity, or whether other disagreements have this capacity as well.¹⁵ It also leaves open whether disagreements with epistemic peers always require that you reduce confidence in your original belief or whether this is not so. In matters of public controversy, it is often difficult to separate out what one should believe about a particular political issue, whether it is Brexit, or climate change, or health care reform, and what one should believe about different contributors' abilities to assess the issue. This difficulty can remove pressures to conciliate and means that the Responsiveness is compatible with deep political disagreements.¹⁶

The second concern I mentioned above points to an epistemic justice norm. There are different forms of epistemic injustice, a key distinction being between distributive and

¹⁴ In Peter (2013) I captured this idea in a mutual accountability norm of deliberation.

¹⁵ An epistemic peer is someone that you regard as equally likely to form a correct belief regarding p.

¹⁶ See Christensen 2014 on this, as well as several contributions in Johnson 2018.

discriminatory forms of epistemic injustice (Fricker 2013). The former highlights problems in the distribution of epistemic goods such as education. The latter highlights problems with “identity prejudice” (Fricker 2007) in assessing the contributions of different epistemic agents. Epistemic agents are wronged if non-epistemic considerations such as someone’s social identify – their gender, race, or class, for example – are having an effect on their standing as epistemic agents.

Distributive epistemic justice is of instrumental value for well-ordered political deliberation and will also be an important aspect of properly fleshed out participation norms. Avoiding epistemic discrimination injustice, by contrast, is integral to the epistemic well-orderedness of political deliberation. Political deliberation is epistemically skewed if only the contributions of some groups of citizens are perceived as valid, on grounds of their social identify, and if those of others are discounted for non-epistemic reasons.

Here’s an attempt to capture the basic idea in a negative epistemic norm, i.e. a norm that focuses on how epistemic injustice undermines the validity of contributions to political deliberation:

Epistemic Justice Norm of Political Deliberation: everything else equal, your contribution to political deliberation involving a politically relevant proposition p as a premise is not valid iff your confidence in p is the result of discounting p -related testimony or disagreements because of identity prejudice.

The Epistemic Justice Norm says that well-ordered political deliberation refrains from denying some groups of citizens standing in relation to p on grounds to do with their social identity, not the epistemic status of their p-related belief. Epistemically well-ordered political deliberation doesn't silence some social groups on non-epistemic grounds. It factors in all p-related contributions as long as belief in p has a certain epistemic status or value.

The Responsiveness Norm and the Epistemic Justice Norm are two procedural epistemic norms that complement each other. Together they ensure that what counts as an appropriate response to political disagreements isn't biased by identity prejudice. For example, they rule out that judgments of who counts as an epistemic peer favour members of some social groups and discriminate against others. Whatever we might want to say about the substantive norms that should govern political deliberation, and there is room for controversy there, it seems to me that there is less room for controversy about these procedural epistemic norms, especially in the generic form in which I have presented them. Political deliberation that is riddled by discriminatory epistemic injustice and by a failure to respond adequately to political disagreements is not well-ordered. How exactly these norms should be fleshed out requires further research, however.

7. Concluding remarks

This chapter has discussed candidate epistemic norms of well-ordered political deliberation. Well-ordered political deliberation is conducive to legitimate political decision-making. Epistemic norms help ensure, minimally, that political deliberation isn't side-tracked by

claims that have no epistemic justification and, more ambitiously, that it responds appropriately to all epistemically justified claims.

As I have also explained, epistemic norms, although important, aren't the only norms to which political deliberation is subject to. In addition, there are participation norms, which regulate the inclusivity of political deliberation, as well as norms of good reasoning. An important task for a more comprehensive account of the norms of political deliberation, which has to be developed elsewhere, is to clarify how the different types of norms can fit together into a coherent normative framework for legitimacy-supporting political deliberation.

8. References

Bohman, James. "Survey Article: The Coming Age of Deliberative Democracy". *The Journal of Political Philosophy*: 6(4): 400-25.

Brown, Jessica. 2008. "Knowledge and Practical Reason." *Philosophy Compass* 3 (6): 1135 – 1152.

Cartwright, Nancy. 1983. *How the Laws of Physics Lie*. Oxford: Oxford University Press.

Chambers, Simone. 2017. "The Epistemic Ideal of Reason-Giving in Deliberative Democracy." *Social Epistemology Review and Reply Collective* 6(10): 59-64.

Christensen David. 2007. "Epistemology of Disagreement: The Good News." *Philosophical Review* 116: 187–217.

Christensen, David. 2014. "Disagreement and Public Controversy." In Jennifer Lackey (ed.), *Essays in Collective Epistemology*. Oxford University Press, pp. 142–164.

Christiano, Thomas. 2008. *The Constitution of Equality*. Oxford: Oxford University Press.

- Cohen, Joshua. 1986. "An Epistemic Conception of Democracy." *Ethics* 97(1): 26 – 38.
- Cohen, Joshua. 1989. "Deliberation and Democratic Legitimacy." In Alan Hamlin and Phillip Petit (eds.) *The Good Polity: Normative Analysis of the State*. New York: Blackwell, pp. 17 – 34.
- Cohen, Joshua. 1997. "Procedure and Substance in Deliberative Democracy." In James Bohman and William Rehg (eds.) *Deliberative Democracy*. Cambridge: MIT Press, 407 – 437.
- Estlund, David. 2008. *Democratic Authority*. Princeton: Princeton University Press.
- Fricker, Miranda. 2007. *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford: Oxford University Press.
- Fricker, Miranda. 2013. "Epistemic injustice as a condition of political freedom?" *Synthese* 190(7): 1317–1332.
- Gaus, Gerald. 2011. *The Order of Public Reason*. Cambridge: Cambridge University Press.
- Habermas, Jürgen. 1996. *Between Facts and Norms*. Transl. by William Rehg. Cambridge: MIT Press.
- Gerken, Mikkel. 2011. "Warrant and Action," *Synthese* 178(3): 529 – 547.
- Johnson, Casey Rebecca (ed.). 2018. *Voicing Dissent: The Ethics and Epistemology of Making Disagreement Public*.
- Kelly Thomas. 2010. "Peer disagreement and Higher-Order Evidence." In Richard Feldman and T. A. Warfield (eds.) *Disagreement*. Oxford University Press, Oxford, pp. 111–174.
- Lackey, Jennifer. 2007. "Norms of Assertion." *Noûs* 41(4): 594–626.
- Lackey, Jennifer. 2010. "A Justificationist View of Disagreement's Epistemic Significance." In Adrian Haddock, Alan Millar, and Duncan Pritchard (eds.) *Social Epistemology*. Oxford: Oxford University Press, pp. 298–325.
- Larmore Charles. 2008. *The Autonomy of Morality*. Cambridge: Cambridge University Press.

Manin, Bernard 1987. "On Legitimacy and Political Deliberation." *Political Theory* 15: 338 – 368.

Mansbridge, Jane; Hartz-Karp, Janette; Amengual, Matthew; and Gastil, John. 2006. "Norms of Deliberation: An Inductive Study." *Journal of Public Deliberation* 2(1), Article 7.

Mill, John Stuart. 1991. *On Liberty And Other Essays*. Edited by John Gray. Oxford: Oxford University Press.

Rawls, John. 1993. *Political Liberalism*. New York: Columbia University Press.

Parkinson, James and Jane Mansbridge (eds.) 2012. *Deliberative Systems*. Cambridge: Cambridge University Press.

Raz, Joseph. 1986. *The Morality of Freedom*. Oxford: Oxford University Press.

Peter, Fabienne. 2009. *Democratic Legitimacy*. New York: Routledge.

Peter, Fabienne. 2013. "The Procedural Epistemic Value of Deliberation." *Synthese* 190(7): 1253-1266.

Peter, Fabienne. 2019. "Political Legitimacy under Epistemic Constraints: Why Public Reasons Matter." In: Knight, Jack and Schwartzberg, Melissa, (eds.) *Political Legitimacy*. Nomos, Nomos Volume LX (61). New York: NYU Press, pp. 147-173.

Peter, Fabienne. 2020a. "The Grounds of Political Legitimacy." *Journal of the American Philosophical Association*, online first (DOI: <https://doi.org/10.1017/apa.2020.6>).

Peter, Fabienne. 2020b. "Truth and Uncertainty in Political Justification." In Elizabeth Edenberg and Michael Hannon (eds.) *Politics and Truth: New Perspectives in Political Epistemology*. Oxford: Oxford University Press, forthcoming.

Simmons, A. John. 2001. *Justification and Legitimacy*. Cambridge: Cambridge University Press.

Stanley, Jason and John Hawthorne. 2008. "Knowledge and Action." *Journal of Philosophy* 105 (10): 571 – 590.

Talis Robert B. 2009. *Democracy and Moral Conflict*. Cambridge: Cambridge University Press.

Weiner, Matthew. 2005. "Must We Know What We Say?" *Philosophical Review* 114: 227 – 251.

Williamson, Timothy. 2000. *Knowledge and its Limits*. Oxford: Oxford University Press.

Whiting, Daniel. 2013. "Stick to the Facts: On the Norms of Assertion." *Erkenntnis* 78: 847 – 867.

Bohman, James and Henry S. Richardson. 2009. "Liberalism, Deliberative Democracy, and 'Reasons that All Can Accept'." *Journal of Political Philosophy* 17(3): 253 – 274.