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ABSTRACT
Does the wide distribution of political power in democracies, relative to other modes of government, result in better decisions? Specifically, do we have any reason to believe that they are *better* qualitatively – more reasoned, better supported by the available evidence, more deserving of support – than those which have been made by other means? In order to answer this question, we examine the recent effort by Talisse and Misak to show that democracy is epistemically justified. Highlighting the strengths and weaknesses of their arguments, we conclude that the differences between an epistemic *conception* of democracy and an epistemic *justification* of democracy are fundamental to determining the relative attractions of different arguments for democracy, and their implications for actual forms of government.

Introduction

Does the wide distribution of political power in democracies, relative to other modes of government, result in better decisions? What, if anything, can be said about the substantive properties of political decisions which have been arrived at democratically? Specifically, do we have any reason to believe that they are *better* qualitatively – more reasoned, better supported by the available evidence, more deserving of support – than those which have been made by other means? This paper seeks to answer these questions by examining Talisse and Misak's claim that Peircean pragmatism shows democracy to have epistemic qualities that should lead us to support it.[1] If Talisse and Misak are right, the legitimacy of democratic government is epistemic as well as moral or political: because democratic freedoms, rights and institutions – or so they claim – enable people to distinguish true from false beliefs better than the alternatives. Because we

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all – have reason to want our beliefs to be true and, qua believers, suppose that what we believe is, in fact, true – Talisse and Misak claim that we have compelling epistemic reasons to support democracy even if we are bitterly divided about the morality of abortion or capital punishment, or about the political wisdom of interventionist wars or economic policies (Talisse, 2013, p. 504). In short, if Talisse and Misak are correct, Peircean epistemology gives us compelling reasons to affirm the legitimacy of democratic government even when we are most exasperated or repelled by our fellow citizens, and most disenchanted with democratic politics.

Our approach is motivated by considerable sympathy for Misak and Talisse's project, since it is plausible that democratic freedoms and procedures do, as claimed, facilitate the creation and promotion of important epistemic goods. It is also plausible that our interests in truth provide instrumental reasons to support some types of democracy, even when they do not amount to a full-blown 'justification' of democratic government on epistemological grounds. However, democracies appear to face distinctive epistemic challenges, given the weight of popular opinion and its malleability, which forms of government that are less free and less egalitarian may not face, or may be better placed to withstand (de Tocqueville, 2012; Mill, 2003; Sanders, 1997). We, therefore, doubt that the epistemologically attractive properties of democracy – whatever these are – are *sufficient* to support a general preference for democratic over undemocratic forms of government, and doubt the force that epistemic reasons are likely to have when, or if, we are unmoved by the moral and political qualities of democracy.

Talisse and Misak, we believe, are wrong to suppose that epistemic considerations are better placed than moral considerations when justifying coercive power over others. Their argument is premised on the claim that epistemic claims are less controversial, less subject to reasonable pluralism, than moral claims. We doubt this. For Talisse and Misak, certain epistemic assumptions are constitutive of the very practice of having moral beliefs and giving reasons for them, and these provide a common basis for justifying democracy. However, the advantages of democracy, as a fair system of collective decision-making amongst equals, we argue, apply to the epistemic disagreements of citizens as much as to their moral or political ones. Truth is only one of many epistemic goods which we might want our political system to promote, whatever our interests in it *as individuals*. We may, therefore, prefer decision procedures which have the epistemic virtues of 'ease of deliberative use', or 'epistemic economy' over ones which most reliably get to the truth, but which make much greater demands on citizens, or work only when citizens have excellent sources of information.[2] Or, as Tocqueville suggested, we might prefer political systems which enable us to *avoid the worst errors*, even if they prevent us from reaching the summits of brilliance and wisdom (de Tocqueville, 2012, Chap. 13–15). In short, the problem of 'reasonable pluralism' – that intelligent, well-informed

and well-meaning people can disagree fundamentally about matters of great importance – infects epistemology quite as much as morality.[3] So even were it the case that truth was the sole epistemic good for us *individually,* it need not follow that truth is the epistemic property we most value in our political systems.

Our doubts that Talisse and Misak are capable of supporting their strongest claims do not mean that we should favour epistocracy, or rule by experts, over democracy. Instead, we will argue, democracies have moral reasons to care about the epistemic quality of collective decisions, and to favour epistemic over non-epistemic conceptions of democracy, all else equal. However, the *moral* importance of epistemic considerations depends on the extent to which the pursuit, dissemination and use of truth facilitates, rather than undermines, the pursuit of other morally significant goods, such as the pursuit of freedom, equality, solidarity, security. As there is no reason to believe that democracies do not experience difficulties in jointly pursuing such different goods – whether at the level of ideal theory, or when we consider actual forms of politics – we argue that democracies can attach a variety of degrees of importance to epistemological considerations without being unreasonable or immoral. We therefore conclude that the differences between an epistemic *conception* of democracy and an epistemic *justification* of democracy are fundamental to resolving disputes about the role of knowledge and expertise in democratic government (Cohen, 1986). We conclude by spelling out the implications of these arguments for the relative merits of Peircean and Neo-Deweyan conceptions of democracy,[4] and for the way we think about the epistemic qualities of democracy more generally.

In order to understand the novelty and importance of Talisse and Misak's project, however, it helps to understand the difficulties of alternative efforts to justify democracy epistemically. To that end, we will start by presenting the 'juror-model' of epistemic justification[5] as a way of thinking about the epistemic virtues of democracy. Juries are a quintessentially democratic institution, assuming no special knowledge or virtue amongst those called to participate in binding civic decisions. If juries can be used as models of the epistemological advantages of democracy, we would have a way of explaining why democracy is preferable to rule by the experts that shows how the epistemically important features of democracy arise as a result of its morally and politically distinctive features. There would, therefore, be no conflict between the desire to promote moral and political equality and the desire for truth. Unfortunately, as we will see, the juror model is *not* a good model of the epistemic dimensions of politics and therefore a poor guide to the epistemic vices, as well as the epistemic virtues, of democracy. A better understanding of the appeal and limitations of the juror model of epistemological democracy, then, highlights the reasons to worry that the epistemic deficiencies of democracy might undermine otherwise compelling claims about its moral and political justification. After all, it is hard to show that your government is legitimate because of the ends it affirms if ignorance, confusion, manipulation and failures of individual and collective

reasoning predictably undermine the attainment of those ends! The question is whether, given the difficulties of the juror model of truth in politics, democracy can be justified epistemically and, if not, whether the deficiencies of democracy epistemically are so great as to undermine its moral and political appeal?

The juror model of truth

The juror model of epistemic justification supposes that citizens are faced with a question on which there are clear alternatives, only one of which is correct. The question may, of course, be a factual question about somebody's behaviour – as it is in a jury trial – or it may be a question about what justice or the common good requires, as would be the case for Estlund's conception of epistemic democracy. The assumption is that there is only one correct response to this question and, therefore, that we can determine the 'truth-tracking' tendencies of a decision procedure, or decision-making body, by estimating their likelihood to answer such questions correctly, rather than incorrectly.

There are, however, several well-known and obvious difficulties with using the jury model of decision-making as a guide to politics. The first, and most obvious, is that because jurors have only one issue to think about, there is no question of weighing the relative importance of correctness across different decisions when evaluating competing models of decision-making (or of education, for that matter). For example, in democratic politics, we may be relatively unconcerned about the chances of erroneous judgement on some issues, but supremely concerned about them on others. Which tax rate maximises national income is not a subject of indifference, but getting it wrong may not be terribly important given that democracies have to place so many normative constraints on the goal of maximising taxable income (such as commitments to freedom, equality, solidarity, security, transparency, consistency or fair and efficient administration). By contrast, democracies can tolerate very much less error on matters that affect the lives and health of millions, and that can have catastrophic consequences not just for current citizens but for future generations, and for citizens of other countries: the safety of nuclear reactors would be a prime example of this, but so would control of deadly infectious zoonotic diseases, such as Ebola, 'avian flu' and the zika virus. To make matters worse, most political decisions are likely to concern *probabilities* rather than certainties, and therefore not to concern matters of fact at all.[6] We may, therefore, be concerned with the *likelihood* that x will happen, rather than the certainty that it will.

Decision procedures and people may be better or worse at estimating probabilities. However, it is inherent to probabilistic judgements that things may turn out in radically different ways, and that there is a range within which people who expect x to happen with different probabilities nonetheless may agree *that* x will happen. So, unlike the decisions of a juror, empirical facts of the matter are insufficient to tell us which probabilistic reasons were correct and

which incorrect[7]; and matters will be complicated further by the fact that the correct interpretation of probabilities requires an assessment of the likelihood that our data is incorrect or misleading, so that the scope for 'error' must figure in our probabilistic predictions. Hence, people who expect x to happen with wildly different probabilities may end up agreeing *that* x is likely to happen on Wednesday, in part because they also hold wildly different estimates of the quality of their information. In short, even if we abstract from issues of reasonable disagreement about epistemic and other goods, the 'juror model' of political decision-making is inappropriate for politics. Once one reflects on the fact that reasonable people who agree *that* there is a common good may nonetheless evaluate its content, as well as its importance, quite differently (Lever 2016), it becomes plain that an epistemic justification of democracy cannot rely on the jury model of decision-making.

We have seen that the juror model of decision-making is an inappropriate way to think about the epistemic merits (or demerits) of democracy, given the epistemic differences between political decisions and the decisions that jurors make in systems where they are required to decide matters of fact, rather than law.[8] That does not mean that democracies have no important epistemic virtues, or advantages, but it *does* give us reason to wonder whether politics – let alone *democratic politics* – is the sort of business in which it makes sense to worry about epistemic justification at all.

Epistemic democracy and the common good

On a common picture of democracy, voters are morally entitled to vote their preferences, because the accumulation of different individual preferences provides the best evidence that we have for which policies and which politicians, of those available, best further the interest of the public. On this view – associated with Schumpeter and William Riker, for example[9] – democracy is simply a way of aggregating answers to the question 'who should govern?', and it would be as ridiculous to ask for epistemic justification of the outcomes as it would be to ask about the epistemic justification for your tastes in strawberry ice-cream, sexual position or employment. Preferences can be based on erroneous information, on sampling problems and on wrongful extrapolations from idiosyncratic cases but, absent these sorts of problems of information and reasoning, preference-change is not generally a matter of *reasoning* but of *taste.*

The point about freedoms of expression, association and choice, from this perspective is that these may help us to avoid obvious mistakes in preference-formation, and reduce the costs to us of changing our mind about what we want, but they in no way suppose that political judgements are, or ought to be, capable of meeting demanding epistemic standards, individually or collectively. On the contrary, the difficulty of finding a way to aggregate individual judgements without reaching counterproductive results at the collective level

(Arrow, 1951; Johnson, 2014; Riker, 1982), is one reason for supposing that politics – whether democratic or not – is not particularly conducive to judgements of truth and rationality. Instead, it is the field for the play of opinion and the best we can hope for is that this opinion will be reasonably coherent and sensitive to the available evidence, and that political conflict and competition will be sufficiently tamed that political change can arise by peaceful means, rather than through coup-d'états, chaos and bloodshed.

But while there is some truth to this sceptical and disabused picture of democratic politics, it appears to exaggerate the extent to which politics *is* correctly thought of as a matter of aggregating preferences, let alone the extent to which this *has to be the case.* Moreover, normatively, this picture of democracy as a form of tamed competition for power, appears to miss out on the reasons to prefer democratic ways of taming power to alternatives. Taking these two points together, as we will see, suggests that the difficulties of the juror model of epistemological democracy are perfectly consistent with an *epistemological conception* of democracy, whether or not it is reasonable to expect that democratic government can be *justified* epistemically.

Consider, for instance, Joshua Cohen's famous critique of Riker in 'An Epistemic Conception of Democracy' (1986), and of Stuart Hampshire in 'Pluralism and Proceduralism' (1994). According to Cohen, we fail to understand key features of political debate and struggle if we reduce all political questions to matters of preference, rather than taking seriously their ostensibly substantive claims about what it would be best collectively to do. There would, after all, be no point arguing about the relative merits of different economic theories, or the collective consequences of different tax rates if all that mattered to voters was 'what's in it for me?' In the absence of sufficient points of agreement to talk about a 'common good' or 'public interest', it might make sense to treat elections as a rough guide to which of competing candidates for power is most likely to serve people's particular interests. However, there is no reason to reduce political judgements to matters of preference nor to suppose that it is either necessary or desirable to look at politics this way. On the contrary, we might suppose that citizens should be encouraged and helped to make good on their interest in what is best for their country 'all things considered', by structuring political institutions and political debate in ways that make it easier to test the logic and evidence for competing political claims, to see the relationships and the implications of candidates' particular positions, and to think about what, given past events, the future is likely to look like.[10]

On Cohen's view, then, not all forms of government – nor all forms of democracy – are appropriately described and evaluated in epistemic terms: to the degree that they are, this is because politics has been designed *so that* judgements about the quality of people's knowledge, and about the evidential basis of decision-making have a significant role to play *at all levels of politics.* The paradigmatic example of an epistemological democracy, on this view, is one

on which citizens share a common good and know that they do, such that the consequences of different political positions and policies for the common good provide a shared basis for evaluation of the empirical, normative and social-theoretic dimensions of politics.[11] For example, our common interests in security would provide the test of whether it is desirable to 'update' the Trident nuclear system in the United Kingdom, a matter that involves empirical judgements about the likely costs, benefits and risks of nuclear weapons compared to other forms of security; that requires normative judgements about the importance to be attached to these likely costs, benefits and risks given our legitimate interests in self-defence, our duties to protect others from unprovoked aggression, and our duties not to aggress other people, or to put their lives unjustifiably at risk. Finally, the social-theoretic aspects of politics are likely to figure in our judgements about the renewal of Trident missiles, given that political choices are not just for the immediate present, but must extrapolate from past experience and consider the ways in which the future might be different from both the past and the present.

An implication of Cohen's epistemic conception of democracy, then, is that we can try to become communities of judgement, without confusing the legislative, administrative and executive aspects of politics to the juridical, or treating the judgements of juries as the prototype of democratic forms of judicial decision.[12] To the extent that citizens *do* have legitimate interests in common, are able to identify them, and willing to base their political decisions upon them, democratic politics can have an important epistemic dimension whether the matters involved are empirical, normative or social-theoretical. However, it is also an implication of his position that familiar democratic rights, liberties and duties *by themselves* are insufficient to give the evaluation of knowledge and reasoning a significant role in politics.[13] Hence, Cohen suggests, if we find an epistemological picture of democracy attractive, we will have good reasons to reconsider the way we finance politics, the way we understand the best justification for familiar democratic rights and liberties, and the way we think about the respective roles of government (national or local) and of secondary associations, whether voluntary or ascriptive. For example, citizens who have sufficient legitimate interests in common for it to make sense to refer to a 'common good', 'public interest' or 'shared ends', may not recognise *that* they have such shared interests or may lack the motivation to pursue them and to treat them as the appropriate basis for evaluating collectively binding decisions.[14] In such cases, we cannot expect epistemic judgements to have much place in democratic politics. Perhaps at the individual level, people will be able to make some epistemically significant judgements about their own political interests, and even about their political rights and duties; and experts may be able to make some epistemically significant judgements about public policy. However, these opportunities will be largely a matter of luck, and there will be no mechanisms

to ensure that it is generally possible to bring well-founded knowledge to bear on politics.[15]

Epistemic conceptions v. epistemic justifications of democracy

Rejecting the juror model of political truth or wisdom, then, does not mean that democratic politics is and must be devoid of epistemic value, or that those values must be trivial or unimportant. That, indeed, is the reason to prefer Talisse and Misak's conception of the threshold that an epistemic justification of democracy must meet, compared to the one proposed by Estlund. While the latter supposes that democracy is epistemically justified so long as it is likely to arrive at collectively binding decisions that are just a bit better than random (Estlund, 2008, 2012; Ingham, 2013; MacGilvray, 2014), Talisse and Misak suppose that what we are concerned with are the epistemic advantages of the best of the alternatives (Misak, 2004, 2008; Talisse, 2015). This seems the correct epistemic standard both because epistemically we may be incapable of knowing *what* the likelihood is of getting at the truth randomly (whether because of the epistemic disadvantages of democracy or not), and morally because the democratic justification of legitimate coercion is unlikely to look persuasive unless democracies have the epistemic capacities to realise the ends that they affirm. Thus, even if democracies are better than random – perhaps much better than random – at tracking truth, there may be undemocratic forms of government sufficiently close to them politically (perhaps they are constitutional but not fully democratic), which would be preferable morally, *given the ends that democracies themselves affirm*, because they are sufficiently better at creating, distributing and using the knowledge, creativity and education of citizens to compensate for their failure to be fully democratic.[16]

The question, then, is whether there is any reason to suppose that democratic government *is* justified epistemically, even assuming that we are talking about an epistemic, rather than a non-epistemic, conception of democracy? As Talisse and Misak recognise, for the demonstration to be persuasive it has to depart from premises that people can reasonably accept despite their moral, political and epistemological differences (Talisse, 2013). In particular, there is no point justifying democracy epistemically if the price of the justification undermines the moral and political reasons to prefer democratic government to the alternatives, as we will still be left with uncertainty about the relative importance of epistemic, moral and political requirements when deciding *whether* any form of government is legitimate and, if so, which one.[17] Thus, it is essential that the premises of the epistemic justification are consistent with the idea that citizens are entitled to govern themselves *whether or not* they are especially wise, virtuous, resourceful or popular. They must also be consistent with the fact that democratic citizens can disagree fundamentally, and quite reasonably, about morality and politics, as well as about science, the arts and sport.

In short, providing an epistemic justification of democracy is a tall order not simply because democracies may have distinctive epistemic disadvantages, as well as advantages, but because the constraints on the premises we can use in an epistemic justification of *democracy* are tight in ways that would not be true for an epistemic justification of *other* forms of government.

For example, not all conceptions of truth are suitable for judging the epistemic properties of democracy, for reasons that underpin Cohen's defence of the relevance of truth to political liberalism, against those, such as Rawls or Rorty, who appear to believe, albeit for different reasons, that a concern for the truth is a sectarian and unhelpful distraction from the pursuit of justice.[18] Agreeing with Estlund, Cohen maintains that our concerns with the epistemic properties of government cannot be reduced to our interests in warranted assertion, consensus under idealised conditions, or the products of verified experience, because in each case we can always and intelligibly still ask 'nonetheless, is the belief in question *true*?' There are a variety of quite demanding and, often highly idealised and hypothetical, epistemic standards against which we might want to test political claims, but these are not a *replacement* for concerns with truth, and their respective merits *as accounts of truth* are the object of expert, as well as popular, disagreement.[19]

There is, fortunately, no need to investigate the precise contours of the appropriate standard of truth for epistemic arguments about democracy, because Talisse and Misak need not commit themselves to particularly controversial claims on this score. Rather, the real work in their Piercean justification of democracy is done by the claim that if we want our beliefs to be true we must concern ourselves with our 'cognitive environment', because only some cognitive environments favour the acquisition of true beliefs.[20] 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' (Talisse, 2013, 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' (Talisse, 2013, p. 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 (Talisse, 2013, p. 502) because unlike the institutions of open but undemocratic societies, democracy enables us to monitor and change our environment (Talisse, 2013, p. 516).

The crux of an epistemological justification of democracy, then, according to Talisse, is our ability to make our environment conducive to the exchange and assessment of competing claims about truth – and to recognise and maintain

that conduciveness, once discovered. The difficulty with the epistemically best forms of undemocratic government, on this view, are that 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, whatever our specific assumptions about truth, or about truth in matters of morality. As Talisse and Aikin put the point,

> We need democracy in order to pursue wisdom. This view does not make any unduly rosy claims concerning the wisdom of democratic decisions, and it is fully consistent with a pessimistic assessment of the wisdom of individual democratic citizens. *Our Claim rather is that democracy is the political manifestation of our aspiration to rationally pursue the truth it is, in other words, the essential political correlate of our individual rationality* (Talisse & Aikin, 2014, p. 63 – emphasis in original).

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?

A second puzzle is why democracy is supposed to be *sufficient* for epistemological norms, even when necessary? While Talisse 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? Democracy must be *sufficient* not merely necessary, for us to fulfil our epistemic duties, if Talisse and Misak's epistemic justification of democracy is to work, otherwise democracy will be merely one of many necessary things for us to realise our epistemic duties, and the justification of *democracy* will turn on the *relative* importance of democracy compared to these other epistemically necessary factors. So unless democracy is *sufficient* for us to realise our epistemic duties, Peircean pragmatism will not give us a *general justification* of democracy, let alone one that can compensate for whatever moral and political deficiencies it might have (Bacon, 2010; Lever, 2015a; MacGilvray, 2014). Doubts about the epistemic *necessity* of democracy, of course, do not pre-empt the possibility that, in some circumstances, democracy may be *sufficiently* good epistemically for us to prefer it to other forms of government. However, we would still need to know the conditions under which that possibility has been, is, or might be realised. Moreover, even if successful, the failure to show that democracy is generally necessary *and* sufficient for us to realise our epistemic duties suggests that Peircean pragmatism does not offer as distinctive a perspective on democracy as its proponents believe, let alone that it offers a justification for democracy for those times when we are most disillusioned with it morally or politically.[21]

Finally, Talisse's conception of democracy seems to take some form of liberal representative democracy as its model of the democratic *minimum* required by epistemic norms. Talisse appears to suppose that 'direct democracy' is more demanding than representative democracy, and so cannot be required by epistemic arguments for democracy (Talisse, 2013). However, representative democracy may be more demanding epistemically, as well as morally and politically, than other forms of democracy. For example, representative democracy requires us to judge the epistemic, moral and political qualities of representatives with regard to the particular issues we are most concerned with politically. Representative democracy, therefore, may make epistemic demands on us which are different from, and perhaps more demanding than, those required by direct democracy. In any case, why should we not seek the *optimal* form of democracy, from an epistemic view? If epistemic norms are so important that we should support democracy, why do they not require us to grant legitimacy only to a *specific* form of democracy (for example, a platonic one), even if concerns for morality might lead us to favour another democratic arrangement, such as a more participatory or a socialist one?

In short, the difficulty for an epistemic justification of democracy lies less in the concept of truth or of epistemic virtue that we choose, than with relating that standard to democratic rights, duties and permissions, and to the legislative, executive, judicial and administrative institutions that turn individual judgements into collective ones. As we have seen, democracies are likely to require

different epistemic standards for collectively binding decisions, given their differential moral and political importance. These different standards have implications for the epistemic duties, rights and permissions of citizens as individuals. If it makes sense to suppose that more and better evidence is required to renew Trident missiles than to determine the most effective tax rate then citizens, by implication, need more and better evidence to justify their opinions on the former than the latter. That does not change the fact that, on democratic principles, *legislators* will have far more demanding epistemic duties than ordinary citizens, given the special powers and responsibilities of their position. So an epistemic conception of democracy needs not only to reflect the epistemic duties of *all* citizens, faced with the different collectively binding decisions that they must take, but it will be necessary, as well, to distinguish the epistemic duties of those with special power and responsibility from those of ordinary citizens.[22] Those special powers and responsibilities, of course, need not be legislative rather than judicial, executive or administrative and, in principle, will apply to citizens in their role as parents, employers, doctors and religious leaders as much as in their roles as voters, jurors and agents of physical and social security. These different epistemic duties, as well as the different moral and political duties which they reflect, appear also to explain why some forms of citizen reflection and decision-making must be open to the scrutiny and participation of others, whereas others need not (Lever 2015, pp. 162–180; MacGilvray, 2014, pp. 109, 110; Mokrosinska, 2015, 181–201). In short, the connection between the epistemic demands on individuals, justified by our shared interests in truth, appears to be too thin to provide a justification of the epistemic demands of *democracy*.

If these arguments are correct, we must distinguish the idea that different forms of democracy have different epistemic properties from the claim that we can offer an epistemic justification for (even) the epistemically best forms of democracy – whatever they are. An epistemic conception of democracy, as presented by Cohen, concerns the ability of democracies to make decisions that are reasoned, as opposed to the product of chance, passion, fashion, ignorance and error. However, as presented by Cohen, our reasons to care about the epistemic possibilities of democracy are fundamentally *normative*, and a reflection of the claims to legitimacy that democracies make on their own behalf, and as compared to non-democratic forms of government. They, therefore, give us no reason to suppose that there is an epistemic justification of democracy which could substitute for its justification on moral or political grounds, even though citizens may be able to justify their obedience to decisions they take to be morally wrong on the ground on the grounds that these are reasonable, and consistent with basic democratic rights, values and institutions.[23]

By contrast, Misak and Talisse believe that an 'epistemic defence of democracy' can provide 'compelling epistemological reasons… to embrace social and political norms best secured within a democratic order' (Misak & Talisse, 2014, p. 373). While they say that their epistemic justification of democracy does not

make moral justifications irrelevant, they claim that they focus on epistemic norms because they are 'far less controversial', far less subject to reasonable pluralism, and thus far more likely to be *sufficient* for defending and justifying democracy (Misak & Talisse, 2014, p. 374). According to Misak, her original reason for turning to Peircean accounts of enquiry was the failure of Rawls to offer 'a non-circular or non-question-begging justification' of democracy (Misak, 2000, p. 5). Similarly, Talisse claims that 'whereas there is a fact of reasonable pluralism concerning moral comprehensive doctrines, there is no corresponding pluralism with regard to our most basic epistemic commitments' (Talisse, 2007, p. 55). Hence, they believe that if an epistemic justification of democracy can be drawn from the 'non-controversial' presuppositions of the very practice of having beliefs, it will provide a sufficient justification of democratic government and take priority over the moral reasons to favour it.[24] This is what they hope to have accomplished.

However, as we have seen, the Peircean justification of democracy cannot show that democracy is generally necessary, let alone sufficient, to meet our interests in truth – whether individually or collectively. Nor is it evident that our epistemic interests are less diverse or less subject to reasonable disagreement than our moral, political – or, indeed, aesthetic, economic and metaphysical ones. Unfortunately, then, is no easier to show that democratic government is justified epistemically than morally or politically, because democratic rights, liberties and opportunities create room for ignorance and error, selfish indifference to the needs and experiences of others and mistaken assumptions about their wisdom, virtue and prudence.[25] In short, the fact that we can provide an epistemic conception of democracy does not mean that we must seek to justify democratic government epistemically. It does not foreclose the possibilities of epistemic justification and, importantly, maintains that truth is amongst the epistemic virtues which democracies can, and should value. However, an epistemic conception of democracy leaves open the possibility that democracies may be morally justified *despite* their epistemic disadvantages, and that the epistemic advantages of democracies, however real and impressive, may come at the cost of qualities, such as efficacy, stability, solidarity, happiness, virtue and prudence, which democratic citizens have every reason to desire.

Conclusion: epistemic democracy and democratic pragmatism

We, therefore, conclude that there is no purely epistemic justification of democracy, given that democracy is a fundamentally normative notion, which constrains the forms of ignorance, as of knowledge, that can count in its justification. That does not mean that democracy is not sometimes *sufficiently* important epistemically that we have reason to prefer it *on those grounds* to alternative forms of government. However, we have seen that democracy is not epistemically *necessary*, however important our interests in truth, and it is unclear which

forms of democracy, if any, would be justified by our epistemic interests, what-ever these are. Finally, we have seen that Misak and Talisse are mistaken that the epistemic virtues of democracy, however real, would give us compelling reason to prefer democratic to undemocratic governments if we were seriously in doubt about the legitimacy of the former. Indeed, they might give us no reason to prefer democratic government to anarchy, or to at least those forms of anarchical arrangement that seem closest to democratic moral and political ideals (Cohen & Rogers, 2010).

Peircean arguments for democracy, then, are best understood as *supplements* rather than *replacements* for other ways of justifying democracy. So understood, they have many attractive features. The first is that they take seriously indi-viduals' interests in justifying their beliefs to others, and in ascertaining their merits themselves. Secondly, the connections they suggest between individuals' interests in truth and their interests in democratic forms of politics are often persuasive, although sometimes overstated. To that extent, Peircean arguments for democracy fit nicely with Cohen's epistemic conception of democracy, and with his defence of truth against Rorty's claims, that democrats should abandon a concern with truth on pragmatist grounds, and Rawls' concern, that 'truth' is an unacceptably divisive concept, and should therefore be replaced by claims about what is 'reasonable' or 'most reasonable', at least for political purposes (Cohen, 2012, pp. 247–250; Rawls, 1971, pp. 220–229; Rorty, 1991).

Third, Peircean arguments for democracy may suggest that democracy is preferable epistemically to other forms of government, even in the absence of the specific features that make for an *epistemic conception* of democracy on Cohen's view. A great deal turns, inevitably, on how precisely our interests in truth are to be understood in Peircean terms. Nonetheless if the crux of the Peircean argument for democracy is that democracy enables citizens to *alter* the policies, people and institutions which they have hitherto used to govern themselves, then democracies which are open and participatory, but lack a well-developed sense of the common good, may still have epistemic virtues that undemocratic forms of government lack. Indeed, it is possible that something much closer to Dahl's pluralist polyarchy might constitute an epistemically satisfactory form of government on Peircean terms, even if it is less good epistemically and morally than other forms of democracy (Dahl, 1956, p. 84; 1989, p. 233, 1971). In short, an epistemic justification of democracy may be possible on Peircean grounds, without first adopting an *epistemic* conception of democratic government. This possibility would reflect well-known arguments about the epistemic advantages of liberal-ism and constitutional democracy which, whether in the form provided by Tocqueville, or by Mill, clearly implied that democracy has important epis-temic virtues, despite its evident weaknesses from an epistemic, as well as a moral perspective.[26]

Finally, the strengths as well as the weaknesses of Peircean arguments for democracy provide an important contrast to recent Neo-Deweyan arguments for democracy, thereby highlighting the richness of pragmatist political thought and its significance for epistemic, as well as moral and political, arguments for democracy (Chin, 2016; Chin & Bacon, 2016). In recent years, political theorists interested in democracy have reworked key elements of Dewey's ideas about the nature and virtues of democracy, in order to render them more detailed and concrete, and to separate them from the controversial or question-begging ideas about goodness, growth and creative intelligence which have detracted from Dewey's own formulations of his ideas.[27] Thus, Knight and Johnson claim that there is a pragmatist case for giving democracy priority over undemocratic ways of organising our collective life not because democracy is of supreme moral or epistemic importance but, more modestly, because it is better than the alternatives at creating desirable conditions for decision-making:

> (1) facilitating experimentalism on institutional choice, (2) monitoring and maintaining institutional effectiveness ….and (3) reflexively monitoring its own effectiveness. The capacity of democracy to better satisfy these fundamental requirements of modern, socially diverse societies provides an important reason for endorsing democracy as the best means of collective governance. It grounds our pragmatist case for the priority of democracy. (Knight & Johnson, 2011, 261)

If the arguments of this paper are right, the differences between neo-Deweyan and Peircean arguments for democracy are of interest to democratic theorists for moral and epistemic reasons. First, whereas Misak and Talisse are comfortable arguing about our interests in truth, and their significance for democracy, Knight and Johnson are more interested in other epistemic goods (experimentalism, reflexive development, over political argument), and their consequences for the ways that we might govern ourselves. Second, while neo-Deweyan and Peircean theorists agree about the importance of deliberation to the epistemic advantages of democracy, it is unclear how far their arguments for democracy presuppose a specifically epistemic conception of democratic government. Pragmatist approaches to democracy, for apparently pragmatist reasons, have tended firmly to distinguish epistemic and moral arguments for democracy in ways that are hard to square with an epistemically interesting conception of democracy, such as Cohen's. On our view, pragmatist attempts to sharply distinguish the epistemological from the moral dimensions of democracy make it unnecessarily difficult to show that democratic government is, on balance, preferable to the alternatives. However, while Peirceans firmly hold to such a moral-epistemic distinction, Knight and Johnston specifically seem to follow Cohen in claiming 'for the pragmatist justification of democracy: the conditions of causal efficacy are the same as the conditions of normative legitimacy' (Knight & Johnson, 2011, p. 262).

Thus, a closer examination of neo-Deweyan and Peircean arguments for democracy, and their differences, suggests that the epistemic advantages of democracy may not be limited to democracy in its most epistemically and

morally demanding forms. Cohen is right that democratic politics can and should be more than tamed competition for power over others and can, indeed, be much, much more. However, the reasons to favour democratic over undemocratic forms of government may extend beyond the specifically epistemic and deliberative forms of democracy which Cohen favours, to encompass more pluralist, agonistic and participative styles of democratic politics.[28] That, at least, is the promise of Peircean and neo-Deweyan arguments for democracy. In our view, that promise is well-worth exploring.

Notes

1. Peircean pragmatism is an interpretive construct, for the purposes of this paper, based around the work of Cheryl Misak and Robert Talisse, separately as well as jointly. (See Misak, 2000, 2008; Misak & Talisse, 2014; Talisse, 2005, 2007, 2008, 2013).
2. See Joshua Cohen's concerns about the evidentiary demands of Sen's capabilities approach to justice and equality, as compared to Rawls' focus on a relatively small index of 'primary goods' in Cohen (1995).
3. On 'reasonable pluralism' (see Cohen, 2009, pp. 52–56). The phrase is his, developed as a corrective and clarification of Rawls' original references to 'the fact of pluralism' (Rawls, 1971, p. 235).
4. Like 'Peircean pragmatism', 'Neo-Deweyan pragmatism' is an interpretive construct, reflecting the joint, as well as single, work of authors such as James Bohman, Eric MacGilvray, Jack Knight and Jim Johnson. It is less concerned with the exegesis and defence of Dewey's ideas as written, than with the insights that a suitably modified Dewey might bring to contemporary political philosophy. (Bohman, 1999, 2006; Knight & Johnson, 2007, 2011; MacGilvray, 1999, 2014).
5. Felix Gerlsbeck gave this name to a particular way of thinking about this specific model of reliable decision-making. For Gerlsbeck, reliability is defined by 'the ratio of right over false decisions, and this ratio is equivalent to the average expected likelihood to decide correctly on any given decision' (Gerlsbeck 2016, pp. 4, 5). Key examples of this 'juror-model' are List and Goodin (2001, p. 277); Estlund (2008, 2012). See also Ingham (2013), although his use of the jury model is to *contradict* rather than *defend* the possibilities of an epistemic justification for democracy.
6. This is avoided in jury decisions because jurors are asked to convict only if the evidence removes all 'reasonable doubt' about the possible innocence of the defendant. The question before jurors, then, is a factual one: 'are there any grounds for reasonable doubt that X is guilty?' and not the probabilistic question, 'how likely is it that the defendant did what s/he is accused of doing?'
7. Of course, empirical facts *may* prove insufficient to tell us which jurors got their verdict correct *for the right reasons*. However, that is merely a *possibility* on the jury model of correct decision-making, not a *necessary* implication of the type of question at issue, as it is with probabilistic decisions.
8. French jurors, as compared to British and American ones, are asked to decide on *sentences* as well as on the guilt or innocence of defendants. Unlike the latter, they deliberate in the presence of a judge. These features of the French system, which encourage strategic calculations amongst jurors at the first stage of decision-making (guilt/innocence), as compared to the second stage (of sentencing) are morally problematic in many ways, in so far as they encourage jurors to accept

a guilty verdict rather than to hang out for the verdict that they believe to be correct, in order to be able to influence sentencing decisions later (Poama, 2014).

9. Riker (1982); Schumpeter (2010). For Schumpeter, see Held (2006, pp. 141–156) For Riker, see Cohen (1986); Coleman and Ferejohn (1986).

10. For Cohen's specific ideas on the implications of these ideas for issues such as campaign funding (see Cohen, 1997, pp. 172–180; Cohen & Rogers, 2009; Cohen & Sabel, 2009).

11. In addition to the articles on democracy supra (see Cohen, 2010b, pp. 23–31, 131–176).

12. If the difficulty of juror models of truth is that they identify judicial decisions with one particular form that they might take, the problem with democratic arguments for judicial review is that these usually depend on a rather particular model of judicial decision-making whose empirical and normative foundations are as contested (Lever, 2008).

13. See, in particular, Cohen's critique of Dahl's pluralist polyarchy in (Cohen, 1991).

14. That this is often the case is the implication of those forms of critical theory – embodied, for instance, in Habermas' *Legitimation Crises* and *Theories of Communicative Action* – which assume that *observers* may be able to identify common interests not recognised by participants themselves, as well as fallacious and self-serving claims about the common good, even if these are quite widely accepted. See also Cohen and Sabel (2009), with its assumption that even in contemporary America there may be much more scope for action on shared interests than is currently recognised, although that action will require institutional change adequately to be realised; and Cohen's 'The Arc of the Moral Universe', which explains why we can judge that slavery is not in the legitimate interests of slaves even when it leaves them materially better off than they otherwise would be, republished in Cohen (2010c).

15. See, in particular, Cohen and Rogers on unequal opportunities to associate together, and the epistemic, moral and political consequences of those inequalities in their work on associative democracy.

16. Arguments about whether or not democracy is a human right have an epistemic dimension, connected to assurance worries about the merits of 'decent but undemocratic governments', on the one hand, and of the ability of democratic government to meet basic needs and to realise basic rights, on the other. For examples, of these debates see, on the one hand (Christiano, 2011; Cohen, 2010a; Gilabert, 2012; Miller, 2015; Rawls, 1999, pp. 64–72; Sen, 1999, Chap.7). More generally see the contributions to Rowan Cruff, Lio, and Renzo (2015).

17. For the reasons to take anarchist objections to government seriously, if one cares about democracy, and rejects libertarian conceptions of justice (see White, 2011).

18. Cohen (2012).

19. Cohen (2012, pp. 230–231) – however, Cohen disagrees with Estlund's specific interpretation of Rawls' worries about truth, p. 230.

20. The following paragraphs are based on Lever (2015a).

21. The latter difficulty is not particularly surprising: after all, Talisse, Misak et al., are notably indifferent to the causes of political alienation and disenchantment with democracy in Europe, let alone America, and therefore place far more importance on conflicts over abortion, for example, than is warranted by the available evidence. For a careful discussion of political alienation, and contrasting explanations of its causes (see Stoker, 2006, pp. 32–67).

22. Or the significance of these points for democratic objections to 'open voting' and to compulsory voting (see Lever, 2007, 2010, 2015b).

23. The wide bodies of work of Rawls, Cohen and Dennis Thompson are all relevant to this. The former two have been cited extensively. For the latter (see Gutmann & Thompson, 1996, 2004).

24. It is unclear whether Misak was explicitly committed to this position in her earlier work, with its softer claims about the conception of truth best suited to contemporary social and political philosophy quite generally (Misak, 2000). However, it has long been a core aspect of Talisse's pragmatist conception of democracy (Talisse, 2007, pp. 85–88) and social epistemology (Talisse, 2008, pp. 116–118). Further, it follows from their general argument for why their type of epistemic reasons is not subject to reasonable pluralism.

25. These features of democratic rights regularly appear in debates on whether *privacy* can be democratic, and deserving of moral or legal treatment *as a right*. For the reasons to suppose that it can, despite its moral, political and epistemic disadvantages, from a democratic perspective, see Jean Cohen's work who was one of the first to treat the limits privacy sets to public accountability as a strength, not merely a weakness, if we care about democracy (Cohen, 1992).

26. See, for example, Mill's *On Liberty, Representative Government,* and *Political Economy* with their varying liberal and utilitarian, republican and egalitarian approaches to legitimacy in politics. For an excellent overview of Mill's ideas, which highlights their republican dimension (see Urbinati, 2002).

27. See references above from MacGilvray, Knight and Johnson and Bohman.

28. For more agonistic approaches to democracy (see Connolly, 2004; Honig, 2009; Mouffe, 2000); for more pluralist ones (see Dahl 1967; 1956; Held, 2006, Chap.6); for more participative ones (see Fung, 2006; Fung & Wright, 2003; Leighton & White, 2008; Pateman, 1970).

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