TOWARDS A HARMONY OF EPISTEMIC AND POLITICAL VIRTUES

KA USKLAĐENOSTI EPISTEMIČKIH I POLITIČKIH VRLINA

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DELIBERATIVE EPISTEMIC INSTRUMENTALISM, OR SOMETHING NEAR ENOUGH

ABSTRACT
In her book *Democracy and Truth: The Conflict between Political and Epistemic Virtues*, Snježana Prijić Samaržija advocates a stance that not only political, but also epistemic values are necessary for justification of democracy. Specifically, she mounts defense for one particular type of public deliberation on epistemic grounds. In this paper, I will discuss the following issue: What connects this type of public deliberation to the wider context of (epistemic) justification of democracy? I will attempt to explain why Prijić Samaržija's stance can be understood as a version of deliberative epistemic instrumentalism and to discuss the role played by the public deliberation within this framework.

In her book *Democracy and Truth: The Conflict between Political and Epistemic Virtues*, Snježana Prijić Samaržija advocates a stance that not only political, but also epistemic values are necessary for justification of democracy. Specifically, she mounts defense for one particular type of public deliberation on epistemic grounds. In this paper, I will discuss the following issue: What connects this type of public deliberation to the wider context of (epistemic) justification of democracy? In the first part of the paper, I analyze the meaning of the term democracy and introduce a distinction between proceduralist and instrumental justification of democracy. The second part of the paper introduces and discusses the distinction between proceduralist and epistemic justification of democracy. The third part explores the conception of deliberative epistemic instrumentalism that, in my view, underlies the conception of the public deliberation procedure advocated by Prijić Samaržija.

1.

Various types of justification have been furnished in connection with democracy. The problem however is that they also pertain to various types of defining

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democracy. Let us start with the basic definition of democracy as a collective decision-making procedure (Dahl 1989: 5):

Democracy $=_{df}$ The procedure of binding collective decision-making.

Considering that democracy is conceived of procedurally, it is possible to further specify what is a democratic procedure. Brian Berry thus says that democratic procedure is "a method of determining the content of laws (and other legally binding decisions) such that the preferences of citizens have some formal connection with the outcome in which each counts equally" (Barry 1991: 25). The discussions concerning justification of democracy mostly pertain to democracy as a procedure of collective decision-making treating all citizens equally (Christiano 2008). In connection with justification of democracy, two questions arise. The first question is whether democracy is justified in the sense that it should be preferred over non-democratic forms of decision-making.[1] The second question is whether justifiedness of democratic decision-making procedure is sufficient or justification of democracy also has to include procedure-independent values. Even if the first question is answered positively, there can still be a disagreement among those who conceive of democracy as a fair procedure enabling all to have an equal possibility of influence on the outcome of decision-making and those who conceive of this procedure as a means for arriving to good outcomes or the best results.

In the first case, we speak about proceduralist justification of democracy and in the second case, about instrumental justification of democracy. According to the instrumental conception, a fair procedure is not sufficient for justification of democracy, instead, some procedure-independent standards are also required, on the basis of which outcomes can be assessed. This conception attaches decisive importance to consequences ensuing from the decision-making procedure (Arneson 2003: 130). Thus even if the question whether democratic decision-making procedure should be preferred over non-democratic decision-making is answered positively, the question remains whether justification of democracy should be purely procedural or instrumental.

The instrumental type of justification points to a broader conception of democracy according to which it is not only a procedure of collective decision-making, but also a set of institutions and practices that can be termed a democratic system. According to this type of justification, if additional institutions such as a constitutional court could contribute to correct the results of a collective decision-making procedure so as to make them more in keeping with the procedure-independent standards (fundamental rights and freedoms), then such institutions are also justified. A narrower understanding of democracy as a collective problem-solving is also possible that does not necessarily pertain to a specific formal procedure of collective decision-making or any specific institution. So, both institutional and non-institutional democratic

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1   In this paper, I shall not consider the first question and instead a positive answer is already assumed. For the arguments, see: Dahl 1989, Estlund 2008.

problem-solving is possible. In any case, it is important to point out that justification of democracy usually pertains to democracy conceived as a procedure of collective decision-making. As such, it must be differentiated from justification of a democratic system and justification of democratic problem-solving.

In order to see the differences between these conceptions, let us start with the democratic system. Within a democratic system, it can be justified that a greater role should be given to those who are more competent in order to ensure arriving to better outcomes (as in the case of decisions by a constitutional court when laws are overturned that do not abide by the constitution). This does not necessarily mean giving up on usual fair decision-making procedures that serve to enact laws in the parliament, but complementing them with other institutions in order to ensure better functioning of a democratic system.

However, conceiving of a democratic system in line with instrumental type of justification can go much further than that. Arneson even holds that if "severe competency requirements", should lead to best results, then giving up on equal voting rights should not be problematic (Arneson 2003: 130). The obvious problem with this more strongly instrumentalist stance, however, is that in this case, fair procedures are not at all necessary for a democratic system. Moreover, in this conception, a democratic system can be justified even if a fair decision-making procedure treating all citizens equally is fully rejected (Arneson 2003: 130). This, however, begs the question what makes such a system democratic.

In terms of problem-solving, it is usually also assumed that those who are more competent have a greater chance to contribute to best solutions. In this context, however, a question arises what makes democratic problem-solving justified? Aristotle held that multitude of people, combining their knowledge, can in some domains possess greater knowledge than experts (Aristotle 1998: 83).[2] However, democratic problem-solving does not necessarily preclude the possibility that experts should take part, as long as citizens are also included in the process.

In any case, it should be clear that justification of democracy is distinct from justification of a democratic system and justification of democratic problem-solving. Let us illustrate this point by taking into account a particular procedure of collective decision-making. Given that laws in representative democracies are usually enacted by elected representatives, fair voting procedure is considered necessary for election of these representatives. Even if within a democratic system it can be justified that an institution should be able to correct laws enacted by representatives if they conflict with basic constitutional elements, it cannot be justified that any person or institution should decide in the name of citizens who elected representatives should be or that anyone should be treated unequally in that process. This is precisely what justification of democracy essentially refers to. On the other hand, justification of democracy is also distinct from justification of democratic problem-solving. Namely,

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2   For reaffirmation of this stance in the contemporary context, see: Landemore 2012.

the basic role of citizens in electing representatives can hardly be viewed as problem-solving. Even if democratic problem-solving is in some domains justified, it does not have the necessary connection with justification of democracy conceived as a collective decision-making procedure.

2.

Justification of democracy can be either proceduralist or epistemic. According to proceduralist conception, democracy is justified because it provides free and equal access to a collective decision-making procedure to all citizens. Proponents of epistemic justification criticize this conception for not furnishing any criterion for differentiating correct from incorrect outcomes of democratic decision-making. In any case, epistemic conception of democracy usually presupposes a procedure-independent standard of correctness for assessing outcomes (Cohen 1986: 34). A classical stance in this respect is epistemic instrumentalism. According to this view, a procedure of democratic decision-making is valuable because it leads to correct outcomes. It has usually been argued that majority voting is one such procedure. So classical epistemic instrumentalism presupposes not only that there is a procedure-independent standard, but also that majority voting is fully reliable procedure for the realization of that standard.

Even though democracy is mostly associated with the majority rule, our starting definitions of democracy and democratic procedure include the possibility to specify it as a procedure of public deliberation or a combination of public deliberation and voting. More recently, a stance has gained ground that some kind of deliberative democracy is necessary for democratic legitimacy (Cohen 1997; Manin 1987). If citizens themselves have the possibility to discuss laws that affect them, then it seems that such a procedure is justified to a greater extent than the one in which they only have the right to vote. Obviously, the procedure of public deliberation in addition to free and equal access to a decision-making forum should also satisfy the reasonableness requirement, namely be based on the exchange of reasons for or against the proposal being debated (Cohen 1997). Even though it had initially been defended on procedural grounds, deliberative democracy is increasingly becoming an epistemic conception (Martí 2006). According to an epistemic conception of deliberative democracy, if the exchange of reasons is to make sense, it must be assumed that some reasons are better than others, which again assumes that there is a procedure-independent standard of correctness (Estlund 1997: 179).

But this does not mean that conception of epistemic instrumentalism is necessary for an epistemic justification of public deliberation. Unlike the classical stance of epistemic instrumentalism, the framework of epistemic proceduralism can be more adequate both for epistemic justification of democracy and for epistemic justification of the public deliberation procedure. Namely, it is not necessary for epistemic justification of democracy that the procedure be fully reliable means for achieving procedure-independent values; what suffices is that it should have a tendency to lead to correct outcomes (Estlund 2008:

8, 107). One of the consequences of epistemic proceduralism is that the public deliberation procedure (or a combination of the public deliberation procedure and voting) can be expected to have the tendency to lead to correct outcomes or at least avoid some very bad outcomes to a greater extent than alternative democratic procedures.

What has been said so far could be summarized in the following way. First, justification of democracy refers to whether democracy - understood as a collective decision-making procedure - is justified to a greater extent than non-democratic ways of decision-making. Even if we presume that it is, the question still remains whether for its justification intrinsic fairness of procedures themselves should be essentially important or it should only be important that they are means for achieving some procedure-independent values. The answers to the second question are usually differentiated into proceduralist and instrumental justification of democracy, which, of course, does not preclude the possibility of combining these two stances. We have seen that justification of democracy can also have an epistemic dimension, by holding that independent standards as well as procedures of democratic decision-making can have epistemic value. A classical type of justification in this regard is epistemic instrumentalism. Critics have rightly pointed out that epistemic instrumentalism is too epistemic for the purpose of justifying democracy and its authority. Unlike epistemic instrumentalism, the stance of epistemic proceduralism does not require that correctness of outcomes is the necessary and sufficient condition for democratic legitimacy and authority of democracy (ibid: 98).

Second, once we have answered the question what makes democracy i.e. a collective decision-making procedure justified in principle, it remains to answer the question which particular decision-making procedure is the most adequate in the normative sense. The view most commonly held was that the majority voting was the most adequate procedure both in purely proceduralist and in epistemic regard. However, this dominant view has been challenged recently and significance of the public deliberation procedure is being increasingly emphasized. As we have seen, the importance of public deliberation is defended both on proceduralist and epistemic grounds.

3.

In her book *Democracy and Truth: The Conflict between Political and Epistemic Virtues*, Snježana Prijić Samaržija defends the view that can be termed deliberative epistemic instrumentalism.[3] In her view, justification of democracy must

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3   It is noteworthy that at one point in her book, Prijić Samaržija distances herself from the stance of epistemic instrumentalism (ibid: 152). However, given that she rejects both pure proceduralism and epistemic proceduralism and accepts the importance of procedure-independent epistemic values and that the procedure must be a fully reliable device for realization of these values, the only possibility left is to understand her stance as the one of epistemic instrumentalism or something near enough.

have an epistemic dimension. She maintains that in this regard it is necessary to take into account some procedure-independent epistemic values and epistemic significance of the decision-making procedure. However, in contrast to epistemic proceduralist view, but also in contrast to classical epistemic instrumentalism, Prijić Samaržija propounds a view that basic procedure-independent value that has to be taken into account for epistemic justification of democracy is truth. On the other hand, in contrast to epistemic proceduralism, and in keeping with classical epistemic instrumentalism, she argues in favor of a view that procedures must be fully reliable means for arriving to truth. In her view, only one such stance can adequately account for epistemic dimension of justification of democracy, without reducing epistemic to political values.

However, it should be pointed out that Prijić Samaržija defends her version of epistemic instrumentalism in the context of justification of certain type of deliberative democracy, that is, certain procedure of public deliberation. For that reason, I termed this conception deliberative epistemic instrumentalism. She claims that her "primary aim is to determine which forms of deliberative democracy and public debate optimally support the production of epistemically desirable decisions while being ethically/politically justified" (Prijić Samaržija 2018: 101). We have seen that in the framework of justification of the public deliberation procedure, special significance is attached to purely procedural values of freedom, equality and reasonableness. However, we have also seen that some procedure-independent standards of correctness were necessary in order to make a difference between good and bad reasons. Prijić Samaržija makes several proposals for justifying the type of public deliberation she advocates. First, the basic procedure-independent standard is truth (even though other standards such as correctness or problem-solving can also be taken into account as epistemic values).[4] Second, the balance between epistemic value of truth and political values of freedom and equality, is struck through the public deliberation procedure. Third, in order to achieve a proper balance of these values and to make the procedure of public deliberation a fully reliable means for arriving to truth, a division of labour must be made between experts and citizens. In short, citizens are the ones who should define goals, while experts should bring decisions about the best possible means for their realization (ibid: 112).

Considering that Prijić Samaržija defends such public deliberation procedure in the context of justification of democracy, the question arises which meaning of democracy she takes into account. If we revert to various types of justification of democracy, we have discussed in the first part, it seems that her version of deliberative epistemic instrumentalism pertains to a specific procedure of public deliberation, and not a procedure of collective decision-making more generally. It seems to me that this type of the public deliberation procedure

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4   Prijić Samaržija says that "deliberative democracy, in order to be epistemically justified, must generate beliefs, judgments and decisions that are true, truth-sensitive or truth-conducive" (ibid: 18).

can be considered either a part of instrumental epistemic justification of a democratic system or a type of justification of democratic problem-solving. Namely, the conception of a democratic system may hold the role of a joint decision-making of citizens and experts justified, so as to arrive to better results where expertise is necessary (Christiano 2012). It seems that the public deliberation procedure proposed by Prijić Samaržija is particularly relevant for more recent conceptions of deliberative democracy that align it with a model of a deliberative system, which take the democratic system in its entirety and seek solutions how to make it more deliberative and able to arrive at high quality decisions (Mansbridge et al. 2012).[5]

On the other hand, it is clear that the proposed public deliberation procedure offers a kind of a mechanism for democratic problem-solving. One such procedure can have its significance in certain domains. For example, in the domain of environmental protection at a local level, it can be appropriate that citizens should identify the main problems and that experts should be consulted in connection with the most appropriate means for solving such problems. Considering that it presupposes participation of citizens, one such decision-making mechanism can be a form of democratic problem-solving. In any case, as we have seen, justification of democratic problem-solving means that citizens should be included in the problem-solving process.[6]

Prijić Samaržija does not give a definite answer whether the public deliberation procedure she propounds should be viewed as a part of justification of a democratic system or as justification (or a part of justification) of democratic problem-solving. In some places, she refers to a democratic system. On the one hand, Prijić Samaržija claims that "this book aims solely to discuss epistemic properties of democracy as a social system" (Prijić Samaržija 2018: 42). In the same vein, she also stresses "the necessity of the epistemic justification of democracy, or the stance that the legitimacy of all institutions and systems – and particularly democracy as a comprehensive social configuration – must be based on adequate evidence that they, as social structures, maximally cater to the formation of high quality epistemic beliefs or decisions" (ibid: 100). On the other hand, she claims that "the general aim is to justify application of epistemology to real-life situations by exemplifying how such topics pertain to and directly contribute to improving societal epistemic processes" (ibid 2018: 12). She thus emphasizes that the reason for inclusion of experts in public deliberation is to arrive to "the outcomes that resolve the problems of interested citizens" (ibid 2018: 161). The dilemma remains to what exactly the public deliberation procedure advocated by Prijić Samaržija pertains – whether it is a part of (epistemic) justification of a democratic system or justification (or a part of justification) of democratic problem-solving.

5   For the role of experts within a deliberative system, see: Mansbridge et al. 2012: 12–17.
6   For justification of an alternative version of democratic problem-solving through public deliberation that includes only citizens, see: Landemore 2012: 260–261.

We have said that her public deliberation procedure can be viewed only as a part of justification of a democratic system. To see why, our starting assumption is the following definition of a democratic system:

> A political system is democratic if and only if it is a system in which citizens have equal political power. (Goldman 2015: 236)

Goldman emphasizes that within a democratic system, not all citizens necessarily have equal political power in all domains. For example, representatives who enact laws have greater political power than other citizens, because in addition to the possibility to vote in elections like other citizens, they also have the possibility to vote for laws. However, Goldman maintains that this kind of unequal power does not pose a problem as long as in the fundamental sense a democratic system rests upon equal political power. He therefore says that democracy understood as a democratic system "requires such (approximate) equality only at the *fundamental* level. By 'fundamental level' I mean the level of elections in which political representatives are selected" (ibid 2015: 246). If Goldman's stance is correct, then even a democratic system in its entirety requires the existence of a basic collective decision-making procedure that treats all citizens as free equals. However, this implies that justification of a democratic system entails in the first step justification of democracy as a collective decision-making procedure treating all citizens as free and equal.

Conclusion

I think that epistemic dimension is important for justification of democracy and that the stance of epistemic proceduralism is the most adequate theoretical framework in this regard. Furthermore, I indicated that epistemic proceduralism provides the most adequate normative framework for epistemic justification of the public deliberation procedure (or a procedure consisting of public deliberation and voting) that treats all citizens as free and equal. However, in this paper I have not argued in favor of these stances, but have discussed an alternative proposal of deliberative epistemic instrumentalism defended by Prijić Samaržija in her book *Democracy and Truth: The Conflict between Political and Epistemic Virtues*. In this paper, I attempted to explain why her stance can be understood as a version of deliberative epistemic instrumentalism and to discuss the role played by the public deliberation within this framework.

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Deliberativni epistemički instrumentalizam, ili nešto što je blizu tome

Apstrakt

U svojoj knjizi *Democracy and Truth: The Conflict between Political and Epistemic Virtues*, Snježana Prijić Samaržija zastupa stanovište da su ne samo političke, već i epistemičke vrednosti nužne za opravdanje demokratije. Da budem precizniji, ona brani određenu vrstu javne deliberacije na epistemičkim osnovama. U ovom radu razmotriću pitanje kakva je veza ove vrste javne deliberacije sa širim kontekstom (epistemičkog) opravdanja demokratije. U radu ću nastojati da objasnim zašto se stanovište koje zastupa Snježana Prijić Samaržija može razumeti kao verzija deliberativnog epistemičkog instrumentalizma, kao i koja je uloga procedure javne deliberacije u okviru te koncepcije.

Ključne reči: demokratija, procedura, epistemičke vrednosti, javna delibaracija, demokratski sistem