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The Epistemology of Deliberative Democracy

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Introduction

Deliberative democracy is a normative theory of democracy that centers on the claim that public deliberation is essential to the justification of democracy and the legitimacy of democratic decisions (see Chapter 27, Deliberative Democracy). Earlier interpretations of deliberative democracy thought of public deliberation as aiming at consensual decision making (Habermas 1996). But contemporary interpretations allow for the possibility of persisting dissent and thus leave room for aggregative mechanisms such as majority voting within the ideal of deliberative democracy.

A good part of the early literature on deliberative democracy has focused on moral arguments for or against deliberative democracy. These arguments have typically been divided into instrumental and non-instrumental arguments. A famous instrumental argument for (deliberative) democracy is that democratic institutions – a free press in particular – can prevent famines (Sen 1999). Non-instrumental arguments for deliberative democracy focus on procedural considerations – for example, on the right to be publicly treated as an equal (Christiano 2008). Moral arguments against deliberative democracy can also be divided into instrumental and non-instrumental categories, though the former (Arneson 2003; Wall 2007) are more common than the latter.

More recently, there has been an epistemic turn in the literature on deliberative democracy. The main question under debate is no longer whether we have moral reasons to make our political decisions in deliberative democratic fashion, but whether or not we have epistemic reasons to do so (Estlund 2008). This chapter on the epistemology of deliberative democracy aims to give an overview of this debate.

Just like the moral arguments, the epistemic arguments for or against deliberative democracy can be divided into instrumental and non-instrumental categories. While the instrumental arguments – both for and against deliberative democracy – dominate the literature, they are not the only type of epistemic argument one can make. This might sound surprising at first. One might be tempted to think that an epistemic argument for or against deliberative democracy will focus on the effects of deliberative institutions on the correctness of the beliefs people hold or on the decisions they make. It will therefore, necessarily, be an instrumental argument. But that would be too quick. Epistemic arguments need not center on the epistemic values realized by the outcomes of deliberative decision making. They can also focus on the epistemic virtues or vices that constitute the deliberative decision procedure.

This chapter will start with a brief characterization of deliberative democracy and contrast it with aggregative democracy. The next four main sections discuss, respectively, instrumental arguments for and against deliberative democracy and non-instrumental arguments for and against deliberative democracy.

The Deliberative Conception of Democracy

Democracy is an idea with many layers. Universal suffrage certainly forms one of those layers. Related political rights and liberties – such as freedom of association and freedom of the press – form others (see Chapter 25, Freedom of Association; Chapter 30, Freedom of Religion and Expression). In addition, there are all the moral and legal norms that one might link to a democratic culture, for example, norms of equal respect, non-discrimination, and so on.

The deliberative conception of democracy cuts across those layers. Joshua Cohen (1997) gives the following helpful characterization of deliberative democracy (see also Bohman 1996; Dryzek 2000; Elster 1986; Estlund 2008; Gutmann and Thompson 1996, 2004; Manin 1987; Young 2000, among others):

> The notion of a deliberative democracy is rooted in the intuitive ideal of a
> democratic association in which the justification of the terms and conditions of
> association proceeds through public argument and reasoning among equal
> citizens. Citizens in such an order share a commitment to the resolution of
> problems of collective choice through public reasoning, and regard their basic

institutions as legitimate in so far as they establish the framework for free public deliberation. (1997: 72)

On the deliberative conception of democracy, democratic decision making is based on public deliberation among free and equal citizens. The aim of public deliberation is to evaluate different policy proposals via a consideration of the reasons that support them. Public deliberation is not just public in the sense that these reasons are given in public – say in the media. It is also public in the sense that the reasons offered are potentially acceptable to others (see Chapter 27, Deliberative Democracy; Chapter 38, Applied Philosophy of Religion). For example, that a particular policy proposal will benefit me may be a reason for me to prefer it to alternatives, but this is not the sort of reason that as such will deserve much weight in the deliberation of others. What renders reasoning public is thus not simply the forum in which it takes place, but the accessibility of the reasons given for a particular view to people who might not share that view.

The emphasis on public deliberation is one of the features that distinguishes the deliberative conception from the aggregative conception of democracy (see Peter 2009 for a comparison of the two). The latter highlights the moment of voting. On that conception, democracy is primarily a tool to aggregate individual preferences or beliefs.

As mentioned, it would be wrong to think that there is no room for aggregative mechanisms such as majority voting in the deliberative conception of democracy. The larger the citizenry, the less likely it is that public deliberation will issue in a consensus. In addition, it is not even clear that deliberative democracy should aim at consensus (Gaus 1997). If dissent prevails, even after extensive deliberation, some form of aggregation will still be necessary to reach a decision. The main difference between the two conceptions of democracy is, thus, that the deliberative conception treats the transformative effect of public deliberation on preferences or beliefs as crucial for the justification of democracy and the legitimacy of democratic decisions, while the aggregative conception does not. Combining deliberative and aggregative components may not be straightforward, however, as Pettit (2001) and List (2006) have shown with their work on the "discursive dilemma" (see Peter 2009 for a discussion of this work).

The second main feature of deliberative decision making, besides public reasoning, is that the members of the democratic constituency acknowledge each other as equals. Political equality is, of course, a fundamental value of democracy; according to many, it is its most fundamental value. I follow Thomas Christiano's account and take it that democratic political equality means that the interests of each citizen should receive equal consideration in collective decision making (Christiano 1996: 53). On the aggregative conception, this requirement boils down to some principle of equal consideration of expressed votes and translates into the principle of "one person, one vote." On the deliberative conception of democracy, the ideal of political equality entails that citizens have equal opportunities to express their interests in the democratic decision-making process and this process combines public deliberation and voting.

Political equality in deliberative democracy is a much more demanding ideal than in aggregative democracy, as opportunities to participate in public deliberation depend on a host of factors. For public deliberation does not take place in an isolated political forum but has multiple centers and even more satellites (e.g., Lafont 2014). Deliberation takes place in parliaments, government councils and committees, media, political parties and other political associations, lobbying networks, families and circles of friends, and increasingly, of course, the Internet. As a result, participation in deliberation is influenced by a wide range of social and economic factors. This implies that in deliberative democracy, the ideal of political equality is a strong one since it must include within itself some requirements of social and economic equality as well.

Both the idea of public deliberation and the idea of strong political equality have obvious moral connotations (e.g., Christiano 2008; Larmore 2008). But, whatever one might want to say about deliberative democracy on moral grounds, an evaluation of deliberative democracy that brackets the epistemic dimension would be incomplete. The rest of this chapter reviews epistemic arguments for and against deliberative democracy.

Instrumental Arguments for Deliberative Democracy
In *On Liberty*, John Stuart Mill famously defended public deliberation – the marketplace of ideas, as he called it – as a tool to eliminate wrong opinions and to help correct beliefs to prevail (Mill 1859/1998; see Chapter 11, Freedom of

Expression, Diversity, and Truth). He argued that the attempt to constrain public deliberation can hinder the search for truth if the censured opinions include true beliefs. In addition, if there are elements of truth in both sides of a disagreement, free public deliberation is necessary to distill the correct view from the partially true ones. Finally, even if censuring would not eliminate true beliefs from the public deliberation, it is still beneficial to keep up a pressure to defend one's view to dissenters in order to combat dogmatic tendencies that could breed more false beliefs.

Although there is much that is appealing in Mill's view, he may have been overly optimistic about the power of public deliberation to further the search for truth. I will come back to this point below, when I discuss instrumental arguments against deliberative democracy. But what reasons do we have to think that (deliberative) democracy can further the search for truth?

Many have thought that the Condorcet jury theorem (CJT) provides a robust epistemic defense of democracy. In its original formulation (Grofman and Feld 1988), the CJT focuses on two alternatives, one of them being the correct decision (List and Goodin 2001 extend the theorem to the case of more than two alternatives). The CJT says that if each voter is more likely than not to be correct (competence condition) and each votes independently of the others (independence condition), then a majority is more likely to be correct than a single individual, and the probability that a majority will vote for the correct outcome increases with the size of the body of voters. If the size of the constituency approaches infinity, the probability that the majority will be correct reaches 1. In other words, as long as the CJT applies, it appears that large groups are virtually infallible.

The CJT is in the first instance formulated for aggregative democracy. Can it work in the context of deliberative democracy? This raises difficult questions about the way in which deliberation affects the two conditions that drive the CJT, the competence condition and the independence condition.

One avenue that has been explored is to argue that public deliberation improves the competence of the citizens by facilitating the exchange of reasons and information about the correct outcome. The aim of this argument is to show that, compared to majority voting without deliberation, deliberative decision making has a higher probability that the correct outcome will be chosen (Estlund 1989; Waldron 1989).

There are two main problems with this argument. One is that public deliberation may have the opposite effect – it might make the citizens less likely to be correct. I will come back to this point in the next section, when I discuss group polarization and related effects. The second, and more serious, problem is that the sharing of information and the exchange of arguments for different proposals will, if they have an effect on citizens' opinions at all, good or bad, undermine the independence condition. If the independence condition is violated, the optimistic results of the CJT do not obtain (e.g., Dietrich and Spiekermann 2013).

A general problem with epistemic defenses of democracy that draw on the original formulation of the CJT is that they appear to demand too much deference from those who dissent with the majority view (e.g., Anderson 2006; Estlund 1997; Goodin 2003). Even if we assume that the conditions for the CJT are satisfied, is it appropriate to claim that we should change our minds if it turns out that we are in the minority? The problem is the result of a missing feedback loop back to individual beliefs. The CJT, which focuses on the question of what the probability is that a majority will choose the correct outcome, does not specify what the rational response is to a particular outcome. To correct for this missing feedback loop, Goodin (2003) has provided a Bayesian reformulation of the CJT. This reformulation centers on the following question (Goodin 2003: 11): "What is the probability that outcome K is right, given the fact that the majority has chosen K?" This reformulation has the merit of providing a basis for judging when deference to the majority view is rationally required.

David Estlund (2008) pursues a different argumentative strategy in defense of democracy. His argument is epistemically more modest as it does not rely on a claim that a democratic majority is infallible or nearly so, or that we have reason to defer to the majority opinion. Instead, it focuses on the comparative merit of democracy relative to epistocracy – the rule by experts. The problem with epistocracy, he argues, is that there can be reasonable disagreement about who the experts are – Estlund calls this the problem of invidious comparisons (2008: 36). But ruling out epistocracy in favor of democracy does not entail that epistemic considerations are irrelevant to the justification of democracy and the legitimacy of democratic decisions. Epistemic considerations still play a role in selecting among alternative democratic decision-making procedures, Estlund argues. As long as it can be shown that a democratic decision-making procedure – for example, some deliberative democratic constitution

– is epistemically the best among those democratic decision-making procedures that are better than random, then the decisions that this procedure yields are legitimate (2008: 8).

Estlund's epistemic defense of democracy accepts that a group of experts – if only we could reliably identify them – would make better decisions than the democratic collective. Hélène Landemore challenges this assumption. Her epistemic defense of deliberative democracy appeals to the "wisdom of the crowds" (Surowiecki 2004) idea already present in the CJT, but draws on Lu Hong and Scott Page's work on cognitive diversity (Hong and Page 2004; Landemore 2013; Landemore and Page 2014; Page 2007). While the CJT works even with homogeneous voters (as long as they are minimally competent and vote independently of each other), Landemore's defense of deliberative democratic decision making rests on public deliberation's capacity to bring a variety of perspectives to bear on a decision problem (see also Bohman 2006). Public deliberation in a diverse group can draw on a broader spectrum of perspectives than a small group of experts and is thus less at risk of not considering the perspective that can yield the correct decision (see Chapter 11, Freedom of Expression, Diversity, and Truth; Chapter 27, Deliberative Democracy). As a result, she argues, we can expect a deliberative public to outperform a small group of experts. As Landemore is aware, one problem with this approach is that it only appears to work for some types of decisions – problem-solving cases and predictions. As many democratic decision problems do not appear to be of this type, there is a question of how much scope there is for diversity arguments. Another problem is that the sort of diversity that is epistemically required to yield correct answers need not be the sort of diversity that inclusive deliberative democratic decision making would entail. The "diversity trumps ability" theorem may thus not support democracy.

Instrumental Arguments against Deliberative Democracy
The main instrumental arguments against deliberative democracy highlight the adverse effects of collective dynamics on the beliefs people hold or on the decisions they tend to make. Important phenomena in this context include information cascading and group polarization.

Cass Sunstein has done the most influential work on this issue (see Chapter 27, Deliberative Democracy). He distinguishes between informational and reputational effects in public deliberation. Informational effects relate to the capacity of the collective deliberative process to transmit information from participant to participant. Reputational effects relate to the desire to be esteemed by other participants. Such effects, on their own or in interaction with each other, may be epistemically harmful if they lead people to abandon initially correct private beliefs in favor of the incorrect opinions of others.

Sunstein (2003) discusses three phenomena that might arise as a result of such informational and reputational effects and argues that there is strong empirical evidence to suggest that all three regularly occur in group deliberation. The first phenomenon is conformity. It leads people to abandon private beliefs and ignore relevant evidence and to adopt the belief of a majority, or of a particularly forceful participant, out of a desire to not to stand out. Conformity only occurs when there is deliberation – not when the members form their judgments individually, in isolation from each other. Pressure to conform increases when the group members are less than fully certain about their original beliefs. Conversely, there appears to be less pressure to conform in relation to group members that are perceived to be from a different social group, at least as long as this social group is not perceived to be of higher status.

Informational cascades are at the core of a second phenomenon. Informational cascades have been studied by economists (e.g., Banerjee 1992; Bikhchandani, Hirshleifer, and Welch 1992). The term refers to a collective dynamic in which the judgment of a small subgroup is taken by another subgroup to be evidence in response to which the members of that subgroup adjust their beliefs, and this, in turn, is evidence for further subgroups, and so on. For example, if some doctors are seen by others to prescribe treatment A for condition x, other doctors, deciding later, may take that as evidence that treatment A is the correct treatment for condition x. The bigger the group of doctors that has already prescribed treatment A, the stronger the signal for any one doctor contemplating what to prescribe for condition x that treatment A is the correct treatment. The judgment of the initial group can in this way acquire great influence on subsequent decisions, even if this initial judgment was false and treatment B would, in fact, be the correct treatment.

Group polarization, finally, denotes the tendency of a deliberating group to converge on positions that are biased toward the more extreme end of the spectrum of views held prior to discussion. This phenomenon is related to information cascades

and results from a combination of informational and reputational effects. Reputational concerns reinforce the effects of information cascades and end up crowding out epistemic concerns, with detrimental epistemic consequences. There is strong evidence from jury trials that jury deliberations are affected by group polarization – post-deliberation, juries tend to converge on one of the more extreme views that were articulated at the beginning of the deliberation.

While the evidence for these effects comes primarily from group deliberation in contexts other than democracy, it is easy to see how such effects could undermine a defense of deliberative democracy. How serious is the threat to deliberative democracy? First, note that groups of experts are not immune to such effects either; decision making by groups of experts is thus no safeguard against group polarization. Sunstein (2003: 166ff.) describes how the voting behavior of judges depends crucially on who the other judges are. Three like-minded judges tend to vote for more extreme views than panels of judges divided by ideological differences. Second, there might be safeguards within deliberative democracy against these effects. As Sunstein has shown, group polarization only occurs in an environment where there is insufficient criticism – where the "pool of arguments" is overly shallow. This ties in with the defense of deliberative democracy as a tool to harvest the epistemic benefits of diversity (Bohman 2006; Landemore 2013; Young 2000).

A further important consideration in this regard is that adjusting our beliefs in response to the claims made by others need not, by itself, be epistemically condemnable. Sunstein has done important work documenting the problematic aspects of this tendency, especially in light of social influences such as reputational effects. But we shouldn't overlook the possibility that, in some cases, at least, there are good epistemic reasons to be responsive to the claims made by others. In Peter (2013), for instance, I deploy the epistemology of peer disagreements to show that there can be procedural epistemic value in deliberating with others and adjusting one's beliefs in light of the others' claims. This brings me to my next topic – non-instrumental defenses of deliberative democracy.

Non-instrumental Arguments for Deliberative Democracy
Non-instrumental defenses focus on the epistemic virtues that characterize deliberative decision-making procedures. One group of such defenses is inspired by pragmatist philosophy. Elizabeth Anderson (2006) follows John Dewey in advocating public deliberation as an experimental process that is constitutive of good decisions, that is to say, not just a tool to reach procedure-independently defined correct decisions.

Dewey dismisses what he calls the "spectator theory of knowledge," which conceives of knowledge as of fixed objects which exist independently of the knowers. Instead, he conceives of knowledge in relation to the solution of problems that affect people's lives and of the process of inquiry as constitutive of epistemic value (Dewey 1927: 163). Focusing first on science, Dewey argues that scientific inquiry is characterized by a sustained attempt to improve people's living conditions through experimental interaction with the – natural and social – environment. Dewey then extends this epistemology to the theory of democracy, rejecting any principled distinction between scientific inquiry and inquiry in other spheres. According to him (1939/1998: 343):

]ex[Democracy as compared with other ways of life is the sole way of living which believes wholeheartedly in the process of experience as end and as means; as that which is capable of generating the science which is the sole dependable authority for the direction of further experience … For every way of life that fails in its democracy limits the contacts, the exchanges, the communications, the interactions by which experience is steadied while it is also enlarged and enriched.

Only when inquiry is conducted in such a way that all can take part and contribute to the attempt to solve common problems and test proposed solutions is knowledge its product. Deliberative democracy is thus the form of life that enables this inquiry. This, very roughly, is Dewey's epistemic defense of democracy.

Although intuitively appealing, there is a question of how a Deweyan epistemology relates to more orthodox epistemology. Robert Talisse's epistemic defense of deliberative democracy (Talisse 2009), while also influenced by American pragmatism, has the advantage of being closer to orthodox epistemology. Talisse's argument starts from a simple premise: anyone who holds beliefs is aiming at the truth. As such, they have to be committed to being responsive to evidence and to subjecting their beliefs to an exchange of reasons as it might occur in deliberation with others. On that basis, Talisse argues, people are committed to favoring social

institutions that best realize responsiveness to evidence and the deliberative exchange of reasons. Some version of deliberative democracy will best realize this aim, he adds, and thus he concludes that, on epistemic grounds alone, we should all be committed to deliberative democracy.

This defense of deliberative democracy highlights the non-instrumental epistemic value of democracy because it does not defend democracy on the basis of the epistemic quality of the decisions it yields. Instead, it defends deliberative democracy on the basis of its procedural properties directly (see also Misak 2000). It is appealing because it starts from only very minimal premises – that beliefs aim at truth and that aiming at truth entails a commitment to responsiveness to evidence and to the exchange of reasons. It is questionable, however, whether accepting this starting point does indeed commit one to deliberative democracy in the way in which Talisse claims. The question arises because Talisse interprets responsiveness to evidence and the willingness to participate in the exchange of reasons in ways that support deliberative democracy. The problem is that different systems of epistemic norms might pick out different considerations as evidence and differ with regard to which considerations count as reasons. If there can be reasonable disagreement about epistemic norms, then the commitments to truth, responsiveness to evidence, and to the exchange of reasons need not suffice to support deliberative democracy (Jønch-Clausen and Kappel 2014).

Still, I think Talisse is right to focus on the non-instrumental value of deliberative democratic decision making. A related, but less ambitious, defense of deliberative democracy casts it as the appropriate method in circumstances where we do not know what the correct decision is. That is to say, instead of elevating deliberative democracy to an ideal of rational inquiry, this approach sees it as the fallback solution for those decision problems in which expert knowledge cannot be relied on. These circumstances arise when there is a persistent, reasonable disagreement about some policy-relevant claims.

The basic idea of this approach, which is the one I am drawn to, is simple and can be illustrated with a contrast between the following two stylized cases. In the first case, a town has to decide whether or not to build a bridge over the river that runs through it. Suppose that the only relevant consideration is whether the planned bridge is stable. Suppose also that there is a town engineer who is, everyone agrees, able to competently make that judgment. In this case, it seems quite clear that the decision

about whether or not to build the bridge should be made by the town engineer. On epistemic grounds at least, democratic decision making would at best be redundant and at worst harmful.

Contrast this case with a case in which there is no equivalent to the town engineer to rely on to make the decision on behalf of the citizenry. Such a case obtains when the experts themselves are divided by a reasonable disagreement. Think, for example, of a debate on whether or not to increase the minimum wage, given possible effects on unemployment. Suppose the experts have considered and debated the available evidence, how to analyze it, and what conclusion to draw from it, but they find themselves in a persisting disagreement. Suppose also that no one in the citizenry is epistemically better off – those who participate in the debate at all find themselves on one side or the other of the divide. In a situation like this, I contend, it seems appropriate to conclude the debate with a vote from the whole citizenry. Some form of deliberative democracy is thus the right procedure in those cases where reasonable disagreement impedes decision making by experts – or so I have argued (Peter 2015).

Non-instrumental Arguments against Deliberative Democracy
Finally, there are also non-instrumental epistemic arguments against deliberative democracy. The main argument in this category is an argument that treats the inclusiveness to which any democratic form of decision making is committed as an epistemic vice in itself, because inclusiveness is in tension with the epistemic virtue of discriminating between those with and those without epistemic authority in a certain matter.

The best developed argument of this kind is from Jason Brennan (2011, 2012). Brennan argues that universal suffrage is intrinsically more unjust than restricted suffrage because the former violates what he calls the "competence principle": "It is unjust to deprive citizens of life, liberty or property, or to alter their life prospects significantly, by force and threats of force as a result of decisions made by an incompetent or morally unreasonable deliberative body, or as a result of decisions made in an incompetent and morally unreasonable way" (Brennan 2011: 704).

The competence principle and what it entails for democracy is best explained in contrast to Estlund's claim that the fact that some citizens have greater epistemic authority on some policy-relevant issues does not justify giving them greater political

authority. In fact, to assume that greater epistemic authority is sufficient for greater political authority is to commit the "expert-boss fallacy": "[political] authority does not simply follow from expertise. … You may be correct, but what makes you boss?" (Estlund 2008: 3). Estlund's argument is based on the invidious comparisons problem I mentioned earlier. The justification of political authority, he thinks, also needs to pass a "qualified acceptability" condition – all reasonable persons must be able to agree on a certain collective decision-making procedure. A deliberative democratic decision-making process that reliably (though not infallibly) makes correct decisions will pass this hurdle, but epistocracy will not.

Brennan turns this argument on its head: he is not concerned with justifying giving more political authority to those who have more knowledge, but with arguing against the right of those who lack knowledge to exercise political authority. The competence principle that forms the basis of his argument against democracy is a version of what he calls the "anti-authority tenet": "when some citizens are morally unreasonable, ignorant or incompetent about politics, this justifies not granting them political authority over others" (Brennan 2011: 713). This argument is not vulnerable to an objection based on the expert-boss fallacy because it claims that whatever else is necessary for political authority, some minimal competence is also required. Those who do not pass this threshold should not be allowed to exercise political authority.

Importantly, Brennan does not argue that it is wrong for incompetent citizens to vote because they make the wrong choices. It is wrong for them to do so because decision making by an incompetent electorate is the wrong way to make decisions. This feature of Brennan's argument makes it a non-instrumental argument against democracy.

Brennan focuses on the case of voting. Does the argument also apply to the deliberative process? The actual deliberative process of democratic societies is, of course, riddled with unfounded opinions. The current climate change debate is a good example of this, as is the debate on mandatory vaccinations. These examples suggest that public deliberation is at least vulnerable to incompetence and that an analogous argument for the exclusion of some participants might apply.

A countervailing consideration is the following. As mentioned, deliberative democracy is often defended on the grounds that it enables a learning process. For an advocate of deliberative democracy, the main question is thus not whether citizens are incompetent – that is, lack relevant political knowledge at a given point in time – but

whether they lack the cognitive resources to acquire enough political knowledge. Talisse (2004, 2009), for example, defends deliberative democracy against the public ignorance objection along those lines. He accepts that the empirical evidence documents widespread political ignorance in countries such as the United States, for example (see Chapter 7, Information Markets). But he argues that these studies do not show that citizens lack the cognitive resources to learn through deliberative processes and that there is positive evidence to show that they can acquire political knowledge in this way.

Concluding Remarks

This chapter has reviewed different types of epistemic argument for and against deliberative democracy. Arguments that draw on the epistemic benefits of diversity provide an important type of instrumental defense for deliberative democracy. But arguments that draw on group polarization effects show that deliberative processes may, under some circumstances, have worse epistemic outcomes than non-deliberative decision-making processes. Instrumental arguments for or against deliberative democracy are not the only relevant type of argument, however. This chapter has argued that the assessment of deliberative democracy should also consider the deliberative process directly and whether this way of making collective decisions is epistemically virtuous or vicious.

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