

Democracy and epistemology: a reply to Talisse

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ABSTRACT : According to Robert Talisse, ‘we have sufficient epistemological reasons to be democrats’ and these reasons support democracy even when we are tempted to doubt the legitimacy of democratic government. As epistemic agents, we care about the truth of our beliefs, and have reasons to want to live in an environment conducive to forming and acting on true, rather than false, beliefs. Democracy, Talisse argues, is the best means to provide such an environment. Hence, he concludes that epistemic agency, correctly understood, supports the legitimacy of democracy. This reply highlights the interest, but also the difficulties, of this argument and, in particular, of its assumptions about epistemic agency, morality and democracy.

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Why should we seek *democratic means* to change decisions that strike us as so gravely wrong that they threaten the legitimacy of democratic government? The answer, according to Robert Talisse, is that we each have sufficient epistemic reasons to favour democratic over undemocratic forms of government, and therefore to accept the moral authority of the former, even when we find some particular decision intolerable. (Talisse 2013) Democracy, he thinks, provides the best conditions for epistemologically warranted faith in our beliefs. Hence, he believes, we have epistemic reasons to act democratically. These reasons, he believes, can speak as powerfully to those who are convinced that *Roe v. Wade* licenses mass-murder as to those for whom the reversal of *Roe* would call the legitimacy of their government into question. (504) Hence, according to Talisse, epistemology can provide much-needed support for democracy at those times when we confront the depth of the moral disagreements amongst us, and are unable, as Rawls had hoped, to resolve those disagreements through a shared conception of justice.

This is a challenging and ambitious paper, whose subject should appeal to those with interests in communicative ethics as well as political theory. It is ambitious, because it seeks to use very minimal, abstract and general assumptions about people as epistemic agents in order to generate substantive and desirable conclusions about political morality. For that reason it is also challenging, because it appears to imply that quite limited and uncontroversial assumptions about epistemology can provide support for democratic politics and morality in ways that the more complex and controversial constructions of Habermas or Rawls cannot. But if the plausibility of Talisse’s argument lies in the fact that popular sovereignty and the free circulation of people and ideas may produce distinctive epistemic goods, its difficulty lies in the possibility that democracies may also face distinctive epistemic problems. For example, Tocqueville thought that democracies were particularly good at correcting mistaken policies, even though they were likely to produce less intelligent, selfless leaders than other forms of government. But he also worried about the effects of public opinion in democracies, and its power in a society where people seek collective agreement and see each other as free and equal. So it is by no means clear that the epistemologically attractive features of democracy will be sufficient to sustain a project like Talisse’s.

The aim of this ‘reply’, therefore, is to highlight the interest, but the difficulties, of Talisse’s short article, and to invite him to elaborate on the ambitions and critical steps of his argument at points where they are unclear or puzzling. I will therefore start by summarising Talisse’s epistemic argument for democracy, and will briefly consider its conception of epistemic agency and of the relationship between epistemology and democracy. I will then look at Talisse’s conception of democracy.

Talisse's Argument

According to Talisse, if you want your beliefs to be true, you need to concern yourself with your 'cognitive environment', because only some cognitive environments favour the acquisition of true beliefs. Thus if we want our beliefs to be true (and we want them to be true not as a matter of luck or good fortune) we will want to live in a cognitive environment 'in which crucial or especially powerful evidence with respect to important matters would emerge and be widely disseminated, were it to exist'. (p. 510) Talisse assumes that we care about the epistemic quality of our beliefs, because we take the things we believe to be true, or at any rate, 'when we believe, we aim to believe what is true'. (509) There is, thus, an implicit normative claim to our beliefs – the claim that they are true – and our ability to make good on this normative claim requires us, so Talisse thinks, not just to show that our beliefs are borne out by the evidence, but to show that we formed them in an environment conducive to truth. Such a cognitive environment, he claims, is 'best secured' by democratic political institutions, (502) because unlike the institutions of open but undemocratic societies, democracy enables us to monitor and change our environment. (516)

A concern for truth, according to Talisse, therefore commits us to supporting some type of representative and parliamentary government that is democratic, (517) although it does not require direct democracy. It is inconsistent with liberal constitutional arrangements that are not fully democratic, such as those in Britain before the First World War, or with some republican, but undemocratic, voting arrangements – such as those in France until 1945 or Switzerland until 1971. The reasons why epistemology supports democracy, according to Talisse, are not strictly consequentialist, or a result of Millian considerations about the advantages of freedom of expression, (513), though he thinks they are consistent with Mill's arguments. Rather, what he aims to show is something 'more deontological': 'that we should sustain our democratic commitments in order to satisfy the obligations that are internal to our role as epistemic agents. Whether a democratic social order also promotes truth in the long run is a different kind of question'. (513)

Talisse's argument, then, can be summarised as follows: even when people find 'the strains of commitment' too great, and are no longer convinced of the legitimacy of their governments, they have reason to act democratically because they are epistemic, as well as moral and political agents. (Rawls 1971, para 25 + 29). As such, they have interests in distinguishing true from false ideas, and of doing so in a reliable manner and on their own initiative rather than at the behest or with the permission of others. Democracy is the only form of government which reliably provides the appropriate cognitive environment for epistemic agency. Epistemic considerations, therefore, can support democracy even when moral or political ones fail.

Epistemic Agency, Morality and Politics

The first thing to note about this argument is that it appears fully general, and to apply as much to people in a state of nature or to those who live in undemocratic forms of government as to those who actually live in, and support, democracy, because people can be epistemic agents even when they are not political ones. If epistemic agency is to shore up faith in democracy, (503) it is essential that epistemic agency, and the norms and interests associated with it, apply to people with widely differing moral and political beliefs and interests. However, democratic pluralism seems to depend on some rather specific epistemic premises about the nature and limits of reason and its distribution across human agents. So a first puzzle about Talisse's article is the nature of its ambitions and the fit between those ambitions and its premises, given the universally applicable quality of the latter, but the highly particular goal for which they are deployed.

Secondly, and relatedly, the abstract norms of evidence-tracking and responsiveness which Talisse identifies with epistemic agency have a rather uncertain fit with the epistemic norms implicit in democratic government. As the former have to justify the latter and not merely be consistent with them, it would be helpful to know whether – or how – the two are to fit together.

For example, one reason why we might think it important to be able to justify our beliefs, and to show that they are the product of an environment conducive to truth, is that we are concerned to justify our beliefs to others and, in particular, to justify them to those who will be bound by the decisions that we make. On such a perspective we have moral and political reasons to care about the evidence-tracking

and responsive character of our beliefs, and to do so in ways that reflect the nature of our relationship to others and, our relative powers and responsibilities. In particular, from a democratic perspective, it seems likely that the epistemic norms of verification and responsiveness to evidence required of ordinary people will be very much less than those required of the powerful. This is not just a matter of the frequency or the publicity with which one shows that one has fulfilled one's epistemic duties, but the nature of those duties themselves, because the justification for collectively binding decisions means that we are not always entitled to use premises about the just, the good, the true or the useful which, in other circumstances, we are entitled to depend upon, and even to urge on others. Thus, a democratic conception of our epistemic duties, rights and permissions appears to demand a more differentiated conception of our epistemic agency than the one which Talisse provides. It is not wholly clear whether – or how – we can get from the one to the other.

Before turning to Talisse's conception of democracy, it is worth considering a third aspect of Talisse's conception of epistemic agency namely, the relationship between the norms of truth-seeking implied by our epistemic agency, and the moral and political norms associated with democracy. Talisse's argument, as we have seen, is that epistemic agency implies (epistemic) norms of evidence-tracking and evidence-sensitivity which, in turn 'entail' support of democracy. But what type of entailment is implied by Talisse's claim that 'our commitment to sound believing and proper epistemic practice entails a commitment to a democratic social order' (512), because democracy alone adequately 'supports the dialectical and institutional social epistemic norms' implicit in seeing ourselves as people who care about the truth of our beliefs?

The entailment does not seem to be psychological, because plenty of people who care about the truth of their beliefs do not see democratic government as necessary to this, or even as particularly desirable. For example, if we accept Tocquevillian and Millian views on the power of public opinion and the temptations to conformity created by democratic government, we might lack *psychological* reasons to favour democratic government, *whatever our actual beliefs about its legitimacy*. However, the entailment does not seem to be logical, either. On such a reading of Talisse's argument, we would be *logically* committed to supporting democratic institutions because we care about the epistemic quality of our beliefs even if, *morally*, we doubt that democratic institutions are just. This would imply that epistemic norms 'trump' moral norms, whenever the two conflict. But why suppose this, and how, in any case, can such an assumption be squared with democratic disagreements over the importance of truth to politics?

Understanding the 'entailment' between epistemology and democracy as a moral one is more plausible and seems to fit with Talisse's suggestion that he is providing some sort of deontological, rather than consequentialist, claim about epistemic agency. (506) So understood, his argument is that epistemic agency implies norms of evidence tracking and responsiveness which require us morally to support democratic government, even when we otherwise lack moral reasons to do so, or are unsure of their weight. However, even on this view the claim that epistemic agency entails democracy remains puzzling, because it appears to imply that people should care more about tracking truth than preventing harm to others, or fostering self-government. But morally should we be more concerned with the truth rather than justice or self-government, and is such a view consistent with democracy?

Talisse's objections to philosopher kings and to 'open' but undemocratic societies do not seem to help us here, because they do not illuminate the relative importance of truth and self-government to democracies, real or ideal. Talisse's argument for democratic institutions - as opposed to the best of the alternatives - turn on the idea that we need to be able to 'monitor' our cognitive environment, in order to ensure that it remains conducive to evidence-tracking and responsiveness, once it has reached that state. Platonic kings are absolute monarchs, and so people may be unable to monitor, let alone to change, policies that affect their access to truth and their ability to distinguish it from falsehood. So too, Talisse thinks, with any arrangements that, however constitutional and liberal, fall short of democracy. Hence, he believes, our duties to track our cognitive environment -and our interests in doing so - give us compelling reasons to favour democratic over undemocratic governments. But this seems to overstate my epistemic reasons to support democracy, even if we abstract from the question of whether these epistemic reasons would work if concerns for justice, equality, freedom and self-government fail to persuade me.

My faith in the epistemological qualities of my environment may depend on what rights *you* have, rather than on the rights that *I* have myself. A commitment to moral and political equality, after all, does not require us to suppose that we are all equally good at *evaluating* the epistemological quality of beliefs, let

alone equally good at *creating* epistemologically warranted beliefs. Consistent with the moral reasons to favour democratic over undemocratic governments, then, I may think that we would do at least as well, epistemologically speaking, if you had political rights and I did not; or if you have two political votes, whereas I only have one. It is unclear why such beliefs would be unreasonable or inconsistent with a concern for the *procedural* qualities of my government – with its accountability and representativeness, for example. Nor is it clear why such beliefs must be at odds with the idea that democratic governments are legitimate in the ways that alternatives are not. There is no particular reason to suppose that moral or political arguments for democracy must proceed via claims about its epistemic superiority to other forms of government. So why, even if I am a convinced democrat, must I value political accountability and representation for epistemic reasons? Why cannot I value them *despite* the problems that they pose to my pursuit of truth?

Talissee's epistemic argument for democracy, then, needs further clarification of its assumptions about the content, relationship and priority of moral and epistemic norms. Talissee is right that the epistemic warrant for our beliefs, in at least some cases, cannot depend on the evidence we currently have, but on our reasons for thinking that we have had access to the relevant evidence. And Talissee is right that we should therefore be concerned with the procedural as well as the substantive aspects of government, and of constitutions. But I do not think he has shown that we must therefore favour democratic over undemocratic government for epistemic reasons; nor why, or how, we are to do so once we doubt that democracy is morally justified.

Democracy

Before closing, I will briefly suggest some difficulties with Talissee's conception of democracy and his way of distinguishing democratic from undemocratic actions and beliefs. As we will see, these reflect the tension between Talissee's desire for generalizability and universality in his arguments for democracy – hence his concern with the norms implicit in epistemic agency as such – and his recognition that there are different, even incompatible, ways to be democratic.

The first puzzle concerns Talissee's assumption that exile cannot be a democratic response to grossly unjust acts by democratic governments. According to Talissee 'Civil Disobedience and Petition represent democratic responses [to grave injustice] whereas Relocation and Rebellion do not'. (506). What makes relocation an *undemocratic* response to grave injustice, however, is not clear, even if one notes, as Talissee does, that 'Relocation is not open to all citizens, and under certain conditions may not be open to any'. For all we know, the same might be true of civil disobedience, given the heavy burdens that it imposes on individuals and their families, and civil disobedience does not seem to be an intrinsically democratic form of action. So the differences between CD and Relocation are not obvious. Must democratic political action be available to everyone, or even to most others? Would it be undemocratic to protest grave injustice by engaging in forms of symbolic politics, such as balancing precariously on a tightrope at great heights, because it would be unavailable to those, like me, who find ladders a bit of a challenge? Is 'internal exile', of the sort to which Judith Shklar refers, an undemocratic response to grave injustices that one cannot change through 'ordinary' political means? (Shklar, 1998) If not, why must exile be inconsistent with democratic principles? As Talissee says, 'the problem of justification consists...in preserving the voice option among citizens who are divided at the level of fundamental moral loyalties'. Clearly relocation and internal exile are *insufficient* for that, but that hardly means that they are not *consistent* with democratic principles, or are undemocratic responses to grave injustice.

A second puzzle is why democracy is supposed to be *sufficient* for epistemological norms, even when necessary? While Talissee maintains that we need mechanisms of monitoring and control, he says nothing about such things as collective action problems, the legacy of past injustice or the effects of international developments in science and economics, which might severely constrain our ability to monitor and control our environments, even when our governments are democratic. What reason have we, then, to suppose that democracy is *sufficient* for epistemic agency and, if it is only one amongst many necessary factors, what weight ought we to accord it?

Finally, Talissee's conception of democracy seems to take some form of liberal representative democracy as its model of the democratic *minimum* required by epistemic norms – though it is unclear that elections, rather than lotteries, are necessary for *democratic* government, (Manin 1997) however important they are to democratic forms of *representative* government. He appears to suppose that

'direct democracy' is more demanding than representative democracy, and so cannot be required by epistemic arguments for democracy. This is not self-evident, because representative democracy is a complex political and cultural arrangement, and it may be more demanding epistemically, as well as morally and politically, than other forms of democracy. In any case, why should we not seek the *optimal* form of democracy, from an epistemic view, and why are we not *required* to do so by the same logic that commits us to eschewing governments where people are happy, healthy, wealthy and wise, but not self-governing? If epistemic norms are so important that we should support democracy, why do they not require a specific form of democracy (for example, a platonic one, rather than types of democracy which are socialist, utilitarian or Millian), even if concerns for morality might lead us to favour another democratic arrangement?

Conclusion

Talisse's paper appears to be marked by a tension between a desire for universal norms that would support democratic government, when its moral virtues are least evident, and acknowledgement that fundamentally different beliefs can be reasonable and consistent with democratic politics. Evidence of this tension can be found in the difficulty of pinning down the relationship between morality and epistemology he has in mind, as well as the difficulty of understanding his assumptions about democracy. Reasonable pluralism means that there are a potentially infinite number of ways to distinguish democratic and undemocratic governments, and advises caution in claiming too much for any one of these. This makes it hard to show that democracy is necessary for human rights, even when we suppose that it is necessary for justice. (Cohen 2006; Christiano 2011; Gilibert 2012; Miller forthcoming). It would therefore be surprising if epistemic differences between democratic and undemocratic government tell decisively in favour of the former, and against the best of the latter. (3,537 including abstract, refs etc.).

Note on Contributor

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References

- Cohen, J., 2006. Is there a human right to democracy? In Christina Sypnowich ed., *The egalitarian conscience*. Oxford: Oxford University Press.
- Christiano, T., 2011. An instrumental argument for a human right to democracy. *Philosophy and public affairs*.
- Gilibert, P. 2012. Is there a human right to democracy? A response to Joshua Cohen. *Revisita latinoamericana de filosofía política*. 1 (2). 1-37.
- Manin, B., 1997. *The principles of representative government*. Cambridge: Cambridge University Press.
- Miller, D., forthcoming. 'Is there a human right to democracy?' in R. Kreide, R. Celikates and T. Wesche (eds.), *Transformations of democracy: crisis, protest and legitimation*. Lanham, MD: Rowman and Littlefield.
- Shklar, J., 1998. Obligation, loyalty and exile In Stanley Hoffman ed. *Political thought and political thinkers*. Chicago: Chicago University Press, 33-55.