

DEMOCRACY AND ANALOGY

The Practical Reality of Deliberative Politics

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ABSTRACT

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According to the deliberative view of democracy, the legitimacy of democratic politics is closely tied to whether the use of political power is accompanied by a process of rational deliberation among the citizenry and their representatives. Critics have questioned whether this level of deliberative capacity is even possible among modern citizenries—due to limitations of time, energy, and differential backgrounds—which therefore calls into question the very possibility of this type of democracy. In my dissertation, I counter this line of criticism, arguing that deliberative democrats and their critics have both *idealized the wrong kind* of citizen deliberation. Citizen deliberation should not be concerned with the indeterminate project of “translating” abstract democratic principles and values into everyday cases of political problem-solving. Instead, deliberation should take the form of *analogy*, just as we already find it in everyday politics and affairs.

When ordinary citizens use analogies, they do not derive decisions from general principles or values, but they still reason nonetheless. Seen from this analogical perspective, deliberative democracy is already a practical reality to a large degree. When an election is on the horizon, a campaign season arises in which debates, forums, and “barstool” dialogues exponentially increase the amount of citizen deliberation. In these settings, citizens can readily be seen to be mapping analogous past candidates, elections, issues, and problems onto those currently on the ballot so as to reason about them. Consequently, analogical reasoning allows citizens to treat the majority rule mechanisms that proliferate in real politics as “deliberative

outlets,” which is to say, as catalysts of deliberation akin to the “creative outlets” that catalyze self-expression in the arts.

While citizens may recognize majority rule mechanisms as catalysts of deliberation, many democratic theorists will hesitate to embrace this vision of the practical reality of deliberative politics. Isn't analogical reasoning too low in rigor to be placed at the heart of the deliberative ideal? I develop two arguments to explain the foundational role analogy plays in deliberation and to counter such critics. First, I draw on the explosion of research on analogical reasoning over the past two decades to show that it is far more rigorous and systematic than many suppose. Second, I argue that to the extent that citizen deliberation is concerned with rational planning, rather than just reasoning in general, analogical reasoning is logically superior.

When we reason about what to do, we make plans that incorporate predictions about what is likely to ensue when a given course of action is selected. However, as soon as predictions enter into deliberation, its underlying logic changes as well. The reason for this change in logic is that as our probabilistic reasoning expands, the probability of its conclusions degenerates. Therefore, when assessing probabilities, we no longer should seek decisions derived from long, elegant chains of reasoning that connect our various options to generalities like values and principles. Instead, what we need is “short and sweet,” or terse, humble lines of reasoning, which are more congruent with this form of deliberation.

Thus, to the extent that democratic deliberation is involved in rational planning, it calls not for the elegant, deductive kind of reasoning idealized by proponents and critics of deliberative democracy alike. Instead, democratic deliberation calls for the “short and sweet,” analogical kind of decision-making we associate with ordinary citizens already. After all, as

research has shown, analogies are a much preferred and rigorous way by which even experts engage in probabilistic reasoning. By focusing on analogical reasoning, I therefore conclude that the practical reality of deliberative democracy should be recognized in ways that might ordinarily be dismissed.

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Our grasp of any complex set of interrelationships is usually far more sophisticated and nuanced than our ability to describe it might convey. We bumble around in search for words to encode what we know all too well. This gap between grasp and articulation is especially clear when it comes to our ordinarily sophisticated grasp of statistical relationships. When asked, we can make fools of ourselves trying to articulate our intuitive grasp of anything merely probable.

Thus, when it comes time for philosophers to deal not with certainties and the preservation of truth across the stages of reasoning, but rather with *un*-certain tendencies, it comes as no surprise that many philosophers prefer to retreat to the safety of certain principles, facts, values and norms. Given the gap between grasp and articulation just mentioned, we should only expect that most people would prefer not to have to articulate anything philosophically when it comes to a subject matter that can be understood, but not in an easily articulable way.

As a result, in embarking upon an attempt to think about politics (and ethics too, really) without retreating to certain first principles, facts, values, and norms, finding guidance is no small task. Many philosophers will immediately suggest return to the safe ground of certainty. Few philosophers would advise anything else. For this reason, I am tremendously grateful to Professor Lydia Goehr for the guidance she has offered in the development and completion of this project as my adviser. Since I began graduate school with two paths before me – one far more certain than the other – Professor Goehr has advised me against the “safe bet” and towards unexplored horizons that might ... just might ... disclose new options lurking outside the familiar “one way” of seeing a situation to which we usually defer. Combined with her patience, understanding, and sharp wisdom, Professor Goehr’s philosophical methodology and pedagogy have had an influence on this project for which I will always remain grateful.

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INTRODUCTION

Deliberative Democracy: A Vague Vision of Politics?

Ordinary citizens may seem ill-equipped to make the political ideal known as deliberative democracy, or “government by discussion,” a reality. Generally speaking, it seems unrealistic to imagine most people taking an active interest in talking about political decisions, let alone talking about those decisions *rationally*. As Thomas Christiano has observed, after a grueling day at work or busy hours of domestic life, citizens can be excused for having so little time and energy left over for thinking about political decisions. Worse yet, not only do these decisions occur in diverse, pluralistic societies filled with divisiveness and difference, but each citizen individually also tends to hold many self-contradictory beliefs that are deeply entrenched in their personal histories. As a result, the prospects for “government by discussion” and a rationally deliberative democracy seem dim. With so little time and so much divisiveness, how can citizens be expected to find shared principles and values with which to frame political decisions, not to mention actually agree on *one* decision as best? The task of translating principles and values into concrete decision-making is a long, arduous one that never gets very far in the face of so much discord.

Consequently, deliberative democracy seems to lack much practical appeal. As a tool for actually envisioning how citizens can make decisions politically, deliberative democracy offers a vague, impractical guide. While it may seem nice as a rarefied ideal for academic theorizing, it offers little help in actually determining what to do. As one commentator has put it, reading any theory of deliberative democracy will not help an activist lawyer figure out how to litigate on

behalf of the democratic ideal. While the theory may safely tell the activist lawyer that certain options are off the table (e.g., violent coercion), it is indeterminate when it comes to selecting the best way to help the cause of democracy. In a word, it invites worries about its practical *indeterminacy*.

This “indeterminacy worry” has not been lost on critics of deliberative democracy. The task of translating principles and values into concrete decisions has been criticized time and again for three major reasons hinted at above. First, this task seems far too inefficient to be practical. Political decisions need to be made when time is limited and attention is often in short supply. Asking people to locate shared principles and values, to study the contexts into which those principles and values must be translated, and finally to assess the myriad considerations for and against different ways of translating those principles and values into action seems impossibly demanding. Second, even if time and energy were not limited, members of pluralistic societies are so divided about which principles and values should be translated into political decision-making that deliberative democracy can seem ill-suited to real politics. Third, when it comes time to actually commit to a course of action, citizens cannot be expected to ignore their deeply personal beliefs. To what extent collective reasoning can actually determine what citizens do is therefore an open question. Does democratic deliberation have any chance of influencing citizen behavior when it stands at odds with deeply personal beliefs, or only when its conclusions happen to overlap with what citizens believe already?

This indeterminacy worry has not been lost on proponents of deliberative democracy either, though. Many have contended that these three variations on the indeterminacy worry do not pose as much of a threat to the practical appeal of deliberative democracy as critics have claimed. Such “apologetic” responses are common and often very sophisticated. Other

proponents of deliberative democracy have not defended its practical appeal in this way, but rather adopted a “critical” approach, one that challenges the very force of the indeterminacy worry itself. Why should political philosophers care about the practicality of deliberative democracy? Isn’t the point of such a theory that it offers an ideal standard with which to locate the present deficiencies in politics? If an ideal simply replicated what is already found in the real world, it would be of limited value as a theoretical tool.

A Diagnosis

Though both of these approaches to the indeterminacy of deliberative democracy have uncovered many interesting insights, neither has sought to defend it by simply meeting the indeterminacy worry “head-on,” by disputing it. Could one dispute the very basis of the indeterminacy worry by claiming that, contrary to appearances, deliberative democracy is not as impractical and vague a vision of politics as would seem to be the case? Often, such disputes revolve around the “diagnosis” of a problematic assumption. Accordingly, in this context, one might “diagnose” an assumption among critics and proponents of deliberative democracy alike and thereby undermine the practical appeal of deliberative democracy from the start.

In this dissertation, I pursue such a “diagnostic” approach to worries about the practical indeterminacy of deliberative democracy. More specifically, I try to locate a problematic assumption, or structural flaw that has undermined the practical appeal of deliberative democracy time and again. Such a flaw does not mean that “apologetic” and “critical” efforts to articulate and defend deliberative democracy in the past are worthless. Rather, because the flaw is structural and the assumption runs so deep and wide, it means that past efforts to articulate and defend deliberative democracy have been unable to make as powerful a case for deliberative

democracy as possible. Their efforts, in other words, have been hamstrung by an assumption, a structural flaw, that this project seeks to disclose through its diagnosis.

The question, now, might therefore be phrased as follows. What would happen if the description of the task of democratic deliberation as a process of translating principles and values into concrete decisions is structurally flawed? What if citizens do not live a “compartmentalized” existence, one neatly divided into spaces of work, domestic life, and politics, that eat up an unequal amount of their time and energy? What if their beliefs do not neatly divide into two categories, being consistent and inconsistent, acceptable and divisive, or socially popular and unpopular? What if, *instead*, deliberation consists of a *patchwork of parallels*? Lessons learned at work might be seen to provide helpful parallels for problem-solving at home, or even in politics, thereby saving the amount of time needed in those domains where time is most of the essence. Divergent background experiences among citizens might be seen to nonetheless run in parallel, being analogous in ways that afford shared insights into work, domestic life, or politics. Would the practical appeal of deliberative democracy change, with such a change in orientation brought about by *analogy*? Is deliberative democracy both more attractive and realistic when its fabric is presented as a patchwork of parallels?

Borrowing the Practical Appeal of Majority Rule

In the first two chapters of this dissertation, I explore the possibility of such a change in perspective to defend the practical appeal of deliberative democracy. In doing so, I focus on one key idea from this alternative perspective on citizen deliberation: It is driven by analogy. Every day, citizens draw parallels across seemingly disparate domains with analogies. The “Great Recession” is like the “Great Depression.” The current candidates on the ballot are analogous to

the candidates on a previous ballot. The humanitarian crisis somewhere in the world right now is so much like a past crisis, as to call for the same kind of political response. Political discourse is a “patchwork of parallels” drawn by so very many analogies. From this perspective, deliberative democracy emerges as a more realistic vision of politics in two important ways.

First, analogies are everywhere, and therefore, citizen deliberation is too. As a result, deliberative democracy must no longer be identified with a rare and rarefied activity. It has a greater practical reality than is often assumed, especially by its critics. Second, instead of being contrasted with the more realistic politics of majority rule, deliberative democracy can incorporate majority rule procedures into the core of deliberative politics. The anticipation of an election on the horizon catalyzes citizen deliberation, as seen when “campaign seasons” begin and debates, forums, and dialogue proliferates. This proliferation follows naturally from the fact that majority rule procedures readily invite the use of analogies to interpret them. Ballots pair candidates, for instance, in ways that quickly send the citizenry in search for analogous pairs of candidates from political history, if not further afield.

Thus, where others have argued against deliberative democracy by stressing the superior practical appeal of majority rule procedures, I argue that a focus on analogy allows us to borrow that same practical appeal for the cause of deliberative democracy, thereby increasing its value as a political vision. From a distance, we can see that majority rule procedures and their associated practices form the core of *deliberative* democracy, by catalyzing citizen reasoning of an “analogical” kind. Much as a creative outlet catalyzes creative activity, so too majority rule procedures like voting catalyze deliberative activity. For instance, a vote on the horizon will stimulate an increase in the quantity of deliberation as well as its dramatic quality when analogies used to map the ballot or candidate rivalries “go viral.”

In these ways, majority rule procedures and their associated practices are at the core of the dynamism of deliberative democracy, with analogical reasoning providing its much overlooked, “real world” form. The diagnosis seems to be complete. Deliberative democracy has practical appeal because it unites the practicality of majority rule with the familiarity of analogical reasoning. Where others have assumed that majority rule and democratic deliberation belong to two distinct categories of democratic politics, they have undermined the practical appeal of deliberative democracy and failed to see the parallels that are drawn across such a “compartmentalized” vision of politics.

The Contemporary Perspective on Analogical Reasoning

Focusing on the analogies citizens draw will immediately raise red flags for many people, though. Isn't the kind of reasoning associated with analogies known to be superficial? Doesn't it often fixate on accidental similarities in ways that make its conclusions spurious? Aren't analogies fuel for psychological manipulation, rather than reasoning? Unfortunately, many of these worries are driven by an outdated conception of analogical reasoning. As John Stuart Mill observed in his highly influential 19th century logic textbook, analogy is usually taken to be a superficial kind of argument that proceeds by simply identifying similarity among the properties in two domains. If a dog and cat are alike in several ways (e.g., they both have legs, tails, feet, noses, etc.), then we can argue that (by analogy) they are similar in other, unknown ways as well (e.g, both are mammals). The classic way of framing analogies on standardized tests assumes this way of framing analogical reasoning. These tests ask, “Dog is to bark as cat is to what?” (Dog:bark::Cat:?). Such questions are rarely profound.

By contrast, empirical, formal and philosophical research of the last two decades in particular has led to the overhaul of this outdated, “Millian” conception of analogical reasoning. Researchers have discovered not only that analogy is everywhere, but also that it is incredibly rigorous, massively systematic, and experientially rich. This new conception of analogical reasoning, which I refer to as the *contemporary perspective on analogical reasoning* (CPAR), shows that good analogical reasoning is anything but superficial, spurious, and prone to psychological manipulation. Three claims are essential to this perspective and the overhaul in thinking about analogy that it demands.

First (CPAR.i), analogies obtain not simply among the properties in two domains (e.g., cat and dog), but rather among the entrenched, systematic relations in them. When an analogy is drawn between the Great Depression and the Great Recession, what is extended from one domain to the other is not a list of properties (e.g., high unemployment, failed nonfinancial firms, bank runs, etc.), but relations among those properties (e.g., decreased liquidity, decreased demand), as well as relations among those relations (e.g., the paradox of financial crises), and relations among those relations of relations (i.e., meta-relations), on and on (to use examples drawn from Gary B. Gorton’s work). In dealing with such a massive array of features and relations, analogies are massively systematic from this contemporary perspective. Furthermore, not only is the sheer number of levels of relations massive, but they also stretch across time. For instance, it may take many episodes of hearing about the failure of nonfinancial firms in the news before a threshold is reached and an entire population suddenly embraces pessimism about investment opportunities in an economic system. In this sense, the systematic understanding analogies deal with is importantly *entrenched*, being embedded through a diachronic series of episodes, rather than simply in single, “one-off” events.

Second (CPAR.ii), the contemporary perspective on analogical reasoning updates the sense in which analogies extend our understanding of one domain (e.g., dogs) to another (e.g., cats). Because analogies deal with entrenched, systematic relations (CPAR.i), what is extended is importantly different in two ways. First, it will elude sentential formulation. One reason we use analogies is that they are a very efficient and accurate way of conveying highly complex, entrenched, systematic knowledge, unlike the non-analogical use of a list of statements or “facts” about a domain, which can often be tedious and dull. Second, part of what it means to extend such a rich understanding from one domain to another is to also extend an understanding of the preconditions required for assessment. We have a sense of what it takes for the systematicity to obtain in one domain (e.g., the Great Depression’s paradox of financial crises), and therefore what it would take for that systematicity to also obtain in another, less familiar domain (e.g., the Great Recession’s paradox of financial crises).

Third (CPAR.iii), analogical reasoning is not a single-step process that transfers understanding from one domain to another. Instead, on account of its systematicity and built-in appreciation of preconditions, analogical reasoning *invites* assessment of its spuriousness, or accidental correlation among domains. Far from being the weapon of critics of analogy, accidental correlation is a concern that motivates users of analogical reasoning as well. The idea here is a methodological one. What it means to use analogies when reasoning is that one will first (1) extend a systematic understanding of one familiar domain to another, less familiar domain (CPAR.i-ii), and then (2) explore in detail what was initially a kind of “ballpark” inference meant to squarely frame the target domain for further, more detailed analysis. Questions about spuriousness are at the heart of analogical reasoning.

As these three essential claims show, the contemporary perspective on analogical reasoning (CPAR.i-iii) is anything but superficial, manipulative, and blind to the threat of spuriousness. It is not superficial because it deals with entrenched, systematic relations in the target and source domains (CPAR.i). It is not manipulative because it engages in inference, not mere association of domains (CPAR.ii). Finally, it is not blind to the threat of spuriousness because it includes a concern for whether an analogy meets the preconditions implied by its systematic relations, or merely trades in accidental correlations (CPAR.iii).

The Logical Interpretation of Political Judgment

While the contemporary perspective on analogical reasoning (CPAR.i-iii) may safely assuage common fears about any proposal that stresses the role of analogy in politics, it will likely fail to address less popular, more philosophically sophisticated worries about it. Deliberative democrats have indeed ignored the prevalence of analogical reasoning in politics and everyday affairs. However, many will contend that they have ignored it for good reason. Admitting that analogical reasoning is indeed rigorous from a contemporary perspective (CPAR), many deliberative democrats will nonetheless bristle at my focus on it. Is analogical reasoning really the kind of reasoning we want *most* from the citizenry? Logically speaking, is there not a stronger form of reasoning widely available, one we might choose instead?

The answer to this last question is obvious from prior accounts of deliberative democracy. When it comes to citizen reasoning, what most deliberative democrats idealize is not the use of analogies, but rather the use of principles. Time and again, deliberative democrats describe citizen reasoning in terms of a common starting point: Mutually acceptable principles. Furthermore, deliberative democrats also tend to consistently describe the process of

citizen deliberation as an attempt to first (1) identify shared principles or other common commitments, and then (2) to translate them into a particular context of decision-making (e.g., economic policy). The advantages of such principled deliberation over analogical reasoning are well-known. Principled reasoning is deductive. It begins with a general principle to which we have a firm, certain level of commitment (e.g., a principle of mutual respect). The principle is then “applied” to a particular context. This application occurs through long, elegant lines of reasoning, in which we preserve that initial, firm, certain level of commitment “step-by-step,” until we reach a conclusion about what to do. At that concluding moment, we have simply reformulated our initial, general principle in a later, particular context. We can be as certain of the conclusion as we are of the initial principle with which we began.

By contrast, analogical reasoning begins not with a general principle to which we attach a firm, certain level of commitment. Rather, analogical reasoning starts with a particular context with which we are already familiar (i.e., the “source domain”), and then maps the entrenched, systematic, familiar understanding we have of that source domain onto another particular domain (i.e., the “target domain”). Analogical reasoning is a far less certain affair, instead being pervaded with uncertainty and guesswork about what is probable and what is expected, though not for sure. As uncertain as we are of the source domain, which we know only through past experience (often at least), so too we must be at least as uncertain (if not more so) in the target domain. Given the tremendous disparity in certainty between the principled and analogical forms of reasoning, we can see why many deliberative democrats might believe that analogical reasoning has been overlooked for a very good reason: It is logically weaker. Principled reasoning simply reformulates an initially strong starting point (its principle) into a particular context; while analogical reasoning moves across continually shaky ground.

However, this priority changes once we recognize a logical insight. When it comes to practical life, even principled reasoning must enter shaky ground. One cannot apply any principle (no matter how firm and certain) to a particular context, without engaging in some reasoning about probabilities, predictions, and other uncertain matters. Indeed, politics in particular is rife with such uncertain matters. Courses of action are entangled with all manner of questions about what is likely to happen if a military intervention is pursued, a federal program is cut, or an economic incentive is created. By contrast, the deductive logic behind principled reasoning, which makes its conclusions so firm, has long been associated not with the shaky terrain of politics, but with the certain terrain of mathematics. In particular, Euclid's *Elements* has been the entry point for generations into the rigors and attending rational appeal of deductive, "principled" reasoning from initial, firm, certain commitments (e.g., axioms). In geometry and mathematics, the uncertain matters that proliferate politics are rarely on display.

This contrast is significant because once one steps outside the space of geometry and mathematics and into the uncertain terrain of politics, deductive logic loses its *logical* superiority. As Michael Dummett has pointed out, when reason has to deal with probability, it does better to be "short and sweet," than to be elegantly derived across long chains of reasoning. Think of a "conspiracy theory" and its explanation of a political event. What makes the explanation so suspicious is that it takes so very, very many steps to arrive at its conclusion. Along the way, we can almost feel the probability of the conclusion degenerating to nothing ... almost in no time. By contrast, a non-conspiratorial theory is "short and sweet," often based on an analogy to a past event (e.g., Great Recession and Great Depression), and arrives at its conclusion long before its probability has completely degenerated into nothingness. Similarly,

reasoners do better in highly probabilistic domains like politics to be short, sweet, and analogical, than to be elegant, extensive, and principled.

This logical insight alone might be enough to answer many skeptics of my turn to analogy. However, recent empirical research on political judgment gives astonishingly strong, additional support. In this research, it has been shown that “experts” as a class of decision-makers are not any better than a flip of a coin at making prediction-laden political judgments. Within the class of so-called “experts,” though, some of them do very well, while others do so terribly, that they are the ones responsible for dragging down the record of “experts” and putting them on a par with coin flips. Interestingly, the ones who do so poorly are those who use a “deductive” style of reasoning and rely extensively on general principles, which they then apply in their political judgments. The incredibly successful “experts” differ remarkably insofar as they use analogy and form predictions and related judgments by pasting together their shaky knowledge of a terrain to arrive at conclusions that are shaky, but far more accurate than a flip of a coin. Together with Dummett’s logical insight, these results suggest what I call the *logical interpretation of political judgment*: In politics, what we want is “short and sweet,” analogical reasoning, not the disastrous performances of principled reasoners whose conclusions suffer tremendously from a degeneration of probability. Thus, deliberative democrats would do well – logically and empirically – to shift away from a “deductivist” fixation on principled visions of citizen deliberation and towards an analogical one.

This shift is especially important for a very practical reason too, though. If politics is indeed the domain of probability, prediction, and uncertainty, ordinary citizens need a way to think rigorously about it. Rarely, though, do experts, let alone ordinary citizens, have statistical quantities memorized with which to make predictions and probabilistic judgments about politics.

However, studies have shown that even experts rely extensively on analogies to *qualitatively* assess probabilities in rigorous, efficient, and easily communicable ways. Thus, analogical reasoning is essential to democratic deliberation because without it, the average citizen and expert alike lack a realistic means for *qualitatively* reasoning about probabilistic *quantities*.

Addressing the Indeterminacy Worry

If analogies can help even experts reason rigorously and efficiently about the uncertain world that is politics, it is easy to see how analogical reasoning might help deliberative democracy address the indeterminacy worry in each of its variations ... or so the fifth chapter endeavor to show.

One reason people use analogies is that they are so very efficient at conveying massively systematic, entrenched knowledge about one familiar domain into the understanding of another domain. A tremendous amount of empirical research, computational study, and philosophical investigation has shown both why people are right to use analogies to save time and energy along these lines. In being so very familiar, analogical reasoning can quickly convey what is grasped with tremendous complexity in ways that elude quick sentential formulation. What we know by analogy is often way too complex to efficiently convey otherwise ... it would take a vast amount of time to actually spell out each and every thing we learned about a familiar, source domain. Analogy moves much faster. In doing so, though, it does not sacrifice its value as a tool for quick critical evaluation. In dealing with massive numbers of systematic relations with which we are deeply familiar, analogical reasoning has at its disposal an even more massive number of places at which we can study the analogy for its accuracy. To say that the Great Recession of 2008 is like the Great Depression is to open oneself up to countless questions about empirical

correlations in both of these domains. Moreover, as the contemporary perspective on analogical reasoning reveals, analogies are also well-suited to critical evaluation because they tend to incorporate standards for checking their spuriousness within the analogy itself.

Furthermore, analogical reasoning excels in the face of pluralism, inconsistency, and contradiction. Because it is *comparative* in its underlying architecture, rather than *computational* in the use of general rules to manipulate information one piece at a time, analogical reasoning is not befuddled by a contradiction. It can easily draw parallels between analogs by grading them according to their similarity and dissimilarity. By contrast, principled reasoning and its use of general propositions and rules easily gets hung up trying to find the best solution in the face of informational complexity. As a result, in the face of informational complexity and social pluralism, analogical reasoning is a pragmatic way to reason about what to do, while principled reasoning often is not.

Finally, when it comes to “first-personal” differences, analogical reasoning allows people coming from very disparate backgrounds to “mentally blend” their familiar grasp of the entrenched systematicity of disparate domains into a collective, shared perspective on what it is best to do. Studies of real political events, including past uses of military power, show that such “mental blending” is indeed highly efficacious in practical affairs. Thus, past personal experience need not be set aside and “bracketed” while citizens are asked to figure out the general principles and public beliefs they should use when deliberating together. Citizens need not approach politics with “compartmentalized” lives. Rather, with analogical reasoning, past personal experience can be “mentally blended” into the heart of deliberative politics. Divergent personal histories and perspectives are no hurdle to democratic deliberation.

Where Deliberative Democratic Theory Went Wrong

Deliberative democrats have not given analogy much of a role in their vision of democratic politics. It is easy to see why. Analogy can seem logically weaker to those trained in mathematical logic or geometry, since it eschews a deductive approach. Furthermore, analogy can seem superficial to those who are unaware of the fascinating recent research on the richness and rigor of analogical reasoning and its use by experts and non-experts alike. Hopefully, the contemporary perspective on analogical reasoning (CPAR) and the logical interpretation of political judgment offset these prejudices. If they do not, though, the application of my “diagnosis” to past accounts of deliberative democracy in the sixth chapter should help.

If we look at actual accounts of deliberative democratic theory, it can be seen time and again that the indeterminacy of deliberative democracy is often driven by a focus on principled politics, while those instances of practical realism championed by deliberative democrats are often allied with analogical reasoning. For instance, Amy Gutmann and Dennis Thompson are proud of the progress that has been made by one particular argument in applied ethics ... the success of that argument shows that deliberation can achieve progress even on contentious issues. However, if we look at that progress-producing argument, what we find is that it is actually an argument by analogy! Furthermore, the infamous “social choice critique of voting in a deliberative context” associated with Kenneth Arrow’s famous work is rapidly deflated as a threat to the practical reality of deliberative politics. The concluding chapter of my project takes up these and many other instances in which deliberative democracy has suffered for practical appeal on account of its “deductivist” fixation on first principles. By diagnosing this latent “deductivism” and prejudice against analogical reasoning and associated majority rule procedures and practices, a suggestive way past the indeterminacy worry is opened up and the

real *theoretical* value of focusing on analogy becomes fully entrenched.

Conclusion

At the end of the dissertation, I survey some of the commonalities between the diagnostic method of inquiry this project has pursued and prior work by deliberative democrats that has often come to *analogous* conclusions about the practical reality of deliberative politics. A final remark about the methodology of this investigation and this prior work is used to reflect on the ways in which the *form* of the preceding chapters dialectically illustrates their argumentative *content*. This dialectical self-illustration further establishes the connection between democracy and analogy, as well as the advantage of portraying citizen deliberation as a patchwork of parallels, which is to say, analogy.

Chapter One: Deliberative Democracy as a Vague Political Vision

The Liberal Lawyer's Lament: On the Indeterminacy of Deliberative Democracy

As a vision of democratic politics, deliberative democracy is routinely criticized for the vague sense of direction it would actually offer real political decision-makers.¹ To many people, this criticism seems like a natural consequence of the vision's definition. In making democratic legitimacy depend on whether or not the exercise of political power is accompanied by a process of collective citizen reasoning, the deliberative vision ties the meaning of democracy too closely to a process with unlikely prospects for success in modern societies. For instance, Ian Shapiro has argued that in modern societies plagued by conflicts among powerful interests, deliberation cannot be expected to have as much of an effect as deliberative democrats say it would. When applied to real politics, deliberation will likely just play right into the hands of powerful interests, unlike less deliberative and more pragmatic reform efforts directed at realistic goals like campaign finance reform or institutionalized support for third parties.²

One of the best expressions for this worry about the *indeterminacy* of deliberative democracy was expressed in response to a major statement of the deliberative view offered by Amy Gutmann and Dennis Thompson. In response to their exposition of the deliberative view as a set of carefully reasoned principles, one critic lamented the indeterminacy of such theoretical principles as political guides, suggesting such a political theory is prone to "the familiar

¹ e.g., Shapiro, Ian (2003). *The State of Democratic Theory*. Princeton: Princeton University Press, 24-5, Shapiro,

² Shapiro 2003, 24-5.

complaint of leftist lawyers that liberal principles are too indeterminate to do the work that political theorists assign them.”³ For a lawyer confronted with a concrete situation in which people are actually suffering dearly, a set of theoretical principles will not spell out the “democratic” thing to do with sufficient specificity to actually be helpful.⁴ More likely, even with a firm grasp on the principles of deliberative democracy, a number of options will seem to resonate with their dynamic vision of democracy. *Too much seems consistent with deliberative democracy*, the liberal lawyer is said to lament. Thus, while the principles and other theoretical details of deliberative democracy may clearly imply that some small set of options should be off the table (e.g., a violent rebuke to the political system), too many remaining options are still on the table for those considerations to supply a determinate answer to the problem at hand.

Behind this lament from “leftist lawyers” is a fundamental philosophical problem. The deliberative view and its associated principles *underdetermine* what the lawyer ought to do by safely eliminating some options, but leaving too many still on the table.⁵ Alone, the principles of deliberative democracy are “not enough” for political guidance. They do not go far enough towards guiding the choices of real political agents, like “liberal lawyers,” to be of any major help.

By contrast, the majority rule procedures and associated practices (e.g., elections) with which democracy is traditionally identified go plenty far in determining a course of action. If a group of liberal lawyers voted on a course of action, a decision would easily be determined.

Thus, by comparison, one of the advantages of the traditional view of democracy is that majority

³ Simon, William H. (1999). “Three Limitations of Deliberative Democracy.” in *Deliberative Politics: Essays on Democracy and Disagreement*. ed. Stephen Macedo. Oxford, UK: Oxford University Press, 54.

⁴ For an even more skeptical view of such normative theorizing, see Leiter, Brian (2006). “The Hermeneutics of Suspicion.” in *The Future for Philosophy*. ed. Brian Leiter. Oxford, UK: Oxford University Press.

⁵ For a careful exposition of the problem of underdetermination as it threatens the moral and political principles of deliberative democrats like Habermas, see Heath, Joseph (2011). *Following the Rules*. Oxford, UK: Oxford University Press, 149.

rule is a very *concrete* mode of governance and decision-making, which means it can easily be mapped onto real politics in a determinate, and thereby action-guiding, way. Public elections, high court rulings, resolutions of legislative bodies, and the advisory boards of government agencies all make decisions by majority rule and do so with no shortage of determinacy. No problem of “liberal indeterminacy” arises in these contexts of traditional, majority rule driven democracy. As a result, one can see why the traditional view of democracy as majority rule remains in favor among some political philosophers even after the rise of deliberative democracy.⁶

Three Variations on the Indeterminacy Worry

This worry about the “liberal” indeterminacy of the deliberative view of democracy has only become more pronounced, varied, and theoretically sophisticated over time. Three specific variations of the worry have emerged as the major forms in which this “indeterminacy worry” and its problem of underdetermination have been articulated. In the next section, I briefly take up each variation in turn. At this point in my investigation, I will simply introduce these variations on the indeterminacy worry, relegating the sophisticated expositions of their motivation and argumentative details to the third, fourth, and fifth chapters of this project. In doing so, I hope to set the stage for framing my own response. Once that response is framed, I will return to these variations on the indeterminacy worry to see how my response stacks up (and in doing so, will get into the details of their underlying motivations and argumentative details).

1. The Pragmatic Variation

⁶ Dryzek, John S. (2000). *Deliberative Democracy and Beyond*. Oxford, UK: Oxford University Press, 39.

One *pragmatic* variation on the indeterminacy worry maintains that the deliberative view is simply too *inefficient* to serve as a political ideal. As Christian List has observed, decision procedures for dealing with the possible combinations of citizen views for and against any issue *exponentially* increase as the number of citizens increases even marginally.⁷ As small a number of citizens as “10” formally yields a “dramatic combinatorial explosion” when the logical space of possible decision procedures is mapped precisely, List observes.⁸ In other words, canvassing all the possible viewpoints and all of the possible procedures for surveying them is a wildly unrealistic possibility for real democratic deliberation. To illustrate this point, List compares the object of inquiry for such a task with “the number of elementary particles in the universe according to standard estimates.”⁹ In both cases, the sheer quantity of content to be surveyed is “dramatic” (to put it lightly).

Formal analysis is not necessary to catch the drift of this worry, though. Even at face value, the very idea of having citizens deliberate together towards a decision seems to demand a dramatic (if not unrealistic) amount of time, energy, and other resources. Not only must citizens express their views, but they must also take the time to cite the relevant commitments which, in conjunction, justify those views as the supporting reasons. Moreover, after citing those conjunctive commitments, they must also spend even more time and energy actually assessing those justifications and revising their original positions accordingly. Since political decision-making is frequently (if not almost always) pursued under severe time pressures (e.g., between Congressional recesses), it seems practically impossible to cover the three stages of this process of “conjunctive criticism,” by which I mean the process including (1) the expression of citizen positions, (2) the explication of the supporting conjunction of commitments that justify those

⁷ List, Christian (2011). “The Logical Space of Democracy.” *Philosophy and Public Affairs*. 39:3, 271-2.

⁸ List 2011, 272.

⁹ List 2011, 272.

positions, and (3) the critique of those justifying commitments. As a result, even without List's formal analysis, the deliberative determination of political decisions seems to require "dramatic," indeed excessive, practical demands. A corresponding indeterminacy ensues.

Furthermore, even if these familiar pressures of time and energy are relaxed well beyond the norm, no formal analysis is needed to see that the amount of information that would have to be canvassed exponentially explodes once populations reach levels that are normal in contemporary democratic societies.¹⁰ With millions of citizens, the number of positions and conjunctive commitments that have to be canvassed during democratic deliberation is staggering. With all of the time and energy in the world, the cognitive capacities of the citizenry, including their memories, would be overtaxed. As a result, in the context of contemporary democratic politics, relaxing time and energy pressures will not even be enough to offset the informational demands of deliberative democracy and the conjunctive criticism it deploys. Here too, the inefficiency of conjunctive criticism renders the deliberative view politically impractical under the *pragmatic* conditions of real politics.

Taken together, these pragmatic conditions yield indeterminacy in the form of underdetermination. With too little time, energy, and memory, and an exponentially explosive amount of information to survey in the form of citizen positions, reasons, and criticism when a decision has to be made, too many options will still be on the table. When the final hour is upon the citizenry, which position is the best response to any given problem will be impossible to determine, because the conjunctive commitments supporting each position are practically impossible to assess with equal or even sufficient vigor. How can one choose one option when others have not yet been countenanced? How does one know every position is even on the table, when so much time has been spent analyzing only the supporting commitments of just the first

¹⁰ *ibid.*

few positions mentioned by speakers, especially when the reason why these speakers went first, rather than others, is unclear, if not simply a random matter of chance.

2. The Informational Variation

On a second, *informational* variation of the indeterminacy worry, deliberation is powerless to cope with the contradictions, logical inconsistencies, tensions and conflicts that saturate the conjunction of citizen commitments. No single citizen has a logically consistent set of beliefs, it is often worried, let alone a group of such citizens.¹¹ Worse yet, the “fact of pluralism” means that people disagree about even their most cherished and fundamental commitments, so deliberation cannot even proceed by restricting attention to the deepest level of citizen commitment.¹² Moreover, this issue is aggravated by the widely held belief that the “fact of pluralism” is not the result of lapsed rationality on the part of citizens, but rather a consequence of reasonable people having reasonable views that happen to conflict.¹³ If tension in the conjunction of citizen commitments can be “reasonable” in this pluralistic way, then deliberative democrats lack an easy way of setting the fact of pluralism aside as a mere matter of *theory-application*, rather than political theory proper. Thus, a serious, *theoretical* problem emerges from the informational complexity posed by contradiction, inconsistency, tension, and conflict among the commitments of citizens both as individuals and collective deliberators.

These considerations reflect a deeper worry about indeterminacy to the extent that deliberation is hamstrung in the face of *informational conditions* like these. As logicians,

¹¹ Freeman, Samuel (2004). “Public Reason and Political Justifications.” *Fordham Law Review*. 72:5, 2032-3.

¹² Gaus, Gerald (2011). *The Order of Public Reason*. Oxford, UK: Oxford University Press, 42-44, Talisse, Robert (2005). *Democracy after Liberalism*. London, UK: Routledge, 37, Bohman, James and Richardson, Henry S. (2009). “Liberalism, Deliberative Democracy, and ‘Reasons All Can Accept’.” *Journal of Political Philosophy*. 17:3, 253.

¹³ Gaus 2011, 42-4, Gutmann, Amy and Thompson, Dennis (1998). *Democracy and Disagreement*. Cambridge, MA: Belknap Press, 14.

philosophers, and ordinary citizens are well aware, it is difficult to come to a determinate decision or to determine what is justified when the information one has to deal with is rife with internal inconsistency. From inconsistent premises, everything is justified (at least according to classical logics), while in the face of conflicting information, ordinary citizens would also agree that everything seems like an equally good idea. The indeterminacy worry therefore poses an information processing challenge to deliberative democracy as well, one that has long been recognized and often portrayed as a major hurdle.¹⁴

Here too, the indeterminacy worry boils down to a classic problem of underdetermination. Logicians describe the dilemma posed by inconsistent premises as a problem of underdetermination because anything is justified and therefore too little determinacy is available to be of practical significance. Similarly, when citizens are faced with policy experts and politicians who all seem to contradict themselves as well as one another, citizens struggle to arrive at a determinate response worth endorsing with the weight of conscience, let alone action. What is needed is some way to reduce underdetermination one way or another.

3. The First-Personal Variation

Finally, a third variation on the indeterminacy worry takes issue with the method of inquiry associated with deliberative democracy. For deliberative democrats, conjunctive criticism cannot be discourse of any kind, but rather must be of the *right* kind. Discourse must be *qualitatively* “deliberative,” where this qualitative restriction is often defined in various ways. For example, the restriction is often defined in terms of the value of “respect” and how deliberation must always proceed in a respectful manner. Alternatively and more commonly, the

¹⁴ List 2011, 282, footnote 27.

restriction is defined as a limit placed on which considerations count as “public” reasons, insofar as they gain their rational force by appealing to commitments everyone involved already shares.

As Gerald Gaus has gone to uniquely great lengths to argue, the indeterminacy worry arises here when a shift takes place from this *restricted* conjunction of commitments (i.e., the respectful ones or “public” ones everyone already shares) to the *larger* set of personal commitments people hold as individuals.¹⁵ This shift is significant because people do not ultimately make decisions from a restricted point of view, but rather from their “own,” first-personal point of view.¹⁶ When it comes to decision-making, we ultimately put ourselves and our own individual commitments at the steering wheel, not a public “we” with a restricted set of commitments that excludes our own. Much as jurors struggle to only weigh the evidence that was found to be admissible during court proceedings, though they are aware of other evidence that was not admitted into the proceedings through media exposure, so too citizens struggle to actually set themselves into action on the basis of public dialogue without first consulting their private conscience. In other words, political philosophers cannot really expect citizens to proceed to make political decisions with “blinders” on to prevent their field of vision from taking in the private beliefs they may have that are not widely shared in public (e.g., religious ones). Thus, though the method of inquiry favored by deliberative democrats often begins by framing deliberation within a restricted point of view (i.e., the “public”), there can be no impact on what citizens actually do without proceeding through the stage of first-personal decision-making. Moving into the first-personal point of view is complicated by the fact that as individuals, we hold a larger number of commitments than we do as members of a “public” with solely “publicly shared” commitments. Consequently, to actually transfer a publicly acceptable commitment into

¹⁵ Gaus, Gerald (2011). *The Order of Public Reason*. Oxford, UK: Oxford University Press.

¹⁶ Gaus 2011, 361.

a first-personal one capable of guiding our action, we will have to see how that public commitment holds up in light of our larger set of individual commitments (e.g., our religious beliefs).

The specific worry about indeterminacy here is that our public commitments do not translate into first-personal commitments in a *stable*, determinate way.¹⁷ When it comes time to make a decision, we make those decisions in light of a larger set of individual commitments such that it *re-opens the question* of what it is we are committed to in the first place. In other words, many argue that when the “total balance of reasons” is expanded from the restricted, “public” perspective to the first-personal perspective, what seems most justified is highly prone to change.¹⁸ No stability can be expected of what we accept as a public commitment when it comes time to make decisions based on our individual commitments as well. In this third context, the deliberative view of democracy is yet again too indeterminate to be of value as a theoretical tool. The larger set of commitments held by any individual citizen de-stabilizes the practical significance of those commitments recognized publicly. Where we want public reasoning to actually make a difference (i.e., in political decisions made by individuals), it is too indeterminate to serve that purpose.

Here too, a problem of underdetermination appears at the most fundamental level. Whatever is concluded through public reasoning, that conclusion underdetermines what any individual citizen will actually do when the time to actually act arrives.¹⁹ The problem is that a conclusion drawn from a set of public reasons has an uncertain relationship to the conclusion an individual will draw from the addition of private beliefs to that set of public reasons.

¹⁷ The language of “stability” is drawn from Gaus 2011, 358-363.

¹⁸ *ibid.*

¹⁹ Naturally, this statement assumes a variety of methodological individualism, for which see Elster, Jon (2007). *Explaining Social Behavior: More Nuts and Bolts for the Social Sciences*. Cambridge, UK: Cambridge University Press, 7-52.

Accordingly, when deliberation in the public forum ends and everyone seems to have made up “their” minds, the options still on the table are under-specified. In a less technical sense, then, this third variation on the indeterminacy worry presents a problem of underdetermination insofar as the practical reasoning in the public domain under-specifies the options on the table at the more decisive level of first-personal decision-making.

Given these three variations on the indeterminacy worry voiced by “leftist lawyers” towards democratic theorists, one can understand why the gains in dynamism routinely claimed on behalf of the deliberative view are also routinely criticized for their failure to translate into decisive, determinate politics. In the richly suggestive words of Gerald Gaus, the problem is that the deliberative view “wilts under what we might call the ‘burdens of justification.’”²⁰ Here, these ‘burdens of judgment’ stand for what I referred to above as the *pragmatic, informational,* and *first-personal* conditions of democratic deliberation. Moreover, in light of the indeterminacy worry, one can also understand why some have resisted the “deliberative turn” in democratic theory and instead suggested that the deliberative view must at least be supplemented with *non-deliberative* components from the traditional view of democracy as majority rule. For instance, shortly after Gutmann and Thompson articulated their major statement of the deliberative view of democracy, even sympathetic theorists admitted that the actual democratic political process is “pervasively nondeliberative” and therefore in need of some realistic supplements.²¹ These *non-deliberative* supplements provide the decisive, realistic determinacy needed for democracy to move beyond the underdetermination of conjunctive criticism so as to ‘get things done’ through bargaining, voting, etc.

²⁰ Gaus 2011, 373, a phrase he adapts from John Rawls.

²¹ Walzer, Michael (1999). “Deliberation and What Else?” in *Deliberative Politics: Essays on Democracy and Disagreement*. ed. Stephen Macedo. Oxford, UK: Oxford University Press, 59.

Framing an Alternative Reply

Deliberative democrats have developed numerous responses to this indeterminacy worry. Below, I will group their responses under three categories, based on their respective method of inquiry. These categories are as follows: apologetic, critical, and diagnostic. Here, I will only briefly rehearse these earlier responses to the indeterminacy worry in the three formulations surveyed above for two reasons. First, the debates surrounding these responses are well-studied and yet remain at an impasse.²² As a result, a less well-trodden path beyond the various problems of underdetermination associated with deliberative democracy seems more promising than an in-depth engagement with these debates. Second, I will return to these responses in chapter six, where I will present them in greater detail as I attempt to show where the advantages of my own analysis can be seen. To avoid unnecessary repetition, I therefore postpone that “greater detail” of engagement with these other responses until chapter six and instead only briefly rehearse them here.

As I mentioned, these replies all seek to address the constant criticism directed at deliberative democracy for its lack of political realism.²³ Nonetheless, they do differ in their methods of inquiry. In the next three sections, I will briefly rehearse each approach as a response to the indeterminacy worry, pointing out their methodological differences in turn.

1. The Apologetic Method of Inquiry

Consider first the *apologetic* method of inquiry used most commonly by deliberative democrats to respond to the indeterminacy worry. This method responds to various worries about deliberative democracy’s lack of political realism by suggesting that it is not as unrealistic

²²Gaus 2011, 359-370, which is described as a recalcitrant “deliberative problem.”

²³ See footnote 1 above.

and indeterminate as imagined. Typically, this method of inquiry *accepts the terms of the criticism*, but *questions the extent* to which they are actually problematic. The work of Amy Gutmann and Dennis Thompson is particularly illustrative of this method. For instance, Gutmann and Thompson accept the terms of the second, informational variation on the indeterminacy worry. As they admit, “the basic problem of democratic politics” is “how to make legitimate decisions for the society as a whole in the face of fundamental disagreement.”²⁴ Moreover, not only do they admit that such informational complexity of a “pluralistic” kind is a real problem, but they also agree that it is a “reasonable” one that cannot be brushed aside as a mere matter of theory-*application*. They admit as much when they write, “The core of the problem is not merely that people disagree, but that some of the disagreement is reasonable. It is built into the circumstances of social and political life.”²⁵

Furthermore, they also admit that “deliberative democracy does not provide a natural way to come to a definite conclusion short of consensus, which is not to be expected in most cases of decision-making.”²⁶ With these words, they concede to the critics of deliberative democracy that the indeterminacy worry is legitimate, a “definite conclusion” is underdetermined by the deliberative process. They then proceed to also concede to proponents of the indeterminacy worry that deliberation needs to be supplemented with the non-deliberative practices of the traditional view, for as they explain this concession, “Deliberative politics almost always has to be supplemented by other decision procedures ... It must rely on other procedures, most notably voting, which in themselves are not deliberative.”²⁷ In other words, Gutmann and Thompson also concede the first, pragmatic variation of the indeterminacy worry. Though their deliberative

²⁴ Gutmann, Amy and Thompson, Dennis (2004). *Why Deliberative Democracy?* Princeton, NJ: Princeton University Press, 14.

²⁵ *ibid.*

²⁶ Gutmann and Thompson 2004, 18.

²⁷ *ibid.*

view focuses extensively on the need for deliberation to be “open,” they nonetheless concede that “unlimited opportunities to reopen questions would of course paralyze government.”²⁸

As mentioned at the opening of this section, though the apologetic method of inquiry concedes the terms of the debate, it does still “put up a fight” insofar as it pushes back on the *extent* to which the criticism leveled on those conceded terms is actually problematic. Thus, with regard to their aforementioned concession to the indeterminacy worry, Gutmann and Thompson do push back by writing:

The fact that deliberative democracy does not in itself define a unique method for bringing deliberation to a justified conclusion (short of a moral consensus) means that it acknowledges that no single method can justify whatever results from its implementation.²⁹

In other words, while they concede that democratic deliberation underdetermines a unique outcome most of the time, they do not agree with critics about the extent to which this indeterminacy is deeply problematic for the deliberative view. Rather, as any apologist would, they contend that this indeterminacy is misunderstood as negative, when really it is a positive feature that actually (i.e., counterintuitively) testifies to the realism of the deliberative view. It would be unrealistic to believe any “method for bringing deliberation to a justified conclusion” would be completely determinate, all of the time. Consequently, though they concede the terms of the debate to their critics by allowing for the indeterminacy of democratic deliberation, they ultimately challenge the implication to be drawn from that indeterminacy.

Similarly, they recognize the third, first-personal variation of the indeterminacy worry, writing, “Another charge of bias against deliberative democrats is that their standards of public reason discriminate against certain kinds of beliefs, particularly against certain religious

²⁸ Gutmann and Thompson 1998, 91.

²⁹ Gutmann and Thompson 2004, 19.

perspectives.”³⁰ Though not focused on the first-personal indeterminacy exactly as formulated above, their comment nonetheless reveals an awareness that the personal and political may seem to stand at odds during deliberation as it is portrayed in their model. Recognizing this indeterminacy about what kinds of belief qualify as legitimate inputs into democratic deliberation, they push back against this “charge” by questioning the extent to which it really poses a problem. They write, “But it would be misleading to infer from this criticism that we should reject the standards of public reason. Because of the wide range of beliefs found in every democratic society, it would be unrealistic to expect agreement on every controversial moral issue.”³¹ In other words, Gutmann and Thompson stand-up for the deliberative view by questioning the extent of the problem. Even more unrealistic than their own view would be to expect agreement on “every” issue for which it is indeterminate whether personal beliefs are admissible as public reasons. Thus, much as an apologist for any cause may concede a criticism only to say it is ultimately for the better, so too Gutmann and Thompson enact an apologetic method of inquiry to deal with criticism leveled at their lack of political realism.

Many other deliberative democrats take the same approach to the indeterminacy worry in its various formulations. Amartya Sen, for example, similarly argues that the underdetermination of democratic deliberation “does not keep us transfixed with indecision.”³² He too concedes the terms of the debate, writing of the reasons offered during democratic deliberation that “The reasons may sometimes compete with each other in persuading us in one direction or another in a particular assessment, and when they yield conflicting judgments, there is an important challenge in determining what credible conclusions can be derived, after

³⁰ Gutmann and Thompson 2004, 51.

³¹ Gutmann and Thompson 2004, 52.

³² Sen, Amartya (2009). *The Idea of Justice*. Cambridge, MA: Harvard University Press, 395.

considering all the arguments.”³³ In these informational conditions of underdetermination, deliberation may not identify a *unique* outcome or a *complete* ranking of options in terms of their relative worth. After making this concession, though, Sen pushes back with regard to the extent to which these informational conditions are really problematic. He writes, for instance, “This anxiety ... overlooks the fact that nearly all appraisals undertaken as a part of normal living involve prioritization and weighing of distinct concerns, and that there is nothing particularly special in the recognition that evaluation has to grapple with competing priorities.”³⁴ With these words, Sen strikes the tone of an apologist. Yes, the indeterminacy is real, however, it is as normal in democratic deliberation as it is in any deliberation where decisions are regularly made despite these informational conditions.

The reason for such optimism, Sen explains, is that the “extent of incompleteness” that occurs when we deliberate about how to rank our options makes indeterminacy less crippling.³⁵ True to the apologetic method of inquiry, he takes his optimism from the *extent* to which the terms of the debate actually yield crippling indecision. Even when citizens cannot agree on a complete ranking of each and every option, they can nonetheless agree that option *x* is better than option *q*, which are both worse than option *z*, despite the “gaps” left in this agreement about where other options may fit into the ranking. Accordingly, Sen maintains, “there are a great many choices in which a partial ordering with specific gaps could give us a great deal of guidance.”³⁶ Sometimes agreeing on the worst thing to do offers sufficient guidance to create a unified plan of action. Other times, we can know what it would be best to do without agreeing on what would be second best. Sen describes these incomplete agreements in the face of

³³ Sen 2009, 394.

³⁴ Sen 2009, 395.

³⁵ Sen 2009, 396.

³⁶ Sen 2009, 399.

informational complexity as “partial rankings,”³⁷ a position that overlaps neatly with the position Gutmann and Thompson also ultimately endorse with regard to the indeterminacy worry: “By their nature, reasonable differences contain partial understandings.”³⁸

The apologetic method of inquiry also appears in the work of Jürgen Habermas. Habermas paints a sympathetic portrait of the demand for political realism associated with what he calls the “sociological enlightenment.” By this phrase, Habermas intends to name a major intellectual trend in recent decades that tends to “evaporate” any apparently idealistic, deliberative element of democratic politics by drawing on sociological findings. More specifically, the sociological enlightenment uses the knowledge generated by the social sciences to show that “illegitimate” power of a brute, “realist” kind tends to force its way into the very places political philosophers cherish most as bastions against realism and pluralism of the kind associated with the indeterminacy worry.³⁹ What might seem like democratic deliberation, for instance, turns out to be yet another powerplay. In an apologetic manner, Habermas admits that in its “normal” mode, democratic politics fits that sober, realist’s picture relatively well.

However, he then challenges the *extent* to which it is problematic by questioning its totalizing reach. Against the sociological enlightenment’s pessimism, Habermas contends that there nonetheless exist “extraordinary” moments when the trends documented by sociologists are scuttled and democratic politics rises to an extra-ordinary rational quality of deliberative politics.⁴⁰ More specifically, the “reifying trends” observed by sociologists, in which people are treated as things (*de re*), rather than as rational agents, are not “an unavoidable feature of complex societies,” but “moments of inertia” that are punctuated by extraordinary moments in

³⁷ Sen 2009, 396.

³⁸ Gutmann and Thompson 2004, 29.

³⁹ Habermas, Jürgen (1996). *Between Facts and Norms*. Cambridge, MA: MIT Press, 329.

⁴⁰ *ibid.*

which these trends are “countersteered” by people acting on latent normative presuppositions.⁴¹ In these extraordinary moments, “normative countersteering ... can compensate for the communicative, cognitive, and motivational limitations on deliberative politics” observed by critics of the deliberative view in the wake of the sociological enlightenment.⁴² Setting aside the technical details of Habermas’ terminology, the apologetic method of inquiry can clearly be observed in the contrasts enacted by that terminology. One only “countersteers” when a larger force is being recognized while at the same time being challenged in its totality. Like a vehicle headed with tremendous inertia in one direction, Habermas concedes that democratic societies are largely inert in their non-deliberative trends, but also like a vehicle, those trends are punctuated by moments when democracy is steered back onto its (deliberative) course.

2. The Critical Method of Inquiry

The second method of inquiry adopted in responding to the indeterminacy worry is far less popular, but still widely recognized. According to this *critical* method, the constant criticism directed at deliberative democracy on account of its lack of realism warrants a criticism of its own. Advocates of this critical method of inquiry often take inspiration from what Habermas’s focus on “deviation” suggests about the role of an ideal theory of deliberation and/or deliberative democracy. David Estlund, for example, contends that the deliberative view can function as a theory in a beneficial way without having to mirror our political reality. As he contends, Habermas’s work on deviation and normative countersteering suggests that the deliberative view functions as a “breakdown theory,” informing citizens not about the ideal

⁴¹ Habermas 1996, 321-328, for a detailed analysis of the “reification” of people, see Honneth, Axel (2012). *Reification*. Oxford, UK: Oxford University Press.

⁴² Habermas 1996, 327.

democracy towards which they should continually strive, but rather about the “template” they should use to identify points at which political reality has deviated too far from its democratic model.⁴³ These breakdowns are “common and inevitable,” and call for “adjustment” to the contours of the template.⁴⁴ However, such adjustment is very different from aspiration to achieve an ideal theory that is hopelessly unrealistic given current pragmatic, informational, and first-personal conditions. As a breakdown theory, the deliberative view can remain indeterminate while still offering some guidance about those parts of a democratic society that have reached a crisis point that requires countersteering of the normative kind associated with deliberative politics.

Additionally, Estlund argues that an indeterminate and unrealistic deliberative view can nonetheless play an important, *causal* role as an ideal theory.⁴⁵ As he points out, “Reflection on how people and institutions should be can direct our attention and energy to determining how far realism can reach. We sometimes expect too little precisely because we have no normative standard that forces the question of whether more can realistically be expected.”⁴⁶ In this passage, Estlund criticizes the realist opponents of deliberative democracy for failing to give their own position sufficient scrutiny. Realism is not an all or nothing quality of a theory. Some theories may accept current political reality as it is. Others may demand changes that are slight and within easy reach. Still other theories may require more change and upheaval in our political reality. These qualitative differences cannot be set aside behind a single criterion of “realism” without risking that we have little theoretical cause to consider where there might be room for political improvement in our political reality. As a source for a theoretical cause for

⁴³ Estlund, David (2008). *Democratic Authority*. Princeton, NJ: Princeton University Press, 199-200.

⁴⁴ Estlund 2008, 200.

⁴⁵ Estlund 2008, 269.

⁴⁶ Estlund 2008, 269.

reconsideration in this way, Estlund claims, the deliberative view can play a causal role without being fully determinate and realistic. Short of recommending unique outcomes in particular political situations, the theory can at least cause us to wonder where we should take political reality as it is, and where we should demand more of it. As a template for adjustment, then, the deliberative view remains viable in the face of the indeterminacy worry ... but only if we adopt a *critical* method of inquiry that challenges the terms of the debate, rather than accepting them and only challenging their extent.

Similarly, Joshua Cohen and Charles Sabel defend the deliberative view by challenging the terms of the debate about its various forms of indeterminacy. Many apparent criticisms that would be directed towards a deliberative view are themselves worthy of criticism because they rely on problematic categories. More specifically, democratic deliberation seems unrealistic because its real life instantiation explodes neat categories like “the false dichotomy of state and market.”⁴⁷ Cohen and Sabel adopt this critical method of inquiry towards each variation of the indeterminacy worry. First, they recognize that others may contend that “in a large-scale political system, wide-spread participation in decision-making is organizationally or administratively impossible.”⁴⁸ However, they contend, this pragmatic variation of the indeterminacy worry collapses once we cease to identify deliberative democracy “with direct assembly democracy and especially with the Greek *polis* as both the ideal and the practical inspiration.”⁴⁹ In contemporary political reality, by contrast, problems require deliberative solutions that are “tailored to (constantly changing) local circumstances” and therefore more than

⁴⁷ Cohen, Joshua and Sabel, Charles (2009). “Directly Deliberative Polyarchy.” in *Philosophy, Politics, Democracy*. Cambridge, MA: Harvard University Press, 183.

⁴⁸ Cohen and Sabel 2009, 185-6.

⁴⁹ Cohen and Sabel 2009, 193.

one “stable” form of deliberation.⁵⁰

Accordingly, we should not expect democratic deliberation to fit squarely into the ancient Greek form of the assembly, nor should we expect it to always comprise only one particular combination of “government” and “market” (i.e., no market, or minimal government, etc.). In practices like community policing and economic development organizations, collaboration is coordinated through “regular discussions, disciplined reference to officially recognized standards,” and other hallmarks of deliberation, while the categories of state and market are blurred and citizens effectively deliberate despite the limited time, energy, and other resources with which they must deal.⁵¹ Moreover, where these forms of deliberation occur, it is not because people of uniform outlook and informational conditions associate with one another, but often the converse: “they often emerge precisely against a background of associative distress,” which is to say, in those places where pluralism, contradiction, inconsistency, and tension obtain (i.e., the informational variation of the indeterminacy worry).⁵² Thus though they recognize that the deliberative view apparently “depends on a higher degree of homogeneity among citizens than can reasonably be assumed in a large-scale, pluralistic democracy,” they use the critical method of inquiry to challenge the very terms that worry presupposes. Deliberation in real politics arises precisely because of challenging informational conditions, not despite them.

Cohen and Sabel also address the third, first-personal variation of the indeterminacy worry. They recognize, “Critics of deliberative decision-making fault it for being doubly exclusionary. Deliberation, they say, is a particular discursive style, with all the conventional indicia of the rational: formal, deductive, and unemotional. By insisting on abstraction from the

⁵⁰ Cohen and Sabel 2009, 196.

⁵¹ Cohen and Sabel 2009, 184-5.

⁵² Cohen and Sabel 2009, 185.

personal and particular, deliberation excludes both people and information.”⁵³ As this statement reveals, Cohen and Sabel are well aware of first-personal criticisms of the deliberative view. They understand that the “personal and particular” considerations that actually drive individual action would seem to be eliminated by a political praxis fixated on mutual reason-giving. However, they again adopt the critical method of inquiry by responding to these critics by questioning their assumptions:

This objection makes two assumptions, both unwarranted. First, that requiring an explicit statement of reasons implies that nothing other than reasons can be stated – as though a conception of deliberative justification supported a ban on undeliberative humor. Second, that the canonical form of deliberation is the justification of a regulation from first principles: the argument for progressivity in the tax system on grounds of a conception of political fairness. Deliberation may take this form, but nothing in the concept of reason-giving requires it to do so. Nor, more immediately, is the reason-giving that occupies us here naturally expressed in the form of deductions from general political axioms. On the contrary, deliberative problem-solving is by its nature focused on addressing specific problems in local settings.⁵⁴

In this passage, Cohen and Sabel criticize the assumptions of their critics with regard to their scope and narrow identification with a specific mode of reasoning. More specifically, they first question the assumption that “an explicit statement of reasons” restricts the scope of our considerations in such a way that more “personal and particular” considerations would necessarily be excluded. Instead, they suggest, there is plenty of space for alternative, more first-personal considerations. Critics merely assume that explicit reasoning implies a ban on *all* more first-personal considerations. Second, they also question the assumption that the mode of reasoning often taken to be exemplary among philosophers is the natural expression of democratic reason-giving. To posit a less personal, less *first*-personal mode of reasoning like formal, deductive, principled reasoning as the exemplar that ought to guide our conception of democratic deliberation is to make an assumption that the generic account of reasoning they offer

⁵³ Cohen and Sabel 2009, 205.

⁵⁴ *ibid.*

does not require, nor even demand. In this way, Cohen and Sabel follow Estlund in adopting a critical method of inquiry in formulating their reply to the indeterminacy worry in its various formulations.

3. The Diagnostic Method of Inquiry

A third method of inquiry is suggested by Elizabeth Anderson's response to the indeterminacy worry. Anderson's approach does not fit squarely into either the apologetic or critical methods of inquiry. She neither offers a qualified defense of the deliberative view for its apparent lack of realism, nor does she respond to this lack of realism by questioning the value of realism or related terms in the first place. Instead, she questions the very division on which the criticism rests, namely, the line drawn between the deliberative view of democracy and the "non"-deliberative and more practical and determinate mechanisms of majority rule. Anderson's account is of particular interest precisely because it advances beyond portraying the practices associated with the traditional view (e.g., voting) as a practical addendum (as Gutmann and Thompson were seen to treat it above). Instead of being added on to the theory as a practical concession and apologetic move, Anderson tries to locate it within her political philosophy itself. Her proposal involves taking a cue from John Dewey's works:

Deliberative democrats who follow Dewey stress the provisional and experimental character of voting. Voting does not make a final decision, but rather represents the citizens' or the state's legitimate decision of what to try next until something better comes along.⁵⁵

In this passage, Anderson associates herself with Dewey and his challenge to the idea that the majority rule practices associated with the traditional view are *non*-deliberative in their

⁵⁵ Anderson, Elizabeth (2009). "Democracy: Instrumental vs. Non-Instrumental Value," in *Contemporary Debates in Political Philosophy*. ed. Thomas Christiano and John Christman. Oxford, UK: Oxford University Press, 217.

significance.⁵⁶ Instead of a brute decision-procedure, those who “follow Dewey” take an “experimental and provisional” approach to voting, treating it as an opportunity to revise earlier decisions rather than to get things done in an efficient, aggregative manner.

This Deweyan conception of democracy is born out when Anderson writes, “Citizens’ collective deliberation and feedback on public decision-making is continuous and does not stop just because a law has been enacted.”⁵⁷ In other words, what makes democracy experimental and provisional is that the decisions made when voting are always framed with an eye to the feedback they will ultimately engender. Voting is provisional in yet another sense. Not only can its results be revised later, but they may also be revised precisely because they stem from *collective* decision-making, not individuals acting on their individual preferences. When any kind of political decision is made by a vote of all citizens or a vote of their official representatives, the collective nature of voting and democracy alike means that the people (*collectively*) will always have a chance down the road to provide feedback on that earlier decision (regardless of whether they made it, or their official representatives).

In this way, Anderson’s view *accommodates the realities* of contemporary politics, as she points out: “The rise of the regulatory state has entailed that administrative agencies issue thousands of rules pursuant to general laws. Critical to the democratic process is participatory citizen feedback on proposed regulations prior to their enactment.”⁵⁸ Anderson recognizes that modern democratic politics assigns a huge role to administrative agencies in the actual making of decisions. Furthermore, direct citizen input plays a limited role in such administrative decision-making. Even without a direct contribution in daily political decision-making, though,

⁵⁶ It may be noteworthy that Habermas makes a similar reference to Dewey’s perspective on voting, Habermas 1996, 304, though he makes it far less central to his democratic theory than does Anderson.

⁵⁷ *ibid.*

⁵⁸ *ibid.*

Anderson's conception of majority rule mechanisms like voting allows the citizenry to still collectively co-deliberate by offering occasional feedback on these decisions originally made without their direct involvement.

By showing how the majority rule practices of the traditional view ultimately serve deliberative, rather than *non*-deliberative purposes in democratic politics, Anderson's method of inquiry amounts to a diagnostic one. She neither accepts the terms of the debate nor criticizes the significance of political realism. Instead, she embraces the need for realism wholesale, suggesting that one of the benefits of her view is that it resonates *better* with the administrative reality that is contemporary democracy. Moreover, she also allows a real political practice to play a fundamental role in shaping her democratic theory.⁵⁹ This response is diagnostic insofar as it locates an assumption in the realist's criticism of deliberative democracy and responds by exploring the question without that assumption in place. That is to say, she responds diagnostically by asking not to what degree the criticism is well-founded (i.e., the apologetic method), nor whether the criticism is a serious threat (i.e., the critical method), but rather whether the majority rule practices of the traditional view, like voting, are actually a non-deliberative competitor to the deliberative vision of democracy.

This diagnostic method of inquiry is significant because it stands at odds with most responses to the indeterminacy worry and the supposed superior political realism of the traditional view.⁶⁰ Most deliberative democrats do indeed treat majority rule procedures like

⁵⁹ On the methodological significance of this move, see Honneth, Axel (2008). "The Social Dynamics of Disrespect," in *Disrespect*. trans. John Farrell. Malden, MA: Polity Press, 69-72.

⁶⁰ Though other deliberative democrats have made similar, diagnostic moves, in chapter six I intend to ultimately show that they usually differ greatly in their conception of deliberative politics. Some of these other, "diagnostic" deliberative democratic accounts can be found Benhabib, Seyla (1996). "Toward a Deliberative Model of Democratic Legitimacy," in *Democracy and Difference*. ed. Seyla Benhabib. Princeton, NJ: Princeton University Press, 72-3, Habermas 1996, 304, 381, Mansbridge, Jane, with Bohman, James, Chambers, Simone, Christiano, Thomas, Fung, Archon, Parkinson, John, Thompson, Dennis F., and Warren, Mark E. (2013). "A Systematic Approach to Deliberative Democracy," in *Deliberative Systems*. ed. John Parkinson and Jane Mansbridge.

voting as *non*-deliberative components of politics. Many have observed that “deliberative democrats have often downplayed the virtues and even anathematized the aims and mechanisms of voting.”⁶¹ Furthermore, deliberative democrats have a long history of treating majority rule procedures like voting, and the traditional view more broadly, as at best a practical addendum to their theory that is fundamentally at odds with it in being fundamentally *non*-deliberative. For instance, Joshua Cohen portrays voting as a practical concession when he writes, “Even under ideal conditions there is no promise that consensual reasons will be forthcoming. If they are not, then deliberation concludes with voting, subject to some form of majority rule.”⁶² Here, we see a deliberative democrat treating voting merely as a practical measure or addendum meant to aid deliberative democracy when it reaches an impasse. Rawls’ *A Theory of Justice* also reflects a similar attitude towards voting as a mere practicality, as when he writes, “I assume for simplicity that a variant of majority rule suitably circumscribed is a practical necessity.”⁶³

As I mentioned before, Anderson’s diagnostic method of inquiry has only rarely been pursued.⁶⁴ One might be surprised to discover it is so rare, but that might have to do with the fact that the concept of “feedback” strikes some deliberative democrats as too meager to play a real role in deliberative democracy. For example, Cohen and Sabel offer an objection to a focus on feedback, which I quote here at length in light of its cogency:

Cambridge, UK: Cambridge University Press, Bessette, Joseph M. (1994). *The Mild Voice of Reason*. Chicago, IL: University of Chicago Press. A significant work that shares the diagnostic method and works out its methodology in far greater detail, though not explicitly dedicated to the project of “deliberative democracy,” is represented in Honneth, Axel (2014). *Freedom’s Right*. trans. Joseph Ganahl. New York, NY: Columbia University Press. My own project takes a great deal of inspiration from Honneth’s “Hegelian” social philosophy, albeit in the more confined context of deliberative democratic theory.

⁶¹Anderson 2009, 216; Mansbridge, Jane, with Bohman, James, Chambers, Simone, Estlund, David, Føllesdal, Andreas, Fung, Archon, Lafont, Cristina, Manin, Bernard, and Martí, José Luis (2010). “The Place of Self-Interest and the Role of Power in Deliberative Democracy,” *The Journal of Political Philosophy*. 18:1, 56.

⁶² Cohen, Joshua (1989). “Deliberation and Democratic Legitimacy.” In *The Good Polity: Normative Analysis of the State*, ed. Alan Hamlin and Philip Pettit. Oxford: Basil Blackwell, 23.

⁶³ (1999). *A Theory of Justice: Revised Edition*. Cambridge, MA: Harvard University Press, 311.

⁶⁴ See footnote 60 above.

actual deliberation is, by its nature, a form of information pooling: when people take seriously the task of providing one another with reasons and information about circumstances and outlooks, what is relevant to improved policy is then brought to bear by those in possession of it. No similar effects on preferences or on information are likely to issue from non-deliberative processes subject to subsequent review. Indeed, understanding the process of review as the natural forum of principle may well encourage strategic, as distinct from deliberative, conduct.⁶⁵

As they claim in this passage, casting the value of majority rule practices like voting in terms of a feedback process like “review” is problematic for two reasons. First, deliberation works, “by its nature” when people take seriously the need to pool their respective informational resources. When decisions are made and then subject to a feedback process of review, the task of deliberation (mere review) is less engaging to citizens and therefore less likely to inspire collective reasoning of a truly deliberative kind. Second, with deliberation sidelined to the subsidiary role of mere “review,” rather than prelude to actual decision, deliberation takes the political role of a mere “audit.” Instead of encouraging citizens to adopt positions they would ultimately be able to back up with reasons, citizens are more likely to try to assert their power and get away with it by escaping audit by the will of the people. Cohen and Sabel are not alone in criticizing attempts to treat majority rule as deliberative on account of its insufficiently deliberative credentials. For example, Thomas Christiano has suggested that the problem with a diagnostic approach is that using majority rule procedures to improve upon the limitations of deliberation ultimately implies a rejection of the “principle of reasonableness” with which deliberative democracy is essentially identified.⁶⁶

These objections to a feedback oriented account like Anderson’s could themselves be the subject of critical assessment. For instance, Gutmann and Thompson claim that “reiterative processes in which proposals are modified through a sequence of responses and

⁶⁵ Cohen and Sabel 2009, 204.

⁶⁶ Christiano, Thomas (2009). “Must Democracy Be Reasonable?” *Canadian Journal of Philosophy*. 39:1, 1-34.

counterresponses” should be supported by deliberative democrats so as to stress the provisionality of democratic deliberation.⁶⁷ For my purposes though, these debates among political philosophers would sidetrack this analysis too far. After all, my purpose in outlining these three methods of inquiry (i.e., apologetic, critical, and diagnostic) is not to find the method already in existence that has the least number of sustainable objections, but rather to locate a method of inquiry that is *most suggestive* of an overlooked line of response to the indeterminacy worry in its various formulations. As I intend to show, Anderson’s diagnostic method of inquiry is richly suggestive along these lines. If we follow the line of inquiry Anderson’s account opens up and re-think the deliberative nature of the supposedly non-deliberative, majoritarian procedures of the traditional view of democracy, we can tackle the indeterminacy worry in ways that have too often been overlooked.

More specifically, we can see that deliberative democracy need no longer be seen as the indeterminate rival to the determinate politics of majority rule. Rather, we can appreciate the fact that deliberative politics can borrow some of the determinacy of majority rule. To borrow such determinacy without sacrificing the deliberative ethos, though, much will have to be said about how it is precisely that majority rule procedures factor into democratic deliberation. To provide these details about the deliberative relevance of majority rule procedures, I will turn to their role in fostering analogical reasoning within the citizenry. Reference to analogy, though, will quickly raise multiple, classic concerns about its susceptibility to psychological manipulation, its superficiality, and its logical and epistemic inferiority. Calming these classic concerns will occupy the remainder of this project. Chapter after chapter, a tremendous amount of work will need to be done to recalibrate our thinking about analogical reasoning away from the crass depiction of it that fills logic textbooks and critical reasoning courses and towards the

⁶⁷ Gutmann and Thompson 2004, 60.

contemporary perspective on analogical reasoning that has been developed in philosophy, cognitive science, psychology, and beyond in recent times.

However, before I can proceed to take up the suggestive line of inquiry opened up by Anderson's diagnostic approach, more must be said about the underlying diagnosis itself. In what way does re-thinking the deliberative relevance of majority rule procedures amount to a diagnosis of a problematic underlying assumption ... an assumption that has somehow blinded decades of research on deliberative democracy to an overlooked answer to the indeterminacy worry? The remainder of this chapter seeks to identify and contextualize just such an assumption.

Towards a Diagnostic Response to the Indeterminacy Worry

Across the tremendously diverse interpretations of deliberative democracy, a pervasive assumption might seem difficult to locate. As many deliberative democrats themselves have worried, the approach has been used in so varied a manner as to render it theoretically unhelpful, the label even being called "almost without definite content."⁶⁸ However, the *history* of the deliberative view offers much assistance in dealing with this overwhelming diversity of expression. If we look at the history of the movement as well as its more recent statements, a major point of continuity appears. When deliberative democrats talk about the origins of their view, they overwhelmingly tend to agree that the view emerged as a rejection of the "economic theory of democracy," a name drawn from the founding influence Anthony Downs' *An Economic Theory of Democracy* had on the economic view.⁶⁹ In particular, deliberative

⁶⁸ Talisse, Robert (2011). *Democracy and Moral Conflict*. Cambridge, UK: Cambridge University Press, 128.

⁶⁹ For a short overview of this history, see Bohman, James and Rehg, William (1996). "Introduction," in *Deliberative Democracy*. ed. Bohman and Rehg. Cambridge, MA: MIT Press, x-xiii, the text cited here and by other deliberative democrats is Downs, Anthony (1957). *An Economic Theory of Democracy*. New York: Harper. Some

democracy emerged through *juxtaposition against two simplifications* made by the economic theory of democracy (to which I shall return shortly). Not only did deliberative democracy emerge through this juxtaposition, but it continues to define itself through that juxtaposition in contemporary expositions of the deliberative view. However, before I can take up the assumption made by that historically continuous juxtaposition, the economic theory of democracy against which the juxtaposition is drawn must first be introduced with sufficient detail to allow the two simplifications that form the point of juxtaposition to come clearly into view.

According to the economic theory of democracy, the traditional view of democracy as majority rule supplies a more or less apt characterization of democratic politics. The task for “economic” theorists is to tease out the structure and implications of that traditional view by translating it into the terms of economics. More specifically, proponents of the economic theory of democracy follow economists in turning to complex mathematical modeling to show the larger rationality behind the isolated, individual decisions that factor into decision-making. Applying that approach to the topic of democracy, proponents of the “economic theory” accordingly use mathematical models to investigate the same investigative target: The “larger rationality” behind individual decisions, albeit now in the specific context of democratic politics.

However, to be able to define this political rationality and to measure and study it with the mathematical models dear to economics, some “simplification” is needed. Downs himself

representative citations of Downs as a foil to the deliberative view include, Steiner, Jörg (2012). *The Foundations of Deliberative Democracy*. Cambridge, UK: Cambridge University Press, 37, Mansbridge, Jane, with Bohman, James, Chambers, Simone, Christiano, Thomas, Fung, Archon, Parkinson, John, Thompson, Dennis F., and Warren, Mark E. (2013). “A Systematic Approach to Deliberative Democracy,” in *Deliberative Systems*. ed. John Parkinson and Jane Mansbridge. Cambridge, UK: Cambridge University Press, 30, Gutmann and Thompson 2004, 191, (2013). “Rational Deliberation Among Experts and Citizens,” in *Deliberative Systems*. ed. John Parkinson and Jane Mansbridge. Cambridge, UK: Cambridge University Press, 29-31. Even outside more technical work on deliberative democracy, Downs remains a popular contrast, including, e.g., Elster, Jon (1986). “Self-Realization in Work and Politics: The Marxist Conception of the Good Life.” *Social Philosophy and Policy*. 3:2, 116.

explicitly noted that these simplifications were necessary as simplifications.⁷⁰ Though other major figures in this movement played an important role in the definition and study of this political rationality (e.g., Joseph Schumpeter), Anthony Downs more often than not was the one selected to play the role of the representative foil in the emergence of deliberative democracy.⁷¹ As a result, Downs' work affords an especially appropriate window onto the two simplifications that would eventually motivate the juxtaposition through which deliberative democracy defined itself. Both in the interest of space and in response to the formative influence of his work, I therefore restrict my attention to Downs' classic book, *An Economic Theory of Democracy*, to identify these simplifications.

In that work, Downs defines rationality instrumentally along the lines familiar from vague conceptions of the “wisdom of the marketplace” espoused in popular culture. More specifically, he defines rationality as *efficiency* in the selection of means to attain conscious goals, or to quote him at greater length, “the economic definition [of rationality] refers solely to a man who moves toward his goals in a way which, to the best of his knowledge, uses the least possible input of scarce resources per unit of valued output.”⁷² As this longer definition makes clear, rationality deals with the use of knowledge to select the most efficient (i.e., least resource-consuming) means to accomplish ends. Rationality is “instrumental” on this definition, because it applies strictly to the selection of actions that are instrumental to the achievement of ends.

As I mentioned above, Downs himself stresses that this definition of rationality is a simplification in several ways.⁷³ First, it assumes that rationality applies only to *actions*, that is,

⁷⁰ Downs 1957, 4.

⁷¹ See footnote 69 above.

⁷² Downs 1957, 4-5.

⁷³ Downs 1957, 6.

behavior aimed at achieving an end.⁷⁴ This assumption is a simplification because it excludes the possibility that rationality might apply to more than just the selection of means for a given end. Additionally, rationality could apply to the ends themselves. In other words, we might apply rationality not only to means, but to the selection of the ends they are meant to serve. The simplification here, then, is the restriction of rationality to the assessment of means alone (not ends as well). In short, it is a simplification to declare that ends are (to use the terminology deliberative democrats would later appropriate) to be treated as “givens.” The purpose of talking about ends as “givens” here is to provide a richly suggestive description of the theoretical role of people’s ends in this model. The aims, goals, purposes, etc. of human beings are not “up for grabs,” open to change, transformation, and analytical sophistication, but rather are simply just assumed as they are.

Second, another point of simplification is that only one goal is permitted for each decision-maker (as Downs himself admits).⁷⁵ Naturally, people might seem to have more than one goal; however, human action needs to be simplified here, Downs maintains, because otherwise where goals conflict, it would not be possible to calculate one course of action as the most efficient (and therefore rational) option. For Downs and those who have followed in his footsteps, that single goal for any individual decision-maker is *utility*, which is simply a less technical way of saying efficiency in selecting courses of action per valued output.⁷⁶

As I have already mentioned, deliberative democrats define their own project precisely by opposing the simplifications of the economic theory of democracy advocated by Downs and others. It is worth noting, then, that Downs did not offer these simplifications without some philosophical rationale to fill out their practical significance (contrary to the way his approach is

⁷⁴ *ibid.*

⁷⁵ Downs 1957, 4-5.

⁷⁶ Downs 1957, 36, admits that it is just another expression because it is only a “circular” definition.

often summarized by deliberative democrats). Though his deeper reasoning was confined to a footnote, Downs nonetheless writes:

Although it can be argued that goals will be modified by the processes used to attain them, some separation of ends from means must be allowed or all behavior becomes disorganized and pointless ...⁷⁷

In this brief footnote, Downs argues that some structure of some kind needs to be taken as pre-given, as closed (even if temporarily) to assessment. Otherwise there would be no point of orientation for the evaluation of other, dissociated structures (e.g., the choice of means by agents). In other words, there can be no action in the sense of behavior organized by a conscious agent, without some stable, pre-given structure to do the organizing.⁷⁸ On pain of regress, as it were, something must be taken as a pre-given structure. As Downs uses this argument, its application targets the static conception of conscious goals as pre-given ends: If nothing is taken as a pre-given structure, there is no basic point of orientation from which human behavior can emerge as non-random in its organization and from which any kind of theoretical treatment can similarly emerge. This philosophical rationale is hardly new, being not only found in the works Downs cites (e.g., William Baumol), but the philosophical rationales behind political orders as ancient as the ideology of the Egyptian state.⁷⁹

The simplifications relevant for our purposes do not end with the “given” nature of ends, though. Recalling Downs’ definition of rationality, another simplification emerges, but this time with regard to the *social* dimension of decision-making. Drawing on previous scholarship,

⁷⁷ Downs 1957, 5 n. 2 Interestingly, in this footnote, he then refers to a footnote in another, earlier by William Baumol for a fuller exposition of his own footnote-long reflection, writing, “For a discussion of this problem, see William J. Baumol, *Welfare Economics and the Theory of the State ... p. 121 n.*” In the footnote in that book, Baumol makes exactly the same kind of argument in his own argumentative footnote, stating that on pain of regress, something must be taken as a “given” and the definition of rationality as efficiency is an excellent given to choose, Baumol, William J. (1952). *Welfare Economics and the Theory of the State*. Cambridge, MA: Harvard University Press, 121.

⁷⁸ This almost existential argument has come back into vogue through the much cited writings of Christine Korsgaard, see Korsgaard, Christine (2009). *Self-Constitution*. Oxford, UK: Oxford University Press, 27-59, and Ferrara, Alessandro (2008). *The Force of the Example*. New York, NY: Columbia University Press, 72.

⁷⁹ Baumol 1952, 121, Verner, Miroslav (1997). *Pyramids*. New York, NY: Grove Press, 22.

Downs maintains that there is no corresponding pre-given end at the social level in politics. For instance, Downs cites Julius Margolis's critique of the idea of a social good at the level of the state. According to Margolis, no end pursued by government action yields benefits equally for *all* citizens. This critique is based on the observation that any social-level end achieves a benefit that divides unequally by the number of citizens. "Even national defense," Downs notes, "aids some people more than others."⁸⁰ Moreover, even if some undivisible end could be located, it would be so meager in its guidance of government activity as to be useless.

However, Downs does not wish to reject all possible social-level ends. He simply rejects the idea that they apply equally to all citizens. Instead, he suggests, the "happy medium"-style solution is to identify a social-level for the location of ends that is between the individual and the entire citizenry, namely, "a small group of men acting in coalition."⁸¹ The advantage of focusing on coalitions is that they are small enough to make agreement "on all their goals instead of on just part of them" a feasible assumption for purposes of conducting analyses.⁸² By defining politics as a team-based or coalition enterprise in response to earlier scholarship (e.g., Margolis's criticism of indivisible goods for the citizenry), Downs enacts a major shift in the meaning of democratic politics. Instead of "rule by the people," democracy becomes "rule by coalitions of individuals." In other words, one might think that democratic politics is concerned with the citizenry as a totality (i.e., the people); however, for the purpose of exploiting an economic framework for theorizing democracy, Downs must replace the classic democratic definition with his simpler alternative.

All that remains now for Downs' theory to become a theory of democracy is to specify a mechanism whereby coalitions influence government action along their preferred lines. Here,

⁸⁰ Downs 1957, 16.

⁸¹ Downs 1957, 17.

⁸² Downs 1957, 21, 24-26.

Downs turns to a “factual parameter” that lends deliberative focus to government action, namely, equality of franchise, or the ‘one person, one vote’ capacity of citizens in modern democracies.⁸³ With each citizen equipped with a vote, citizens can come together into coalitions to *aggregate* their votes, and in so doing, to achieve their coalition’s preferred course of government action.

From Downs’ particular claims about the social dimension of democratic decision-making, another major simplification becomes apparent. In a comparison with the familiar, basic idea of democracy as “rule by the people,” Downs offers a radically simplified conception of the social dimension of democracy. In familiar democratic politics, politicians and citizens alike regularly exhort the “will of the people,” not just the coalition interests of special groups. In so doing, they attempt to simultaneously coordinate all citizens with the same considerations, the same “reasons.” By contrast, Downs’ vision of democratic social coordination is not collective, but rather aggregative and incidental. The mechanism of voting may “bring citizens together” through ends they happen to each hold individually, but that point of commonality is more a matter of happenstance than collective “reasoning.” Citizens seem to do more than coalesce by happenstance. As a result, they seem to be doing something *at least more complex* than the form of social coordination implied by Downs’ framework.

If the familiar, basic idea of democracy has real political resonance in this way, then we are likely to find Downs’ account of the social dimension to be too radical of a simplification. Democracy offers greater social complexity in real politics, not to mention in its ideal of rule by the people, than his account allows. In trying to translate the social dimension of democracy into the framework of economics, yet another simplification has been made. Naturally, Downs would admit as much. As was mentioned before, he freely concedes that his economic theory operates on the basis of some major simplifications. However, he takes these simplifications to be both

⁸³ Downs 1957, 23-4.

practical necessities for any theory to get off the ground, and something like a necessary first move for the organization of human behavior.

Pinpointing the Focus of the Diagnosis

In the last section, I surveyed a number of simplifications executed by the economic theory of democracy as it was originally and influentially developed by Anthony Downs. In light of that survey, we are finally in a position to pinpoint the two specific simplifications that will motivate deliberative democrats to set out a new approach to democracy. The first simplification has to do with the idea that rationality applies only to the selection of means, not to ends (which are taken as givens). The second simplification has to do with the omission of a collective, citizen-wide social dimension of action coordination. Together with the simplification of political rationality mentioned before, the stage is set for understanding the “deliberative turn” that led to the deliberative view of democracy by way of juxtaposition against Downs’ “economic theory of democracy.”⁸⁴

Deliberative democracy is often said to have arisen as a response to the lifeless, mechanical vision of democratic politics that resulted from the economic theory of democracy.⁸⁵ What makes it “lifeless” is that it simplifies the dynamics, or process of change, that runs through democracy. Against the first major simplification enacted by Downs’ theory, deliberative democrats observed that change can run through citizen decision-making when citizens apply their rationality to not only their means, but also their ends. For instance, in trying

⁸⁴ Dryzek, John S. (2000). *Deliberative Democracy and Beyond*. Oxford, UK: Oxford University Press, 1-7.

⁸⁵ See, for instance, Bohman and Rehg 1997, x-xiii, Anderson 2009, 222, Sen 2009, 326, Cohen (2009). *Philosophy, Politics, Democracy*. Cambridge, MA: Harvard University Press, 163, Elster, Jon (1983b). *Sour Grapes*. Cambridge, UK: Cambridge University Press, 35.

to decide what to do, citizens may talk about the ultimate aim of their society, lives, jobs, etc. with the intention of changing that aim to whatever is most reasonable (or as Downs would say, most efficient). Through such discussion, the society can change in a way that violates the first simplification of the economic theory of democracy: Change can come through decisions based on *dynamic ends, not static ones*.

Furthermore, against Downs' second major simplification, deliberative democrats observed that change can also occur in a more dynamic, lively way when citizens make decisions not just as individuals or coalitions, but also as members of a larger, collective "citizenry." The familiar identification between democracy and collective social agency in the form of "we the people" expresses this point. In moments of crisis, democracy can enact political change through decisions that are collectively framed as decisions to be equally embraced by all.⁸⁶ This collective social agency violates the second simplification in Downs' account. That simplification reduces the social dimension of democracy to merely incidental, happenstance coincidence of ends among an *aggregate* of individual citizens who just so happen to be the majority. No space is made in that reductive simplification for the larger social perspective of a collective, citizen-wide form of decision-making and "the people" it constitutes.

Juxtaposed against these two simplifications executed by the economic theory of democracy, the deliberative view emerged through the negation of each in the "deliberative turn" in democratic theory.⁸⁷ The first simplification was negated by expanding political rationality from mere means selection in which ends are pre-given to a more dynamic process of reasoning about means and ends alike. In other words, suddenly both means and ends were open to rational evaluation. The second simplification was negated by dropping the narrow fixation on

⁸⁶ Habermas 1996, 377-382, Habermas, Jürgen (1993). "Further Reflections on the Public Sphere." in *Habermas and the Public Sphere*. ed. Craig Calhoun. Cambridge, MA: MIT Press, 438.

⁸⁷ Dryzek 2000, 1-8.

aggregation and its incidental, happenstance vision of majority rule driven politics. In place of that fixation on aggregation and majority rule, a collective process of decision-making was placed that was collective in a more inclusive, citizen-wide way. This collective process allowed for the people to socially coordinate themselves through what they shared, namely, the same reasons for coming to the same decisions. Accordingly, for deliberative democrats, Downs' "one person, one vote" principle did not go far enough in capturing the dynamics of democratic decision-making.⁸⁸

This form of equality of input is not enough because it fails to address two possibilities precluded by Downs' simplifications: (1) Citizens do not approach their votes only as isolated individuals, but also from a collective perspective of the citizenry; and (2) Those decisions emerge from a more comprehensive form of political rationality that applies equally to the assessment of means and ends, and accordingly, renders the *decision-making* process of "deliberation" as crucial to democratic decision-making as the actual moments of decision themselves. In other words, if democracy really is defined by the "equality of input" citizens acquire with regard to political decision-making, then Downs does not go far enough in recognizing that status. To be recognized as equal participants in political decision-making, citizens must also be recognized as *co-deliberators* in the *process* that actually leads up to decisions. This process is the "deliberative" process in which citizens (as rational beings) countenance reasons about which ends to have as well as the best means for realizing them, *before* making decisions.⁸⁹ Downs' economic theory of democracy pays little attention to this deliberative process in this more comprehensive and collective form on account of its two simplifications (1-2 above).

⁸⁸ Downs 1957, 23-4, Cohen 2009, 158-9.

⁸⁹ Anderson 2009, 222, Cohen 2009, 163.

In summary, the economic theory of democracy and the associated traditional view of democracy as majority rule both confine rule of the people to a much too narrow part of the political process. Before a decision is made, earlier stages of decision-*making*, or deliberation, exist. In these earlier stages, the collective evaluation of reasons with regard to both the ends and means of political action occurs. When these earlier stages of deliberation are appreciated, it can be seen how any particular political decision emerges from a collective process of expansive reasoning, or “deliberation” for short. As Joshua Cohen concisely describes this theoretical shift, focusing on the deliberative reasoning behind political decision-making “offers a more forceful rendering than the aggregative view of the fundamental democratic idea - the idea that decisions about the exercise of state power are collective.”⁹⁰ Here, part of what Cohen concisely describes is that state power is exercised by “the people” more collectively when they not only give input into a political decision, but also co-participate in the earlier stages of decision-*making* (deliberation) that influence that exercise of state power. In other words, the people are more involved in the exercise of state power when they can influence the considerations that inform choices one way or another in addition to actually making choices, than when they are restricted to making choices in isolation from the deliberative process at large.

As this brief overview shows, the juxtaposition against the economic theory of democracy and the traditional view of democracy it theorized played a defining role in the emergence of deliberative democracy. This definitive role for the deliberative view has not waned over time. The juxtaposition remains a living legacy in contemporary democratic theory. To this day, when philosophers introduce deliberative democracy, they do so by juxtaposing it against “aggregation,” “voting,” and other hallmarks of the rational choice approach.⁹¹ As

⁹⁰ Cohen 2009, 163.

⁹¹ See, for instance, Bohman and Rehg 1997, x-xiii, Anderson 2009, 222, Sen 2009, 326, Cohen 2009, 163 .

Amartya Sen points out, part of the motivation for still using this juxtaposition is that though the deliberative view is “widely accepted in political philosophy today,” the traditional understanding of democracy “is not only traditional but it has been championed by many contemporary political commentators ...”⁹² In other words, deliberative democracy’s rise still requires juxtaposition to the traditional view of democracy because the traditional view still lives and breathes beyond political philosophy proper, as in the work of “political commentators.” However widespread the deliberative view has become in political philosophy, then, it still needs to define itself by juxtaposition against the traditional, “aggregative” view that nonetheless dominates political thinking more generally.

Thus, whether one cites a historical legacy or a failure of popular political culture’s failure to follow the deliberative shift in political philosophy, *either way*, a pervasive tendency is clearly present among deliberative democrats to define their view by juxtaposing it against the simplifications of *aggregation*. Notice, not only is this juxtaposition cast as a theoretical difference, but also as an evaluative one as well. Deliberative democracy is more “democratic” because it gives the citizenry a more comprehensive role in political decision-*making* than does majority rule and its associated practices. In other words, it expands the reach of collective “rule by the people” by including them in more of the *dynamics* of democratic decision-making. The term “dynamics” can now be seen to be even more appropriate as the key concept in the deliberative shift. The reason it is especially appropriate in this role is that “dynamics” ordinarily refers to the change that occurs within a system and how it is to be understood. Similarly, deliberative democracy is more democratic because it provides the citizenry a larger role in shaping that process of change (“dynamics”) internal to the democratic system. Deliberative democracy allows the citizenry to participate in the crafting of reasons for and

⁹² Sen 2009, 326.

against the various options from which all citizens (or their representatives) must eventually choose.

The *evaluative* appeal of defining the deliberative view of democracy by way of this juxtaposition against aggregation is easy to see. When we think of democracy as rule by the people, we tend to see it as a dynamic, interactive process of deliberation. By contrast, when economic theorists of democracy fixate on the decisions made by citizens when isolated in voting booths, too much is omitted from our preferred understanding of democracy. For example, to use a favorite supporting argument for the appeal of the deliberative view, we routinely hear about “authoritarian regimes” in which the tyrannical ruler received the majority of the votes.⁹³ Whether those votes were directly coerced through physical manipulation (e.g., stealing the ballot box), or less directly through other means (e.g., threatening citizens not to vote through broadcast announcements), either way, the decision of a majority to endorse its authoritarian government conflicts with how we prefer to understand democracy. Citizen decisions that are directly or indirectly coerced do not count as democratic in any intuitive sense. Rather, to be democratic, all decisions must emerge from a more dynamic process of collective decision-making (or deliberation), which insures that decisions are actually the will of the people, rather than the will of the regime or coalition with the most power. By drawing attention to the larger, dynamic context we typically associate with the idea of democracy, the example of the majority-elected authoritarian regime offers an effective supporting argument for the democratic nature of the deliberative view.

As this supporting argument shows, the deliberative view is appealing because it captures a basic concern, namely, the concern that on their own, majority rule decisions are just *static*

⁹³ Sen 2009, 327, Anderson 2009, 225-6, Parkinson, John (2006). *Deliberating in the Real World*. Oxford, UK: Oxford University Press, 144.

givens lacking any kind of dynamic, human context. A mere list of electoral results tells us nothing about whether they emerged from a dynamic, human context of deliberation or under the threats of a coercive regime. In other words, the traditional view of democracy reduces political governance to a mere aggregate of discrete, isolated, individuated units of preference, encapsulated as a tally of votes. No space is made for considering the dynamic process of collective deliberation that leads many people to the *same* decision for the *same, shared reasons*. Consequently, no space is made for the dynamic, human context in which people are “people” because they decide for reasons. An aggregate of votes is just a set of static givens with none of this larger human significance. In short, the dynamically *human* context is missing with its attending process of deliberation through which individual preferences are formed and transformed into collectively reasoned decisions.

Elizabeth Anderson summarizes this basic concern, when she writes that the “reason deliberative democrats reject ‘majority rule’ as a definition of democracy is that the latter takes individual preferences as unqualified inputs into collective decisions.”⁹⁴ By contrast, Anderson maintains, “Democratic dialogue does not take preferences as given, but transforms them, not just in the sense of changing individuals’ minds about what each wants, but of changing *our* mind of what *we* want when we act collectively as citizens.”⁹⁵ In this passage, Anderson neatly summarizes the deliberative view as a rejection of the two simplifications made by the economic theory of democracy: (1) Deliberative democracy “does not take preferences as given,” but rather allows for the dynamic process in which we change our minds about our ends or preferences; and (2) This dynamic process occurs at the “collective” level of social coordination in which “changing *our* mind” is the focus, not the change of mind of isolated individuals in isolated

⁹⁴ Anderson 2009, 216.

⁹⁵ Anderson 2009, 216.

voting booths.

With this final set of considerations, the defining role of the juxtaposition between aggregative approaches to democracy like Downs' and deliberative ones becomes clear. The juxtaposition matters because it carries historical precedence, still needs advocacy in our larger political culture, resonates with our intuitions about democracy, and thereby better captures "the basic idea of democracy" we find so intuitive in the first place. Given this historical, cultural, and intuitive significance, we can see why deliberative democrats are united in defining their view by juxtaposition against the economic theory of democracy and the traditional view of democracy as majority rule it theorizes. Moreover, we can also see why deliberative democrats typically begin the exposition of their view by turning to this juxtaposition.

I conclude this section with a survey of concise quotations and comprehensive descriptions of various works by deliberative democrats in which the defining juxtaposition with which I have been concerned is clearly on display, as well as the way it takes issue with Downs' two simplifications. For instance, Elizabeth Anderson begins to summarize the deliberative view in one of her pieces by first mentioning how in democratic theory, there is a "split between two broad views: majority rule (aggregation of given preferences) and deliberative democracy," before proceeding to *define* deliberative democracy *negatively* by way of its commitment to "resisting the 'majority rule' formula for democracy."⁹⁶ In a similar way, Amy Gutmann and Dennis Thompson define deliberative democracy by juxtaposition, as they present the "value" of the deliberative view by declaring, "To appreciate the value of deliberative democracy, we need to consider the alternatives."⁹⁷ They then proceed to identify "Deliberative democracy's leading

⁹⁶ *ibid.*

⁹⁷ Gutmann and Thompson 2004, 13.

rivals” with “what are known as aggregative conceptions of democracy.”⁹⁸ In their very first description of these aggregative rivals, we see the first of Downs’ simplifications, as they write, “The aggregative conception, by contrast, takes the preferences as given”⁹⁹ Here, the reference to taking “preferences as a given” ties back to Downs’ first simplification (1 above) and evidences the defining juxtaposition with which I have been concerned. Moreover, after defining the deliberative view by juxtaposition in this way, they then proceed to articulate how the aggregative view’s approach to preferences ignores the question of whether they are “justified by reasons,” especially those reasons all can accept.¹⁰⁰ Here, Downs’ first and second simplifications are both challenged. The first simplification (1 above) is challenged in the way they articulate a criticism of taking preferences as mere givens. The second simplification (2 above) is challenged by the way they call attention to the need for preferences to be justified *collectively*.

This definitive juxtaposition also appears in Sen’s introduction of deliberative democracy under its popular description as “government by discussion,” when he writes:

There is, of course, the older - and more formal - view of democracy which characterizes it mainly in terms of elections and ballots, rather than in the broader perspective of government by discussion. And yet, in contemporary political philosophy, the understanding of democracy has broadened vastly, so that democracy is no longer seen just in terms of the demands for *public balloting*, but much more capaciously, in terms of what John Rawls calls ‘the exercise of public reason.’¹⁰¹

For Sen too, mention of the deliberative view almost immediately leads to qualified juxtaposition with the traditional view of democracy as ballot-driven aggregation. So too, in one of his articles, Joshua Cohen introduces the deliberative view by quickly moving to contrast it with its traditional rival, writing:

⁹⁸ *ibid.*

⁹⁹ *ibid.*

¹⁰⁰ Gutmann and Thompson 2004, 14.

¹⁰¹ Sen 2009, 324.

Moreover, I will argue that this combination is a natural result of a particular way of thinking about democracy - a “deliberative” understanding of the collective decisions that constitute democratic governance. Before discussing the deliberative conception, though, I need to fix the concerns about procedure and substance more precisely, distinguish a deliberative from an aggregative conception of democracy and show how aggregative conceptions lead to proceduralism.¹⁰²

Details aside, Cohen too introduces the term “deliberative” only to immediately recognize the “need” to distinguish the deliberative view from the traditional, aggregative view of democracy. Furthermore, as he proceeds to “fix the concerns about procedure and substance” he believes are needed to explain the deliberative view, Downs’ simplifications are quickly identified and associated with the traditional view. For instance, Cohen proceeds to write of how the traditional view protects the equality of citizens to give their input into political decision-making, writing that the traditional view provides “equal consideration for the interests of each member.”¹⁰³ In doing so, he implicitly invokes Downs’ “one person, one vote” mantra. True to the deliberative message, though, he then criticizes this protection for its insufficiency relative to the process of political justification associated with deliberative democracy.

In another article, he also introduces the deliberative view by juxtaposition with the traditional, “aggregative” view, writing: “Consider two conceptions of democracy, distinguished by their interpretations of the fundamental idea of collective decision: I will call them *aggregative* and *deliberative*.”¹⁰⁴ Both the contrast between aggregative and deliberative conceptions of democracy here as well as the connection to a “fundamental idea of collective decision” attest to the influence of the defining juxtaposition. In that contrast, we see the familiar terms of the deliberative/traditional contrast, while the reference to *collective* decision demonstrates that Downs’ second simplification has already been erased.

¹⁰² Cohen 2009, 156-7.

¹⁰³ Cohen 2009, 156.

¹⁰⁴ Cohen 2009, 223.

Habermas's heavy reliance on technical vocabulary makes the role of the defining juxtaposition in his work less amenable to concise quotation; however, in one short piece, he does introduce the "model of deliberative politics" in juxtaposition to "the aggregation of prepolitical individual interests and the passive enjoyment of rights bestowed by a paternalistic authority."¹⁰⁵ In the more sustained exposition of this model of "deliberative politics," Habermas also draws on the defining juxtaposition between the deliberative and traditional views of democracy, albeit this time within his own terminology. Introducing the model of deliberative politics, he writes of its commitment to collective reasoning, "Deliberative politics acquires its legitimating force from the discursive structure of an opinion- and will-formation that can fulfill its socially integrative function only because citizens expect its results to have a reasonable *quality*."¹⁰⁶ Here, we see the rejection of Downs' second simplification, as democratic politics is legitimated not by the contest among coalitions of individuals, but through the "socially integrative function" that comes with discursive practices of citizen discussion of a certain rational "quality."

Notably, this opening synopsis of Habermas's model of deliberative politics comes directly after citing Norberto Bobbio's theory of democracy, for which "majority rule by political decisions" is a "procedural minimum" for democracy.¹⁰⁷ The defining role of this juxtaposition against Bobbio's more traditional view of democracy comes clearly into view when Habermas writes: "Hence the *discursive level* of public debates constitutes the most important variable. It must not be hidden away in the black box of an operationalization satisfied with crude indicators."¹⁰⁸ Again, to set aside the details expressed by Habermas's technical language, his

¹⁰⁵ Habermas 1996, 505-6.

¹⁰⁶ Habermas 1996, 304.

¹⁰⁷ Habermas 1996, 303.

¹⁰⁸ Habermas 1996, 304.

major point is that in contrast to Bobbio's traditional theory, the model of deliberative politics Habermas develops takes the rational quality of discursive democratic decision-making to be the "important variable," rather than a "black box" like majority rule, out of which (as we have seen) even as un-democratic a figure as a tyrant can emerge as the choice of the "people."

From this brief survey, I hope to have shown that in both its past and present formulations, deliberative democracy has been consistently defined by juxtaposition against the traditional view of democracy as majority rule. Consequently, despite the diverse formulations of the deliberative view as "deliberative democracy," "deliberative politics," etc., a unifying assumption can nonetheless be identified. All assume that deliberative democracy stands in marked contrast to the traditional view of democracy as majority rule. In this way, the stage has finally been set to proceed to take up the *diagnostic* method of inquiry hinted at by Anderson's work on deliberative democracy ... since a pervasive assumption has now been located from which a fresh, alternative response to the indeterminacy worry in its numerous variations can be staked out.

Chapter Two: How Citizens Use Analogies to Make Deliberation Work

Charting the Way Forward

As the overview in the last chapter has shown, from its origins to the present, deliberative democracy has often defined itself by juxtaposition against the traditional view of democracy as majority. Majority rule's aggregative approach, it was shown, requires two simplifications that are insufficiently sensitive to the dynamic human context of deliberation from which democratic decisions ultimately flow. In its earlier history, its present formulations, its intuitive appeal, and its resonance with the basic idea of democracy ... the deliberative view of democracy has continuously defined itself in contrast to majority rule. This continuity and its historical, contemporary, and intuitive forms may surprise anyone familiar with the tremendous diversity of work that has been executed under the banner of deliberative democracy. For instance, a debate rages over whether the deliberative view is essentially a moral view, or merely epistemological in its fundamental orientation, or whether it is some mixture of the two.¹⁰⁹ Debates like this one have a tendency to make the deliberative view seem so fragmented, that some deliberative democrats have themselves suggested the label means little anymore.¹¹⁰ As a result, to discover that a defining juxtaposition against majority rule has played a continuous role in the identity of the deliberative view is likely to surprise many.

With this surprising continuity now in full view, we at last have the necessary tools for

¹⁰⁹ For an overview, see Talisse 2011, 121-139.

¹¹⁰ Talisse 2011, 128.

questioning whether the traditional view of democracy as majority rule is actually as antithetical to the deliberative view as it is purported to be.¹¹¹ When I first raised that possibility in the last chapter, I suggested that this line of questioning (opened by the work of Elizabeth Anderson) represents a *diagnostic* method of inquiry, by which I meant the kind of response that answers the question by taking issue with an assumption or tendency that *tends to distort* the apparent problem and create a *false point of contention*. However, since deliberative democracy is such a diversified movement in political philosophy, the prospects for such a diagnostic response seemed grim. With the last chapter's exploration of the continuous tendency among deliberative democrats to define the view by juxtaposition against majority rule, though, just this kind of "impossibly continuous" tendency has emerged. As a result, the stage is now set for making the diagnosis by questioning the supposed tension between aggregation and deliberation that defines the deliberative view.

How might this line of questioning be opened up, though, considering how consistently a line has been drawn between "aggregation" and "deliberation"? Well, perhaps the most intuitive way to open up this line of questioning is to turn the very ethos of deliberative democracy back on itself. In other words, one might apply the general spirit of deliberative democracy to its continuous juxtaposition against majority rule procedures and their associated practices. In doing so, one seeks to at least temporarily "defamiliarize" what has become so taken for granted in thinking about deliberative democracy that it is all too familiar to those engaged with it. Deliberative democracy, as we have seen, is motivated by the "lifelessness" of the traditional view of democracy and its failure to capture the dynamism of democracy as we prefer to understand it. This failure was colorfully illustrated by the example of an authoritarian regime in which a majority periodically votes to endorse it. While that example fits the model of

¹¹¹ The language of stark contrast is adapted from Mansbridge et al 2009, 56.

democracy espoused by the traditional view, it fails to grasp the *dynamic* discussion, debate, and dialogue that characterize a legitimately democratic (because deliberative) exercise of citizen rule.

Accordingly, the dynamic ethos of deliberative democracy might be turned back on its classic juxtaposition against majority rule procedures and their associated practices *with a simple observation*. For all of their focus on the “dynamism of democracy,” advocates of the deliberative view are surprisingly insensitive to the many ways in which *real majority rule politics are tremendously dynamic*. Election results, polls, campaign season interviews, and other practices are tremendously exciting ways in which people keep their finger on the pulse of democratic governance. If democratic theorists ought to follow the deliberative orientation and become more focused on the dynamics (i.e., the process of change in the political system) of democracy, then ballots, polls, interviews, and other majority rule practices would seem to be a natural outgrowth of their point of orientation. Assuming that these majority rule practices really are dynamic in this way, which is to say, they really do offer a way to keep one’s finger on the pulse of the people’s rule, the juxtaposition between the deliberative and traditional views of democracy needs to be re-thought. As champions of the dynamism of democracy, deliberative democrats cannot risk failing to appreciate the dynamism of any part of political life. To do so is to risk failing to really embrace the deliberative ethos, which in turn is to raise the question of whether deliberative democracy is a vibrant vision of political life, or a theoretical reaction to the economic theory of democracy.

In this chapter, I take up this “simple observation” to *de-familiarize* majority rule procedures and their associated practices as they have become familiar to those working in democratic *theory*. In doing so, I attempt to open up the possibility that the deliberative

significance of these aspects of real political life has been overlooked as a resource for deliberative democratic theory. Known for their efficiency and practical determinacy, majority rule procedures and their associated practices would offer a much-needed antidote to the indeterminacy worry, if they could be incorporated into the deliberative view of democracy. Since this act of theoretical incorporation would overturn a long-standing assumption in deliberative democratic theory (per the last chapter's analysis), this act of theoretical incorporation ultimately yields a diagnostic response to the indeterminacy worry (as later chapters will be especially keen to show). In short, to defamiliarize the familiar light in which majority rule procedures and their associated practices have appeared in the history of deliberative democratic theory is to diagnose a suggestive, overlooked way to tackle the indeterminacy worry.

As I have introduced the diagnosis in this section, it draws its inspiration from “a simple observation” about the alleged dynamism of majority rule practices in real politics. Accordingly, to connect my diagnosis to the philosophical rationale of deliberative democracy, it will be necessary to start at a less philosophical, more empirical level of analysis ... the level of such “simple observations.” After such an empirical “first pass” at diagnosing a response to the indeterminacy worry through simple observations of real politics, subsequent “passes” will be made at a diagnosis that move increasingly further from the empirical level to a more philosophical, even logical level. In doing so, what at first will come across as a rough observation about the latent dynamism of democracy will be refined and qualified into a theoretical framework for rethinking the relationship between deliberation and aggregation.

This process of refinement and qualification will often take the popular, “analytical” form with its characteristic four stages of analysis in which (1) a vivid, characteristic statement is

made espousing a theoretical position, (2) which is followed by the rehearsal of an objection that will come to mind for many readers, (3) which then calls for elaboration and qualification of the original statement, before (4) another characteristic statement is made. As will become clear later, the heavy focus on analogical reasoning that will ultimately develop across the chapters of this project makes this analytical form of presentation especially apt. Analogies, like so much “analytical” philosophy these days, work by way of a two stage process in which (I) a “ballpark” perspective is characterized through a vivid, characteristic analogy, before (II) a detailed analysis follows in which the rigorous systematicity of that analogy is extracted and used to show that the analogy is far from spurious. Indeed, as I will conclude, the very structure of this project itself, with the way its chapters are aligned, is meant to use the *form* of this project to further convey the same claims about the structure of analogical reasoning articulated in its *content* as well. For now, though, I turn to the “simple observation” and empirical “first pass” at a diagnosis from which these later, more philosophical stages of analysis and critical self-reflection will emerge.

A First Pass at a Diagnosis: An Initial Observation

Stepping back from the intricate debates and delineations of the last chapter, I would like to first roughly frame the diagnosis pursued here with an observation. If we are concerned with the dynamism of democracy, which is to say, if we are concerned with the process of change in the political system of democracy, then we are hard pressed to think of anything *more* dynamic than the rapidly shifting vortex that is real majoritarian politics. One especially effective illustration of this point is the “campaign season” identified with real democratic politics. The campaign season names the time in the lead-up to an election, during which candidates, organizations, and citizens all “campaign” to influence citizens to vote one way or another (e.g.,

for a certain candidate, issue, etc.). During that time (traditionally a year in the United States of America), the positions adopted by the citizenry with regard to particular electoral options are closely tracked as a predictor of the final electoral outcome. Polls are constantly conducted, candidates and organizations constantly reach out to the citizenry (even at random) to get a sense of what is “on their mind.” When a feel for the collective mindset of the citizenry is attained through polls or incisive citizen feedback, candidates and organizations and “average” citizens alike then try to counter-steer those considerations.¹¹² They seek, in a word, to influence those considerations that might ultimately serve as *reasons* on election day in the process of citizen decision-making.

The language I am using here to describe campaign season politics is meant to evoke the idea of deliberation so dear to the theoretical orientation of the deliberative view. As in other work on deliberative democracy, so too my description focuses on those considerations that factor into decision-making that not only define any particular citizen’s political outlook, but also play a defining role at the *interpersonal* level as well. Such considerations are standardly referred to as “reasons” by deliberative democrats.¹¹³ Deliberative democrats vary on the extent to which they believe the concept of a “reason” should or should not be theoretically defined. For Joshua Cohen and Charles Sabel (as discussed above), the concept of a reason is to be left at an intuitive level to avoid worries about the concept seeming prejudiced against the ways different people reason about what to do. They write:

deliberative problem-solving is by its nature focused on addressing specific problems in local settings. Giving reasons under these conditions is, generally speaking, a matter of offering considerations recognized by others as pertinent to solving the problem at hand. It is simply impossible to limit in advance the kinds of considerations that might be

¹¹² The phrasing here (counter-steering) is an allusion to the discussion of Habermas above, which I cannot explicitly take up presently since this first pass at a diagnosis is restricted to the level of empirical observation of real politics (though I return to it later).

¹¹³ See Cohen 2009, 205.

relevant or the form in which those considerations are to be stated.¹¹⁴

In other words, Cohen and Sabel wish to restrict the concept of a “reason” in no way other than to suggest that it is (1) relevant to problem-solving in “local settings” and (2) “recognized by others as pertinent” to that problem-solving. In short, they wish the concept of a reason to simply stand for an interpersonal consideration relevant to the solution of a problem “at hand.”

By contrast, other deliberative democrats have developed more theoretically sophisticated accounts of reasoning. Despite their additional details, these accounts retain the contours stressed by Cohen and Sabel. For instance, Habermas opens his major work on democratic theory, *Between Facts and Norms*, with an analysis of linguistic meaning.¹¹⁵ To understand the meaning of a position we take in our thoughts and with regard to some present problem, Habermas claims, is always already to consider how that position could be “discursively vindicated to others.”¹¹⁶ Here, the similarities between Habermas’s conception of reasons and that of Cohen and Sabel can be appreciated without too much elaboration of the complex details of Habermas’s theoretical framework. In both cases, present problems are tackled not simply by thinking about them, but by thinking about them in ways that *others could appreciate as reasonable*, which is to say as justified in the sense that those thoughts are amenable to “discursive vindication” to others.

Given this brief overview of the way “reason” is conceived by deliberative democrats, when I say that candidates are concerned with the collective mindset of the citizenry, I mean to highlight that they are interested in the collective, intersubjective, *shared* considerations that might factor into democratic decision-making, i.e., “reasons.” For instance, candidates are quick

¹¹⁴ Cohen 2009, 205.

¹¹⁵ Habermas 1996, 9-17.

¹¹⁶ Habermas 1996, 15-16.

to try to correct what they see as faulty reasons for voting against them when they misspeak about their position or make “gaffes.”¹¹⁷ One false verbal expression can suddenly throw the dynamics of the campaign season into upheaval as citizens (talking *together*, not in isolation) radically shift in their *shared* attitudes towards the candidate *on the basis of a shared understanding, or reason*, implied by the gaffe. Often, this dynamic emerges when a “gaffe” reveals “the disparity between the impression the candidate has been trying to create and what the incident seems to suggest,” which tends to attract more extended media coverage than policy-related statements from candidates.¹¹⁸ Citizens and media alike focus on such events because they often open up questions about the implied meaning of earlier statements that were “on the record.” Formal debates and town halls are generally good examples of this deliberative dimension of campaign season politics. In these contexts, candidates meet one another or other citizens and engage in just this process of reasoning “back and forth” with regard to the considerations they believe ought to guide the entire citizenry’s electoral decision-making (contrary to Downs’ second simplification).

Even more to the point, though, candidates are concerned to influence not just one another or those in attendance, or even those viewing or listening to the debate at home, in school, or at social establishments (bars, restaurants, airport waiting rooms, etc.). Instead, they are concerned with the *dynamic reach* of anything they might say and how it might creep well beyond the immediate audience and into the citizenry at large. In this case, the “dynamic reach” refers to the way any interpersonally appreciable consideration can change the perspective of the citizenry and/or those involved in the political system’s decision-making.¹¹⁹ For instance, what

¹¹⁷Patterson, Thomas E. (2002). *The Vanishing Voter: Public Involvement in an Age of Uncertainty*. New York, NY: Alfred A. Knopf, 55.

¹¹⁸ Patterson 2002, 56.

¹¹⁹ I take up what I mean by “dynamic” at greater length below.

is said may “go viral,” becoming a consideration that is *rapidly* communicated from those who may have been in attendance or in earshot of the event towards those who were not (e.g., one candidate referring to a file of job applications as “binders full of women,” thereby seemingly objectifying them). Such a viral consideration is a clear testament to the dynamism of campaign season politics. Since campaign season politics is closely associated with majority rule procedures like an upcoming election for a specific office, it follows that practices associated with majority rule clearly contribute to the dynamism cherished by deliberative democrats.

Towards A Second Pass at a Diagnosis: Theorizing the Observation

In the last section, I tried to turn the deliberative view’s focus on dynamism back against its traditional juxtaposition against majority rule procedures and their associated practices. While my examples and discussion may have intuitively conveyed that these procedures and practices increase (in quantity) deliberation in a dramatic (viral) way, “something is missing” may seem to be missing from my description. When a “gaffe” goes viral, the dynamism of democracy may increase, but it is not clear that the dynamism involves deliberation of the right sort. Deliberative democrats are concerned not just with whether people “talk” more or less and whether that conversation spreads rapidly. As they stress time and again, citizens need to do more than talk to deliberate. They must also *reason*, or engage in processes of “mutual justification.” In my “first pass” (the last section) at challenging the juxtaposition between deliberative democracy and majority rule procedures and their associated practices, this connection to deliberation of the right sort may have seemed weak.

A “reason” just counted as an interpersonally accessible consideration for or against an option citizens may choose. While candidates in a debate exchange “considerations” for and

against, they are not obviously of the right quality. If a candidate cites a gaffe made by an opponent earlier in the campaign season, deliberative democrats are unlikely to appreciate that citation as a move in the game of giving and asking for reasons. Nor are they likely to see any counter-steering on the part of citizens or officials to be rationally driven when a gaffe is the catalyst.¹²⁰ In that case, candidates and citizens are not really mutually justifying anything by *drawing inferences*. Instead, they are dramatizing spectacles, or images of one another, to which the citizenry merely reacts.¹²¹ Deliberative democrats see deliberation as a process of “mutual justification,” via interpersonally accessible considerations, not psychological manipulation.¹²² Consequently, a spectacular gaffe is no catalyst of deliberation.

Accordingly, deliberative democrats might shirk at my “first pass” at a diagnosis of their definitive juxtaposition against majority rule procedures. Yes, they may concede, the examples cited say something about the *dynamic process of change* that sweeps across modern politics. However, that process of change is not a dynamic of deliberation, but rather of spectacle and psychological manipulation.¹²³ No doubt, this concern will immediately spring to mind for many deliberative democrats. Thus, a “second pass” at a diagnosis is needed; this time, however, the point of focus needs to expand from a mere focus on dynamics to a process of dynamic *deliberation*. The question now is not only how majority rule procedures and their associated practices facilitate a process of discursive change (i.e., dynamics), but do so in an inferential way. In short, a second pass at a diagnosis is necessary. The aim of this second pass is clear: To

¹²⁰ Again, the language of “counter-steering” here is meant to allude to the view of Habermas, as mentioned earlier.

¹²¹ The “inferentialist” assumptions here, that the course of practical reasoning is determined by inferential relations and that action is “compelled” by inference, is widely held in philosophy today, though not by all. See, for instance, Vogler, Candace (2001). “Anscombe on Practical Reasoning.” *Varieties of Practical Reasoning*. ed. Elijah Millgram. Cambridge, MA: MIT Press, 445-463.

¹²² Mansbridge et al. 2009, 66.

¹²³ Habermas, Jürgen (1962). *Strukturwandel der Öffentlichkeit. Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft*. Darmstadt and Neuwied: Hermann Luchterhand Verlag, is a classic source of this critique from the earliest days of deliberative democracy.

locate an inference-driven dynamism of collective reasoning, one that stems from majority rule procedures and their associated practices, not a dynamism of spectacle and psychological manipulation.

Here, an observation about real democratic discourse provides a helpful way forward. Earlier, I cited work on democratic discourse that described the attraction to gaffes in terms of the questions they open up about the gap between a candidate's "on the record" statements and what the candidate might mean. Frequently, these questions are framed and answered with *analogies*. A gaffe that reveals naïveté about the financial difficulties of the average person (e.g., the current price for a gallon milk), for instance, quickly leads citizens to formulate analogies between the speaker and earlier figures negatively associated with a similar naïveté. Suddenly, the question is not just how the gaffe squares with "on the record" statements, but also to what extent the speaker represents any real change from past precedent. If a recently retired politician was famous for being "out of touch" when it came to the trials and tribulations of the average person, the aforementioned gaffe will also raise concerns that the speaker has the same flaws as a candidate.

In this section, I will explore how the prevalence of such analogical reasoning in real democratic discourse testifies to an *inferential* (and therefore rational) dynamism driven by majority rule practices. In politics (and beyond), no single form of reasoning is capable of competing with reasoning from analogy (i.e., analogical reasoning), in the contest among considerations for communicational virulence.¹²⁴ Here, I do not mean analogical reasoning in the sense made famous by John Stuart Mill's *System of Logic*, which is now institutionalized in

¹²⁴ Markman, Arthur B. and Moreau, C. Page (2001). "Analogy and Analogical Comparison in Choice," in *The Analogical Mind*. ed. Dedre Gentner and Keith J. Holyoak. Cambridge, MA: MIT Press, 363, Cohen, Florette, with Ogilvie, Daniel M., Solomon, Sheldon, Greenberg, Jeff, Pyszczynski, Tom (2005). "American Roulette: The Effect of Reminders of Death on Support for George W. Bush in the 2004 Presidential Election." *Analyses of Social Issues and Public Policy*. 5:1, 177.

standardized tests through questions like “Dog : Bark :: Cat: ?”¹²⁵ This “Millian” model of analogical reasoning is restricted to the analysis of objects and their properties, *not relations* among those properties, let alone relations among those relations (although, as I noted earlier, Mill himself merely said that this non-relational form of analogical reasoning is the more usual one, rather than the exclusive form of analogical reasoning or even the best form of analogical reasoning).¹²⁶ Where one object has properties x, y, z, by analogy we are supposed to conclude that another object with properties x and y should be expected to also have property z. The weakness of such arguments by similarity is obvious and well known. Frequently, objects have common properties, but not for any *reason* that could be specified. The commonality is *spurious*, an arbitrary commonality owing to chance coincidence, not anything deep, essential, or structural.¹²⁷

For instance, one might scan a collection of books in contemporary languages and find a similar looking word (after transliteration where necessary) in these various sources and thereby assert a common origin for those languages on account of their similar properties. One might also believe that since the languages all share a geographically contiguous region, they originate from a common ancestor language. These two properties (the common word and the geography) would be used to draw an inference in this case; however, these points of commonality could easily turn out to be spurious. Turning to a dictionary, one may find that the word means drastically different things in these languages, that one or more of the languages developed in

¹²⁵ This observation is made in Thagard, Paul (2006). *Hot thought: Mechanisms and applications of emotional cognition*. Cambridge, MA: MIT Press, 28, and its bias can be seen in textbooks like, Hendrickson, Noel, St. Amant, Kirk, Hawk, William, O’Meara, William and Flage, Daniel (2008). “Complex Passages: Descriptions, Explanations, and Arguments,” *The Rowman & Littlefield Handbook for Critical Thinking*. Lanham, MD: Rowman & Littlefield, 7-9.

¹²⁶ Mill, John Stuart (2006). *A System of Logic*. Indianapolis, IN: Liberty Fund, Inc., 393-396.

¹²⁷ See the discussion of John Haugeland’s work in chapter five, which presents this idea in an intuitive manner. It is worth noting that the idea has played a central role in thinking about probability for a long time, as for example in von Mises, Richard (1957). *Probability, Statistics and Truth*. Mineola, NY: Dover, 18-20.

isolation from the others, or that the grammatical differences among them are so drastic as to make the inference absurd. Just because many languages in the world now use stray English words does not mean those languages have a common origin. As a result, having a similar word in common cannot provide a reason for analogically inferring that other properties among these languages must be the same (e.g., their origin). A single word commonality would be poor evidence that a set of languages share a common origin from a single, earlier language.

The Contemporary Perspective on Analogical Reasoning (CPAR.i-iii)

By contrast, contemporary work on analogies is not concerned with sets of isolated features highly prone to spurious commonality, but rather with the *entrenched systematic relations* among those features.¹²⁸ Taking up each term from this description one by one, I will try to briefly shed enough light on this contemporary perspective on analogical reasoning to apply it to the present concern. That concern is the extent to which majority rule procedures and their associated practices are *deliberatively* dynamic in a reason-oriented way. I will refer to this description as the *contemporary perspective on analogical reasoning*, by which I will have in mind the following:

The Contemporary Perspective on Analogical Reasoning (CPAR): Analogies are used to “*reason*” when they

- (i) Pinpoint *entrenched, systematic relations* among the features of two domains, in such a way that
- (ii) the entrenched, systematic relations from a familiar, “source domain” can be inferentially extended to a less familiar, “target domain,” which
- (iii) thereby demonstrates that framing the target domain in terms of those relations is not a spurious inferential move.

¹²⁸ Bartha, Paul F. (2010). *By Parallel Reasoning*. Oxford, UK: Oxford University Press, 70.

In this “second pass” at theorizing the empirical observation from the last section, I will develop this contemporary perspective on analogical reasoning (CPAR), taking up each part (i-iii) in turn by focusing on its key terms.

CPAR.i: “Relations”

Beginning with the first (i) part of this description, I will take each key term up in turn in a separate section. Notably, the term “relation” here (CPAR.i) is not the logician’s, but rather the simpler idea of a property between properties or a “*structural property*.”¹²⁹ By this phrase, I mean to highlight the way in which analogy is not merely the *horizontal* comparison between two domains (one to the left, one to the right) of their discrete features (i.e., properties) and whether they are shared. This horizontal model is exemplified in the following “Millian” analogy:

<i>(left)</i>	<i>(right)</i>
Domain 1: English	Domain 2: Hungarian
feature x (word)	feature x' (word)
feature y (geography)	feature y' (geography)
feature z (Indo-European origin of language)	feature ? (same origin?)

Figure 1: An Example of the Horizontal Model of Analogical Reasoning

In this example, 2 properties found in English and Hungarian alike (a word, and a geography like “European”) are used to to infer a third property (an Indo-European linguistic origin) from English to Hungarian. At face value, the inference seems spurious. Do we really want to use a single word and massive geographical region as a basis for an analogy? Likely not, as it would be a spurious inference when drawn at such a superficial level.

¹²⁹ For a more precise description of this concept, see Bartha 2010, 66.

In contrast with such a “Millian” analogy, the contemporary perspective on analogical reasoning (CPAR) deals with the horizontal comparison *of vertical relations* in one domain with the vertical relations in another. In other words, analogy deals with how features *relate to among another* in two domains in potentially (i.e., inferred) analogous ways.



Figure 2: An Example of the Vertical Model of Analogical Reasoning

In this example,¹³⁰ the inference drawn is that the quirky, irregular morphology of the verb TO BE (‘to be’) in English, and the quirky, irregular morphology of the verb SEIN (‘to be’) in German, both reveal what linguists call suppletion of a particular kind (namely, with a Proto-Indo-European origin). Here, no *property* is held in common, which is to say, we do not find the same feature on both sides of the analogy. No features are horizontally aligned. Rather, a vertical *relation* among different features in each of the two languages is aligned instead. “Suppletion” is a linguist’s term for describing the abstract *relation* among features of a language related to the way the verb “to be” is declined. As such, it obtains among different features of each language in each language’s own domain. In this way, suppletion is a *vertical relation* in that domain. It is not merely the horizontal extension of a property or feature from one domain to another. If that were the case, German would simply use the verb “is”. Instead, we find different features (is, am, ist, bin), which are related together by the same vertical relation (i.e., suppletion) in each domain.

¹³⁰ Drawn from Pollack, Elisa (2008). “The Indo-European Roots of the German Verb SEIN ‘to be’*” *PostScript* Vol.25, 98.

For another example of this more contemporary perspective on analogy, consider how the concept of a “wave” has long been used to explain how the *different features* of water and sound *interrelate in an analogous way*.¹³¹ Here, the two domains are water and sound (rather than English and German). In both of these domains, we can observe a relation among the features of the domains that is “wavelike,” insofar as the features in the domains move in concentric circles that do not “break up” one another as they move outwards, unless an obstruction gets in the way of this process. Accordingly, we might schematize the analogy as follows:

Domain:	1. Water	2. Sound
Features:	not a solid ring-like propagation does not break up propagation is concentric breaks up with obstruction	not a solid ring-like propagation does not break up propagation is concentric breaks up with obstruction
Vertical Relation (↕):	<u>wavelike</u>	<u>wavelike?</u>

Figure 3: Another Example of the Vertical Model of Analogical Reasoning

In this example, being “wavelike” draws an analogy between water, which has dynamics that we understand relatively well from ordinary life, and sound, which has less obvious dynamics, on the basis of how the ring-like features observed in their movement *vertically relate* to one another (i.e., concentrically), rather than in the “Millian” way of drawing an inference based on the large number of directly observed properties the two domains hold in common (i.e., a cat and dog both have tails, legs, fur, etc.).

CPAR.i: “Systematic”

Another term from first part of the Contemporary Perspective on Analogical Reasoning

¹³¹ Example is drawn from Holyoak, Keith and Thagard, Paul (1995). *Mental Leaps: Analogy in Creative Thought*. Cambridge, MA: MIT Press, 11.

(CPAR.i), is “systematic.” The “systematicity” referenced in the contemporary perspective on analogy means “higher-order,” or having to do with a larger, “relational network.”¹³² One might think of systematicity as a *meta*-relation or *higher*-order relation, which is to say, a relation that holds not among multiple observed *properties* (e.g., ripples in water or sound) or other features, but rather multiple *relations* that connect observed properties (e.g., wavelike propagation of a pattern) or features. Above, I have used a vertical arrow (\updownarrow) to signify the kinds of relations over which systematic meta-relations obtain at a higher order. In short, the vertical relation that is analogically inferred from one domain to another is *not among features* (as in the above illustration), *but among the relations among those features*. Consequently, it is a meta-relation or higher-order relation.

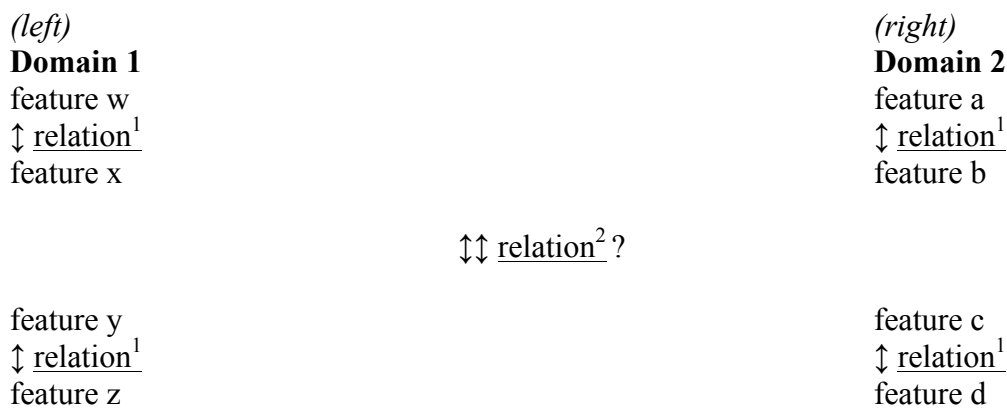


Figure 4: An Example of the Systematicity of the Vertical Model of Analogical Reasoning

As this illustration shows, the vertical relations (\updownarrow) are related to one another through a higher-order, or “meta”-relation ($\updownarrow\updownarrow$), which systematizes the relations among the features in a domain rather than just the features themselves. In other words, meta-relations are relations², with each additional level of systematicity meaning an additional level of “meta”-relation being built up

¹³² Bartha 2010, 66-7.

from the relations originally among features of a domain (i.e., relation¹, relation², relation³, etc.). In short, systematicity is simply a relation to the n^{th} power, where n stands for the number of levels that separates the systematic relation from the kinds of relations found among features (i.e., systematicity is represented by the superscript numbers in the series relation¹, relation², relation³).

Environmental reform offers a prime political example of this systematicity in analogical reasoning. As Thomas Rudel has tried to explain environmentalist reform efforts, they begin with isolated individuals and groups all acting defensively against a large-scale trend in their environment that threatens an established way of life and associated skill set.¹³³ For instance, an aggregate of people long engaged with fishing and long practiced in the associated skill set may recognize that their catches are decreasing, which is to say, they may recognize a larger trend that impacts their own individual benefits. Accordingly, they may come together and try to change how they fish by establishing guidelines. These isolated efforts are “defensive” insofar as they are based on the benefits these isolated, local individuals and groups would accrue by banding together, unlike more “environmentalist” efforts which aim to benefit all. What these defensive agents of reform have noticed, you might say, is that in each of their own domains (e.g., Fishing Area 1 early in the day, Fishing Area 2 later in the day, etc.), certain features relate in such a way that a declining fish population is easily observed. Talking with one another, they may then recognize (more *systematically*) that this relation in each domain is the basis of a larger *trend*, or meta-relation (i.e., relation³), of a declining population of fish in the fishery on which they all rely. Later on, members of this community may be contacted by an environmental biologist or environmental organization, which may then say that the larger trend in their fishery

¹³³ Rudel, Thomas (2013). *Defensive Environmentalists and the Dynamics of Global Reform*. Cambridge, UK: Cambridge University Press, 19.

(the meta-relation of declining fish population) is also observable in other fisheries both near and far, which leads to an even more systematic, meta-meta-relation. At this point, Rudel claims, a shift takes place in the kinds of guidelines that are formulated that nonetheless emerges with political significance because it builds on an initial threat to the way of life and associated skills of fishing.¹³⁴

To see how this systematic reasoning constitutes a form of analogy, we need only briefly imagine the kinds of discussions and deliberations that would occur at each of these levels. When those engaged in fishing in the various smaller regions initially speak with one another, they may draw analogies: “Much as he just said he is witnessing declining success in that part of the bay, so too I am seeing the same elsewhere in the bay.” By comparing the way the features of each individual’s preferred fishing spots instantiate the same relations, a group may recognize a higher-order, more systematic meta-relation of decline in their fishery (relation³). Later, when speaking with the environmental biologist, the biologist may say that what they are describing is similar to what has been observed in other fisheries, with the result being that all involved may infer an even larger, less local or even *global* meta-meta-relation (relation⁴) of decline in fisheries around a region or the world (relation⁵). Increasingly systematic, *analogical* comparison not among the properties of each domain(i.e., the “Millian” model of analogy), but rather among the *relations* discovered among the features of each domain, provides the basis of their inferential reasoning.

CPAR.i: “Entrenchment”

However, as Paul Bartha has argued, systematicity of relations is not enough to make

¹³⁴ Rudel 2013, 20.

analogical reasoning as strong as it needs to be.¹³⁵ A major problem for any theoretical treatment of analogy is the starting point description of any two domains, or “inputs.” Frequently, the quality of inference to be drawn is heavily dependent on how the domains are first described. Some descriptions easily elicit an analogical inference that is relevant to a current problem and therefore of a high quality. Other times, an initial description elicits strange and bizarre analogical inferences based on initial descriptions which are not richly suggestive, “hand-tailored inputs.” More specifically, computer programs based on a number of analogical theories do an excellent job of identifying important systematic relations among domains when experimenters give them suggestive and intuitive initial descriptions. When those descriptions are made less intuitive, though, the same computer programs pick up irrelevant and unimportant systematic relations.

For instance, in an attempt to refute Galileo, the astronomer Francesco Sizzi cited the proliferation of the number seven in the enumeration of the parts of natural systems like the number of “windows” in the head (e.g., nostrils, ears, eyes, mouth), the days of the week, number of metals, etc.¹³⁶ On the basis of this claim, Sizzi concluded that the number of planets must also be seven. Though these natural systems would seem to exhibit a common structure, we would object to Sizzi’s analogical conclusion. The inputs into his analogy have been manipulated to be more suggestive than they should be, insofar as other natural systems that contradict his claim have been omitted (not to mention that we would object on other grounds from our contemporary perspective). Similarly, computer programs can be tricked into drawing analogical inferences when the inputs are manipulated to be narrowly described or to exclude contradictory domains. As this examples shows, the problem with systematicity is that “high-

¹³⁵ Bartha 2010, 70-71.

¹³⁶ Bartha 2010, 22-23, 70-75.

order relations are cheap” (to use Bartha’s rich phrasing).¹³⁷

In light of this worry, the third term in my description of contemporary perspectives on analogy, namely the *entrenchment* of systematic relations, becomes significant. By “entrenchment,” I mean a history of past success. This definition has acquired wide recognition ever since Nelson Goodman tried to deal with a similar problem of “hand-tailored” inputs in *Fact, Fiction, and Forecast*.¹³⁸ In that work, Goodman famously came up with a hand-tailored word, “grue,” which neatly mirrors the use of the more intuitive words “green” and “blue” in our reasoning, but which any reader will nonetheless find absurd as an identical replacement for those terms.¹³⁹ In other words, much as Sizzi hand-tailored his description of the natural world to make an absurd conclusion seem logical, so too Goodman hand-tailored the term “grue” to make it seem like a logical equivalent to “green” and “blue.” As Goodman himself proposed, the problem of hand-tailored inputs generating bizarre inductive inferences (and by extension, bizarre analogical inductive inferences) can be dealt with by comparing the relative entrenchment of the predicates (or terms) contained in the rival hypotheses. Green and blue have a strong history of past success in our reasoning. They have factored into successful inferences many, many times. By contrast, the hand-tailored term “grue” has no track record of successful past use in our inferential practices. When entrenchment is allowed to supplement our other criteria for reasoning, Goodman maintains, we are able to explain why we balk at the use of “grue” when we could be using green and blue. Entrenchment is an important factor in reasoning.

Similarly, Bartha claims that systematic relations need to be approached in terms of their successful history of “prior association” for analogical reasoning to avoid the problem of “hand-

¹³⁷ Bartha 2010, 70.

¹³⁸ Goodman, Nelson (1983). *Fact, Fiction and Forecast*. Cambridge, MA: Harvard University Press.

¹³⁹ Goodman 1983, 74.

tailored” inputs.¹⁴⁰ It is not enough for an analogy to inferentially map a systematic relation from one *source* domain to another *target* domain. Rather, in the source domain, the systematic relation must not only obtain, but must also meet some set of evaluative preconditions that establish a standard of success for the kind of systematicity it purports to demonstrate. Only when the systematicity in the source domain has a record of success established in this way, is it a viable candidate for analogical inference to a target domain. For instance, if the systematic relation in the source domain is a *deductive* relation among some set of sentences, that relation must already be established in terms of the evaluative precondition of validity for its extension by analogy to be viable.¹⁴¹

Similarly, if the relation in the source domain is a *causal* one, those evaluative preconditions relevant to causality must already be established prior to analogical extension. For example (to use one recent theory of causality), there must be something like high probabilistic dependency among the relata and an explicit specification of a mechanism by which that probabilistic dependency is determined.¹⁴² In this way, the “hand-tailored” inputs problem can be avoided. Sizzi’s analogical inference is clearly lacking in appeal because the relation of “sevenness” he attributes to natural systems has no prior association with successful past inferential use according to any evaluative precondition. Rather, its complete dearth of prior association in past reasoning makes it counter-intuitive and obviously contrived.

For my purposes, the term “entrenchment” better captures Bartha’s point than his own phrase, “prior association,” in three ways. First, unlike the phrase “prior association,” entrenchment more vividly captures the idea of embeddedness in past practices. Something that

¹⁴⁰ Bartha 2010, 103.

¹⁴¹ Bartha 2010, 103.

¹⁴² Williamson, Jon (2009). “Probabilistic Theories of Causality,” in *The Oxford Handbook of Causation*. ed. Helen Beebe, Chris Hitchcock and Peter Menzies, 185-212.

is entrenched carries the sense of depth that comes with anything we would call a “trench” ordinarily, whereas prior association carries the very weak degree of connection and risk of superficiality that comes with talk of “mere association.” Second, entrenchment also usefully illustrates the underlying idea behind prior association by way of its own use in the past few decades of philosophy. What was once a term of art has become a common term in many arguments across disparate domains of philosophy in which something like “entrenchment” is thought to be a solution to vexing problems in the philosophy of science, metaphysics, and more.¹⁴³

Third, entrenchment is better because it provides an intuitive, entrenched bridge back into the domain of politics by way of its political resonance. In the political domain, entrenchment is in many ways the name of the game. Politicians and citizens do not just exchange reasons in terms of shareable considerations for and against options.¹⁴⁴ Rather, they debate the *relative entrenchment* of those considerations for and against. For example, in the face of an economic crisis, those advocating a “Keynsian” financial stimulus to catalyze economic recovery will work diligently to highlight the successful track record of financial stimulus packages in past political decision-making and the economic consequences that followed. They will point not only to one such past success, *but to as many as possible*. Moreover, much of their point in doing so will be to reduce the risk that they are “hand-tailoring” their description of the current crisis to make a “Keynsian” solution seem intuitive. A very strong past track record strengthens the case that similar circumstances in the past have called for a similarly successful response.

Here too, analogy is the key because entrenchment signifies a track record of similar

¹⁴³ Haugeland, John (2012). *Dasein Disclosed*. Cambridge, MA: Harvard University Press, 245-254, Kutschera, Franz von (1978). “Goodman on Induction.” *Erkenntnis* 12:189-207, Kahane, Howard (1965). “Nelson Goodman’s Entrenchment Theory.” *Philosophy of Science*. 32:3/4, 377-383, Roper, James E. (1982). “Models and Lawlikeness.” *Synthese* 52: 313-323.

¹⁴⁴ See above discussion of “reasons”, including Cohen and Sabel 2009, 205, Habermas 1996, 13-19.

success across time. Just as in the past green and blue successfully fulfilled our expectations for color terminology, so too they should do so in the present; whereas “grue” lacks a track record from which analogies can be drawn of this kind.

CPAR.i: Putting the Terms Together

To see how these key terms (“entrenchment” and “systematicity”) fit together into the first part of the contemporary perspective on analogical reasoning (CPAR.i), it may be helpful to consider the example provided by “feedback loops.” A feedback loop names a process in which systematic relations emerge at ever higher levels as *time progresses* and lower-level relations become more entrenched.¹⁴⁵ In this case, the systematicity is not only constituted by multiple levels of relations and meta-relations and meta-meta-relations and so on (e.g., relations¹⁻ⁿ). This kind of systematicity, often referred to as being “inter-level” (“IL” for short) in its structure, is only one dimension.

Additionally, this inter-level structure is connected *temporally*, with relations appearing over and over until their entrenchment reaches such a high level that they “feed back into” *meta*-relations. With “feedback” of this kind, the emergent meta-relations are not just inter-level (IL) in character, but also “inter-temporal” (“IT” for short). They are, by their very nature, the kinds of things that presuppose entrenchment across multiple events or times. In this case, *repetition over time* allows systematicity to emerge, which is to say, it allows higher-level relations and meta-relations and meta-meta-relations to emerge. The following figure may be helpful for

¹⁴⁵ In-depth philosophical analyses of this phenomenon include the classic, Andrew (1976). *Teleology*. Cambridge, UK: Cambridge University Press, as well as more recent work such as Mayr, Erasmus (2011). *Understanding Human Agency*. Oxford, UK: Oxford University Press, Yeomans, Christopher (2012). *Freedom and Reflection*. Oxford, UK: Oxford University Press, Craver, Carl F. and Darden, Lindley (2013). *In Search of Mechanisms*. Chicago, IL: University of Chicago Press, Elster 2007, 14-15.

visualizing such entrenched, emergent systematicity:

Inter-level “Systematicity” (CPAR.i.IL)

*Level of Systematic Relation (corresponding to * numbers)*

- ****meta-meta-relations among those meta-relations among those relations among features
- ***meta-relations among those relations among features
- **relations among features
- *features

Inter-temporal “Entrenchment” (CPAR.i.IT)

Inter-Temporal Episodes (corresponding to superscript numbers)

Time ¹	Time ²	Time ³
		** (relations)
*(features)	*	*

“Feedback,” or the Emergence of Inter-Level Systematicity (IL) through the Entrenchment of Inter-Temporal (IT) Features & Relations

First Sequence of Events (Time¹-Time³)

Time ¹	Time ²	Time ³
**** (meta-meta-relations)	****	****
*** (meta-relations)	***	***
** (relations)	**	**
*(features)	*	*

Second Sequence of Events

Time ¹⁰⁰¹	Time ¹⁰⁰²	Time ¹⁰⁰³
****	****	****
***	***	***
**	**	**
*	*	*

Third Sequence of Events

Time ²⁰⁰⁰	Time ²⁰⁰¹	Time ²⁰⁰²
****	****	****
***	***	***
**	**	**
*	*	*

Figure 5: An Example of a “Feedback Loop”

As these illustrations are meant to show, systematicity often emerges over time and as a result of sufficient repetition of features or relations in a domain (i.e., entrenchment). Each level is recognized only after the earlier level has been “mastered,” repeated many (or even thousands) of times. Here, during the first episode (Time¹), only features are observable (i.e., only “*” is in black, while the higher levels of systematicity are light gray, showing that they are not present in

the domain *yet*). During the second two episodes (Time²⁻³), the higher-level *relations* (**) among these observed features change from light gray to a darker gray. Then, “fast-forwarding” to episode number one thousand and one, the first level of relations (“**”) turns black, with the higher, meta-relations (“***) changing to a darker gray. By the time episode two thousand and two rolls around, the final, meta-meta-relational (“****”) level itself eventually turns black. Finally, the highest level of systematicity in the domain under investigation has emerged in full force. In short, *over time*, the inter-level relations (IL) have systematically emerged as each lower level becomes entrenched (IT) enough for a higher level to then emerge as a consequence.

Pattern-based skill acquisition and application provides a concrete context in which to observe a feedback process of this sort.¹⁴⁶ From repeated exposure to classical Greek architecture, students may learn to recognize the architectural features (*) known as the column, pedestal, and entablature. They may then recognize certain relations (**) among these features, for instance, that the width of the features is aligned at very specific points, which the students had never realized before. Surveying classical architecture more generally through a long, repetitious process of study, they may realize that among the architectural structures surveyed, those structures that possess this alignment (**) at very specific points are the most pleasing. As a result, they may come to recognize an even more systematic relation of “pleasing balance” (***) among classical structures. Studying more recent architecture, these students may realize that as lightweight materials become more dominant, the pleasing, balanced alignments of classical architecture tend to disappear.

Upon recognizing this a *more systematic* relation (****) between the weight of the materials and the achievement of a pleasing balance in the structure, students may then find

¹⁴⁶ For an extensive account of pattern-based skill acquisition and its role in human cognition generally, see Margolis, Howard (1987). *Patterns, Thinking, and Cognition*. Chicago: University of Chicago Press.

themselves suddenly (emergence!) tempted to make woeful claims about the declining standards of architecture at the even more systematic level of human history (*****). In learning to first recognize a pattern of alignment in classical Greek architecture, these students acquired a skill that they later applied at ever higher levels of architectural criticism and study to eventually find themselves making sweeping generalizations about a global trend in architecture. This process in which a pattern was first recognized and then redeployed time and again illustrates a feedback process at work. As the students learn to recognize and then look for the pattern through ever more episodes of architectural observation, they simultaneously develop the systematicity of their understanding of architecture (for better or worse, in this case).

Analogy pervades woeful, historically sweeping claims of the kind eventually found in this last example. For instance, critics may lament the demise of architectural standards by citing extremely well-entrenched exemplars like the Pantheon. Alternatively, when speaking to an audience familiar with the city of Philadelphia or American architectural history, such critics might cite the Merchants' Exchange of Philadelphia, which is likely to be well-entrenched for such an audience. Furthermore, such critics might really try to make their case by citing both of these examples. In doing so, the heavy lifting in their argument is executed by the entrenchment of their initial understanding of the systematic relations found in architectural observation. However, as we will see in the last three chapters of this project, though analogy often plays a role in such massive generalizations, it can also be astonishingly sensitive, sophisticated, and precise.

CPAR.ii: Inferential Extension of Relations

The second part (ii) of the Contemporary Perspective on Analogical Reasoning is both

the most obvious and the most sophisticated. Inferentially extending a vertical (meta-)relation from one domain (e.g., a local fishery) to another domain (e.g., a distant fishery), is such a routine practice in our everyday and even academic reasoning that it seems easy to accept. As routine and familiar as the practice of analogical reasoning is, though, there is a risk that with this familiarity may come a tendency to forget what was discussed in the last few sections. Analogical inference is not a mere extension of *something* found in one domain to another perceived to be similar; rather, the inference is extended because of the systematicity (IL) in each domain and the superior entrenchment (IT), or prior association, in the source domain.

For instance, domains involving *tools* like surgery (scalpels) and warfare (hatchets and tomahawks) are understood systematically with sufficient entrenchment that people routinely invoke those tools in analogies. One favorite, related analogy invokes familiarity with surgery and scalpels to better understand that a relation of “cutting” among features in a target domain, like a budget, should be understood to be cutting of a particularly skillful and precise kind. Thus, one might say that the way to cut a budget is with a scalpel, not a tomahawk, which is to extend our systematic, entrenched understanding of the way cutting occurs in a source domain with the target domain of budget cuts.

Bartha’s terminology, referenced above, goes a long way towards underlining the present point. Analogical inference is not a mere inferential extension on the basis of a prior similarity (i.e., “Millian” resemblance among the features in two domains), but an inference drawn on the basis of systematic (IL), entrenched (IT) understanding of the source domain (CPAR.i). Bartha stresses this point by developing a terminology of “preconditions” in attendance with the idea of systematicity. We know features in a source domain to systematically relate because we know that the relation is causal, and with that causal character, we also know that certain preconditions

must be met for the relation to be respected (e.g., probabilistic dependencies among the relata).¹⁴⁷ Applied to the previous “budget cutting” example, an analogy works because we have a systematic grasp of a domain, which is to say (in Bartha’s terms), we have an understanding of the preconditions that have to be met in the source domain for the inferred relation to obtain. With the scalpel analogy, we know what it means to have “surgical” cutting because we already understand it to be a kind of skillful, precise cutting that takes enormous amounts of training to do successfully. Here, this understanding of the skill and training behind “surgical” cuts is dependent on a grasp of the training and skill understood to be its preconditions. Thus, the inference among source and target domains in analogical reasoning is an inference that does not merely take one thing and extend it to another, but does so on the basis of a systematic, entrenched understanding of the preconditions for the relata in the source domain.

Given this assumption about the uneven grasp discussants of budget cuts have of the source (surgical tools) and target (budgeting) domains in an analogy, another significant sense in which analogy is inferential emerges, namely the inferential “leap” that characterizes it according. To use the helpful phrasing of Richard Holyoak and Paul Thagard, the uneven grasp of the source and target domains leads analogical reasoning to take the form of “mental leaps.”¹⁴⁸ Our entrenched grasp of the systematic relations in the source domain means we take ourselves to have a firm foothold there for reasoning. By contrast, the target domain is the subject of analogical inference precisely because we fail to have the same level of entrenched, systematic understanding. Thus, when we draw an analogical inference from the source domain to the target domain, something equivalent to a “leap” occurs as we move from the sure footing of the source domain and “leap” into a more or less unknown domain. The leap is mental, in their

¹⁴⁷ Williamson 2009, 201-210.

¹⁴⁸ Holyoak and Thagard 1995, 2, 7, 12.

words, because it has to do with cognition. Nonetheless, though the leap may seem bold, it is not for that reason unconstrained by rationally substantive criteria like entrenchment.

CPAR.iii: Non-Spuriousness Condition

The final part of the contemporary perspective on analogical reasoning (CPAR.iii) is a natural outgrowth of the second part discussed in the last section. If the analogical inference extends from a domain we systematically understand in an entrenched manner to a target domain we do not, then it should be expected that the burden of proof, as it were, is that the relation being inferred is not a *spurious* one. As I mentioned earlier, people often doubt whether analogies are the basis of good reasoning because they are prone to admitting too many generalizations. The hand-tailoring of inputs to an analogical computer program lent support to this worry. Depending on how “intuitive” researchers wanted to make the information inputted into an analogy locating computer program, they could sway the computer program towards equally intuitive and sound analogies, or highly problematic, spurious analogies based on dubious generalizations. In other words, analogies can seem like a safe space for reasoning when the features over which they obtain are hand-tailored inputs picked by researchers or politicians to be intuitive. However, when we leave such carefully manicured contexts, too much seems to be permissible.

Notably, though, once the bar is raised to the level of *entrenched, systematic* relations (CPAR.i.IL-IT), the kind of spuriousness that plagues “Millian” analogical reasoning dramatically reduces. For instance, in our reasoning about English and Hungarian above (Figure 1), we located a *systematic*, meta-relation among some of the features that was shared by both languages (i.e., the “Indo-European” origin of the languages). However, as the example was

meant to show, this meta-relation was extremely spurious. A single word held in common between English and Hungarian, combined with a shared European geography is too little evidence and too lacking in systematicity (let alone entrenchment) to support the analogical inference that the two languages share a common Indo-European origin.

By contrast, the “suppletion” observed in English and German by linguists is more systematic and therefore less irksome (see Figure 2 above). Similarly, entrenchment works to reduce the threat of spuriousness by demanding that we attend to the track record of a relation we are considering extending inferentially. We are unlikely to let Sizzi get away with using “sevenness” as a basis for analogical reasoning, since it is so lacking in entrenchment that we will balk at its use to draw inferences over scattered domains. Finally, the preconditions built into the ideas of systematicity and entrenchment work to counteract spurious analogical inferences as well. It is one thing to say, as Sizzi might, that he can think of many past examples (entrenchment) of systematic “sevenness” in the workings of the universe, but it is another to ask him to specify what exactly the preconditions are for this relation. Is the relation the kind to have causal preconditions (e.g., probabilistic dependencies)? Looking at Sizzi’s examples, we would quickly realize that the probabilistic dependencies of causal reasoning are lacking, as “sevenness” plays no consistent role in the workings of the domains picked out by his examples.

Applying the Contemporary Perspective on Analogical Reasoning

In the last section, I surveyed the contemporary perspective on analogical reasoning (CPAR.i-iii) because I thought it would help dispel a worry about my first “pass” at describing the dynamism of democratic politics. That worry arose from the sense that analogies drive dynamic democratic deliberation, but they do not drive it in a rational way. Instead of allowing

citizens to make rational inferences, analogies provide a means for citizens to be emotionally manipulated. The last section will have gone some way to dispel that worry by highlighting the sense in which analogical reasoning is a form of inference (CPAR.ii) that is heavily constrained by concerns with systematicity, entrenchment, and abstract relations in a source domain (CPAR.i), as well as concerns to critically guard against spuriousness (CPAR.iii).

Returning to a past example of political analogy may help to convey this sense of rational constraint and inference. Earlier, I mentioned how people often used the “Great Depression” as a source domain for understanding how the citizenry ought to respond to the target domain of the “Great Recession” of 2008. Importantly, one of the ways in which that similarity is assessed is in terms of systematicity among the features of the past, source domain and the current, target domain. Arguing that a “Keynsian” response to the Great Depression should also be attempted in the Great Recession requires more than pinpointing similar features of each domain (e.g., massive lay-offs from jobs, stock market crashes, etc.). In addition to that superficial, “Millian” form of analogy, citizens are likely to debate the *systematic* relations (and *meta*-relations) among those features in each domain to assess the viability of drawing an analogy from one domain to another. How did a change in one feature (e.g., monetary policy) change other features (e.g., lending rates) and thereby other features (e.g., leveraging of banks) and then still others (e.g., banks that are “too big to fail”)? How did the relation among those features in different nation states change other relations, say among the relative popularity of different political parties (e.g., authoritarian regimes)? In the present, can analogous changes be observed that testify to the existence of similar systematic relations among these features and their relations and meta-relations? For instance, where nations have “austere” monetary policies (e.g., curbed spending), is the political support for authoritarian regimes changing in a way that mirrors the support such

regimes received when the same monetary policies were followed during the Great Depression?

This example, drawn from recent real politics, is meant to illustrate one of the distinctive characteristics of analogical reasoning in politics. Not only is it distant from “Millian” analogy with its fixation on feature similarity, but it is also thoroughly systematic and entrenched in its focus and therefore deeply constrained in a rational way quite immune to emotional manipulation. In the Great Depression/Great Recession example, the relations mapped from one domain to another are systematic meta-relations many times over. They are systematic relations to the n^{th} power. A “monetary policy” is itself a *meta*-relation based on the numerous relations among features of central bank activities and their systematic connection. So too “mass lay-offs” are an abstract *meta*-relation among various employment sectors and their systematic interrelation. For citizens to discuss the relationship between monetary policy and mass lay-offs is therefore an *extremely* high-order, “meta-meta”-relation of massive, entrenched systematicity. This level of abstraction only becomes more dramatic when discussion rises to the even more abstract, even higher-order discussion of how monetary policy ultimately influences support for certain kinds of political regimes. Accordingly, the way analogy factors into real democratic politics is at an almost wildly abstract level.

However, for all of the extreme abstraction of analogical reasoning in real politics, it is also very concrete in one important way. When it comes to the *source* domain, analogical reasoning proceeds on the assumption that citizens are extremely familiar with the source domain and its systematicity. In other words, analogical reasoning assumes that the source domain is sufficiently familiar, sufficiently *entrenched* in some regard, for it to be helpful in understanding the target domain.¹⁴⁹ For instance, in the Great Depression / Great Recession

¹⁴⁹ Entrenchment and familiarity are not one and the same, but the debate over that difference is large, long, and inconsequential for my point. See, for instance, Hesse, Mary (1974). *The Structure of Scientific Inference*. Berkeley,

analogy, the analogical inference to be drawn assumes that people are familiar with the Great Depression. More specifically, discussants may assume a strong familiarity because of a shared history curriculum that studied the Great Depression or a shared knowledge of the event as described in a canonical literary work like *The Grapes of Wrath*. By contrast, the target domain is assumed to be insufficiently understood at present and therefore in need of the past to supply an informative analog for understanding the present. In the midst of a rapidly evolving Great Recession, for instance, the assumption is that the familiar case of the Great Depression can provide some guidance for understanding a sudden economic crisis in the present. Indeed, the very phrase “Great Recession” builds an analogical link between the 2008 economic crisis and the Great Depression by way of its reference to a “Great” economic crisis.

Furthermore, in building this analogical link, the resulting understanding of the 2008 economic crisis does not become crass and crude, but rather richly systematic. As a number of economists (including several who saw the 2008 crisis coming) have claimed, those who failed to draw such an analogical link were the same economists, politicians, and citizens who were disastrously blind to the very possibility of anything like the Great Recession happening.¹⁵⁰ Their claims, which were to gain so much attention after the economic crisis erupted, boldly establish the difference between a “Millian” interpretation of analogical reasoning and the contemporary perspective I have outlined above (CPAR.i-iii): The mere use of two similar terms (a common word, a common European geography) in the two domains does not constitute the basis for the analogical inference, though a deeply entrenched, systematic grasp of a domain does.

This last example shows how analogical inference is rationally constrained by a thicket of

CA: University of California Press, 17-24.

¹⁵⁰ Gorton, Gary B. (2012). *Misunderstanding Financial Crises*. Oxford, UK: Oxford University Press, 200-209, Farlow, Andrew (2013). *Crash & Beyond*. Oxford, UK: Oxford University Press, 174-179.

systematicity, abstraction, and entrenchment. As a result, it may dispel some worry about my “first pass” at describing the *rational* dynamism of majority rule practices in real democratic politics. However, one might object that such rationality comes at the cost of surrendering the very dynamism that inspired the approach of this chapter in the first place. Returning to the contemporary perspective on analogical reasoning, a response to this objection can quickly be located. There, in discussing the nature of the inference of analogical reasoning, I cited Thagard and Holyoak’s “mental leap” terminology. This phrase is meant to depict some of the dynamism of analogical inference, insofar as we move away from an entrenched domain and into a less understood, target domain. In the former domain, we understand its systematicity in an entrenched way. It is embedded in our understanding through an entrenched track record of experiential depth. By contrast, the target domain is not entrenched in our understanding. Thus, to inferentially extend systematic relations across such differences in entrenchment is to make a “mental leap” in our cognition ... a short and sweet form of reasoning if ever there were any.

Clearly, the language of a “mental leap” out of secure experiential entrenchment and into a fresh terrain is meant to convey a rich, lived dynamism. We are not simply talking about two domains we understand more or less well, but also our lived, experiential history of entrenchment in one domain, in stark contrast to the other. Accordingly, if analogical reasoning really involves something like a mental leap from a familiar domain’s abstract systematicity to an unfamiliar one, then we can understand why I earlier referred to the prevalence of analogies in real politics as the “best testimony” to the dynamism of real democratic politics. In real politics, the people really do take a “leap” when an analogy goes “viral” and quickly transforms where many citizens stand with regard to a topical issue calling for urgent action. In a time of crisis like a burgeoning economic collapse, a politician may call upon the citizenry to make a “mental

leap” by dynamically extending their grasp of an entrenched domain to understanding the moment of crisis (e.g., the Great Depression/Recession analogy). Furthermore, when a good analogy enters the public discourse, it tends to catalyze a dramatic increase in deliberation as people weigh in on its accuracy and try to test out the systematicity of the relationⁿ it purports to identify.

For example, a single analogy can turn a citizenry and its elected representatives, as well as their appointees, heartily towards military action, as when the “Domino Effect” proliferated democratic discourse in the United States of America and *quickly and dramatically* reshaped the decisions made by citizens and officials alike to support military intervention in places thought to be susceptible to a regime change.¹⁵¹ With this analogical “leap,” the abstract systematic relation in the source domain was that of sequential status change. People were thoroughly familiar with that relation from playing the game of dominoes. In that game, once one domino changes its status from upright to tipped over, the rest acquire the same status sequentially. Since the game of dominoes is so popular and well-known for this tipping relation, there is no shortage of prior association in the source domain. Moreover, the relation of sequential status change is an abstract, systematic relation. It deals with multiple entities in the source domain and how a change in one, systematically changes the status of other entities that are contiguous with that entity (e.g., neighboring dominoes). By analogy, it was thought that nation states contiguous to one another would change their *ideological* status once one of them “tipped over” to a different ideology. The result would be a sequential “chain reaction” of regime change.

Perhaps an even better appreciation of the definitive role of analogy in the dynamism of democratic deliberation can be seen in the case of “swift-boating.”¹⁵² This political neologism

¹⁵¹ Markman and Moreau 2001, 366.

¹⁵² Cook, Brad L. (2012). “Swift-Boating in Antiquity: Rhetorical Framing of the Good Citizen in Fourth-Century

stands not for the deployment of analogy to make a political point, but rather for the *re-* deployment of an analogy already widely recognized by the citizenry, so that the analogy now serves to undermine its original, typically salutary purpose. For instance, a U.S.A. Presidential candidate once drew an analogy between his brave wartime service in a type of military outfit known as a “swift-boat,” and the similar kind of [brave] service he would offer during a war as U.S.A. President. A group opposed to his candidacy then re-deployed this analogy by severing its prior association with bravery and turning it into an analogy for the candidate’s past and present efforts to manipulate purported acts of heroism for political gains. Their efforts were widely recognized as a “viral” and transformative part of that particular campaign season and were deemed a major influence in that candidate’s electoral loss.

Not only did the analogy “go viral” and increase the potency of democratic discourse during that time period, but it dramatically increased the quantity of citizen deliberation by itself becoming a topic of discussion. Books, articles, weblogs, and citizen conversation exploded as people discussed the analogy’s accuracy and value by assessing its underlying systematicity and how it was being analogically mapped across the political domain. As a result of this viral and explosive influence, this “swift-boating” re-deployment of an earlier analogy not only led to the coinage of a neologism (“swift-boating”), but also to its own re-deployment when other analogies were made on its basis (“Romney-boated”) in later political campaigns. Moreover, though this particular analogy may be new, its reasoning is not; it has been argued that the analogical re-argumentation “swift-boating” implies is clearly on view in much earlier times, including ancient Athenian democracy.¹⁵³

As these examples are meant to convey, the prevalence of analogies in real politics

Athens.” *Rhetorica* 30:3, 219-251.

¹⁵³ *ibid.*

actually is (true to my earlier claim) the best testament to the deliberative democratic *dynamism* of majority rule procedures and their associated practices. For instance, with this last set of “swift-boating” examples, a clear connection back to this claim has been identified. In the case of swift-boating, I described how campaign season politics, which consists of a set of practices associated with majority rule procedures (i.e., election *day*), plays a fundamental role in increasing the quantity and dynamic potency of democratic deliberation. Having just pinpointed one set of examples in which an analogy went “viral” and led to an “explosion” in democratic discourse (e.g., books, articles, weblogs, conversations) *during a campaign season*, I hope to have given some credence to my earlier claim that analogy and democratic dynamism go hand in hand.

More importantly, though, the topic of political analogy takes us beyond “practices associated with majority rule procedures” *to majority rule procedures in their own right*. During a campaign season, citizens do not simply debate political topics, nor do they simply weigh the options on the ballot in terms of reasons “for and against” each individual option (to again use Joshua Cohen’s conception of democratic reasoning). Rather, *overwhelmingly*, most of what citizens do is evaluate the options on the ballot as *pairs* or *sets*. For instance, the two most popular candidates may represent “a two-headed monster,” such that voting for either will not deal with the underlying problem of contemporary politics (i.e., the “monster” itself).¹⁵⁴ Here, an analogy is used to evaluate a *pair* of ballot options together. Notably, this analogy is a real one that went “viral” during one campaign season and itself became a topic of increased democratic discourse in such a way that the related electoral results were thought to have depended heavily upon it (i.e., the source of the analogy was blamed by many for skewing the electoral results). Similarly, ballot options are often framed analogically in terms of political

¹⁵⁴ Cockburn, Alexander (2004). “The Uproar Over Nader,” *Anderson Valley Advertiser*. March 3, 2004.

parties. A vote anywhere on the ballot for party x instead of party y is often described by analogy as a *vote for* abstract political entities that one could never *really* vote for, since they are not actually represented on the ballot. For example, voting for one party rather than another is said to be a vote “for terrorism” or “for oppression” or for other abstract political forces that are not conceivable as candidates or ballot proposals ... *except by analogy*.

In other words, citizens do not see each option on the ballot (e.g., each candidate) as an option with its own considerations for or against, or in terms of its own individual “pros and cons” which are to be added together to rank and select the winning options. Instead, they approach them analogically, drawing on well-entrenched systematic relations to frame an unfamiliar and sparsely defined set of options from which they choose. On a ballot, one may see a list of names with or without sparse accompanying information like party affiliation or current elected status. By and large though, the options are a very sparsely described and constantly changing object of deliberation that (*almost by their very nature*) call out for analogical treatment. During a campaign season, candidates and issues suddenly emerge and time is of the essence in dealing with the field of options that emerges just as suddenly as a result. It only seems natural (*very natural*) that in these circumstances, citizens turn to their firm grasp of familiar, *entrenched, systematic relations* from other areas of their lives for guidance on how to deliberatively frame the options delivered by majority rule procedures.

From this tendency to frame options as non-discrete pairs or sets, the third part of the contemporary perspective on analogical reasoning (CPAR.iii) derives its political relevance. In politics, deliberation is routinely concerned with the spuriousness of relations. Citizens want to know whether relations that factor into deliberation are based on real, deep connections, or are just arbitrary or incidental. More specifically, they want to know whether a relation between any

two elements of a domain (i.e., features or other relations) can survive a process of “screening off.”¹⁵⁵ By this process, I mean the evaluation of purported relations by removing one element from a domain to see whether the other element, to which it is purportedly connected, is affected. For instance, critics of gun control often claim that with fewer guns in the hands of the citizenry, crime will increase. On the basis of this relation, they draw the conclusion that gun control is a bad idea. In response, citizens may deliberate by first seeing what would happen to crime rates if they “screened off” citizen gun possession in a political domain.

To this end, they may reform their own gun control policies experimentally, or what is more likely, they will look to other political domains where citizen gun possession has actually been removed from the political equation and whether that removal has had any impact on the crime rate. In doing so, citizens will be deliberating analogically, as they will look to other political domains to infer how the relations between gun control, crime rates, and public policy should be understood in their own political domain. Recent debates about gun control in the United States of America have followed exactly this course. Notably, advocates of gun control countered the “armed citizenry is a safer citizenry” position of their political opponents by drawing an analogy between their own political domain (U.S.A. politics) and another political domain, namely, Australia, where the element of an armed citizenry was removed in recent political history without a related increase in the crime rate. By analogy, many inferred, the United States of America would actually have a decreased crime rate if it were to institute stricter gun control similar to the way it was instituted in Australia. In response, still a third group of citizens might point out that by analogy with other nations, the declining crime rate in Australia

¹⁵⁵ Here, I borrow the terminology of Suppes, Patrick (1970). *A Probabilistic Theory of Causality*. Amsterdam: North-Holland Publishing Company, which has been influential in its field, even on related work by deliberative democrats (e.g., Elster, Jon (1983). *Explaining Technical Change*. Cambridge, UK: Cambridge University Press, 238).

could be “screened off” from gun control policies, since other nations simultaneously saw declines in their crime rates at that time, but without any related change in gun control policies in more strict or liberal directions. In doing so, this third group of citizens would be exploring the possibility that the Australian analogy draws a spurious inference on account of weakly systematic reasoning.

Another example may reveal how the third part of the contemporary perspective on analogical reasoning (CPAR.iii) contributes not only to the inferences drawn during democratic deliberation, but also to its dynamism. In a recent U.S. Vice Presidential debate, one candidate claimed that an incumbent administration was misguided in its thinking about military power. To support that claim, the candidate mentioned how the number of military technologies of one particular kind (battleships) had decreased under the administration, which would accordingly suggest a de-prioritization of the military in an administration that was increasing spending on other technologies (e.g., “green” technology) and also increasing spending overall. The systematic relation under discussion had three features: Spending on military technology, spending on non-military technology, and overall spending. The systematic relation was that as overall spending increased, spending also increased on non-military technology, while it decreased on military technology. The inference to be drawn by citizen deliberators listening to the debate, then, was that the incumbent administration was not “pro-military” because though they were spending money, they preferred to spend it on non-military programs.

The rival candidate, though, checked this purportedly systematic relation with an analogy that “went viral” by testing for spuriousness. The analogy had to do with another military technology that had been phased out through decreased spending on it, but which no one would say had to be supported for any administration to count as “pro-military.” That analogous

military technology was “horses.” Decreased spending on the “dated” military technology of “horses” had occurred over time, and yet no one took that decrease to be symptomatic of any kind of systematic “pro” or “con” attitude towards the military in general. The technology was simply out of date and needed to be phased out. By analogy, so too the decreased spending on battleships under discussion should not be understood as “anti-military,” in light of the systematic relations unearthed by the analogy to horses. Immediately afterwards, the analogy went “viral.” It was repeated as a catalyst for ramped up citizen discourse of an inferential (or rather, *critically* inference-*blocking*) kind. Through such spuriousness-checking, analogical reasoning was seen to offer a critical tool with tremendous dynamism.

Summarizing the Second Pass

Through these remarks, I have tried to demonstrate how the contemporary perspective on analogical reasoning (CPAR i-iii) not only increases the quantity and drama of democratic dynamism, but also does so in a way that is inferential enough (and suitably constrained by rational considerations) to be *deliberative*. Clearly, when analogies are used critically or constructively to deal with entrenched, systematic relations, inferential reasoning is occurring, rather than the kind of psychological manipulation that worries many about inferential reasoning of the “Millian” kind. Moreover, the *inferential “mental leaps”* (CPAR.ii) of analogical reasoning reveal a prominent bridge between concerns for dynamism (the *leap* part) and deliberation (the *inferential* part).

A further point needs to be recognized, though, and this point is one that was mostly tacit in the prior examples. When discussing the role of analogical reasoning in a Vice Presidential debate about battleships and horses, or the earlier example of gun control policies to be enacted

by Congress, a connection to majority rule procedures and their associated practices is implicit, but significant. What makes the Vice Presidential debate a source of viral, dynamic deliberation is that it occurs between candidates for an office to which citizens will shortly elect one of them. Similarly, what makes gun control deliberation about crime rates and public policy so dynamic is that citizens and elected officials alike are considering how the votes cast by those elected officials will be deliberated upon later when the citizenry goes to the polls. In other words, the dynamism of democratic deliberation is analogical, but it is also deeply interconnected with the anticipated use of majority rule procedures and associated practices like recall votes hovering on the horizon. Thus, the application of the contemporary perspective on analogical reasoning (CPAR) hopefully reveals not only the dynamism and deliberative quality of analogical reasoning in democratic discourse, but also its deep alliance with the majority rule procedures with which the deliberative view is usually juxtaposed (as was shown in the last chapter).

Accordingly, we might therefore conclude that majority rule procedures and associated practices are critical to the dynamism of democracy in three ways (a-c). First (a), the anticipation of majority rule procedures catalyzes democratic deliberation by dramatically increasing its *quantity*. There simply are more formal and informal opportunities and exercises of interactive citizen deliberation when majority rule procedures and associated practices are on the horizon, than would otherwise be the case (e.g., far *more* debates and bar stool dialogues during a campaign season than otherwise). Second (b), the deliberation that does occur is not only of greater quantity, but also of greater *potency* as well. The considerations on offer during campaign season events have a tendency to “go viral” and become pervasively shared reasons in a rapid, “over-night” way. Third (c), these quantitative and qualitative contributions (a-b) to the dynamism of democracy tend to have a preferred form, namely, analogy. A good analogy during

a formal debate can both (a) ignite citizen discussion *en masse* and (b) “go viral” in a way that brings a sweeping change to the political system. Taken together, these three dimensions of majority-rule driven, democratic politics testify to their impressive contribution to the dynamism of democracy without raising worries about their deliberative quality (i.e., inferential structure).

For ease of future reference, I would like to briefly pause and consider a helpful analogy for encapsulating these three dimensions (a-c) of the democratic dynamism of majority rule procedures and their associated practices. This analogy has to do with the similarities between the vision of real democratic politics just described (a-c) and the idea of a “creative outlet.” With regard to a creative outlet, we can see each of the three dimensions just mentioned clearly at work. For instance, teachers sometimes refer to creative outlets when they supply students with paint brushes, paints, and blank canvas. In doing so, they intend to (a) dramatically increase the *quantity* of creative self-expression among the students by supplying them with a uniquely effective opportunity to be creative, to give an “outlet” for human self-expression. While they might believe that students have other opportunities to creatively express themselves in the classroom, they nonetheless provide the painting supplies as a creative outlet precisely because they believe those supplies are uniquely effective at channeling student self-expression to a far greater degree.

Moreover, not only do they think the painting supplies stimulate a greater quantity of creative self-expression than other options, but they also tend to believe that the resulting increase in creativity will be of a (b) more “dramatic” *quality*. Students express themselves creatively in the classroom in myriad ways, as when they organize their desks in specific ways or choose some classroom materials over others. However, the painting supplies are described as a creative outlet because the quality of creativity catalyzed is different. For instance, what a child

paints may be hung on the wall of a home or classroom for years or decades because it is a uniquely, qualitatively superior window into the child's character or the character of the school's student population. As years pass by and the child develops, the painting may then become a reference point for understanding later successes and failures, as when a biographer refers to the youthful paintings of a person and tries to read into those creative expressions some early expression of what was to come. In choosing childhood paintings over pictures of how the student organized a desk or chose to play, the biographer seems to imply that the teacher was right to see in the painting supplies a creative outlet of a more dramatic quality.

Set in parallel, the practices associated with a creative outlet mirror the first two points (a-b) I made about the contribution of majority rule procedures and their associated practices to the dynamism of democracy. In both cases, we find (a) a major increase in the quantity of some activity (i.e., deliberation or creativity), and (b) a more dramatic quality in the pursuit of that activity (e.g., viral remarks from the campaign trail or biographically insightful paintings). As I mentioned before, my point in discussing this parallel is to establish the basis for a helpful analogy of my own. In short, this analogy states that majority rule procedures and their associated practices are like the "*deliberative* outlets" of democracy. More precisely, this analogy follows from the structural alignment (a-b) between the dynamics of majority rule procedures and their associated practices, on the one hand, and the dynamics of creative outlets, on the other hand. In both the political and the creative context, there is an (a) increased *quantity* of activity that is of a (b) *qualitatively* dramatic kind. The difference is the activity in question, which is to say, whether the case is one of deliberation or creation. *Structurally* (a-b), though, both excel at catalyzing a dramatically potent, vastly increased amount of their respective activities.

However, this parallel is illustrative in still another way. The very idea of a creative *outlet* is analogical. We do not think of painting supplies as an “outlet” in the literal sense of providing a hole through which some flowing water, electricity, or air escapes. Rather, a creative outlet is an outlet by analogy. Knowing what we do know about “outlets” in the more familiar sense (e.g., electrical outlets), describing painting supplies as a creative version of that literal outlet is illustrative. We can quickly gather why some teachers are supplying paints, etc. when they explain their actions by drawing an analogy between these materials and “outlets,” albeit for a *creative* flow, rather than an electrical one. Recall my [c] third observation about the role of analogy in real democratic politics. There, I observed that analogy plays the role of the preferred *form* through which democratic dynamism is dramatically increased [a-b]. Insofar as an “outlet” can be referred to in human affairs only analogically, the phrase “deliberative outlet” helpfully illuminates the focus on analogy that emerged from my reflections on the dynamics of real democratic politics during campaign seasons and beyond. As a result, the phrase “deliberative outlet” helpfully conveys even the (c) third point referenced above, and thereby, makes the phrase even more effective as a concise expression for future reference. When I refer to “my deliberative outlets proposal” from here on out, I therefore have in mind these three points (a-c) about the dynamic contribution of majority rule procedures and their associated practices, to deliberative democracy. For sake of greater precision in reference, I will use the variables “a-c” in conjunction with the abbreviation “DOP” (deliberative outlets proposal) to refer to these three points (e.g., DOP.a-c).

To see how this deliberative outlets proposal (DOP.a-c) differs from other expositions of the deliberative view, I would like to grapple with a suggestive remark made by Amartya Sen in his exposition of deliberative democracy. As Sen points out, part of the motivation for still using

the juxtaposition between deliberative democracy and the traditional view is a sociological one. Sen claims, the juxtaposition is needed because even though the deliberative view is “widely accepted in political philosophy today,” the traditional understanding of democracy “is not only traditional but it has been championed by many contemporary political commentators ...”¹⁵⁶ In other words, deliberative democracy’s rise still requires juxtaposition to the traditional view of democracy because the traditional view still lives and breathes beyond political philosophy proper.

By contrast, with the deliberative outlets proposal in hand (DOP.a-c), we would be slow to see the actions of these political commentators as a threat to the deliberative view or even a rival. Rather, they appear to be on to something more *philosophically interesting* than Sen’s remarks would seem to indicate. From the perspective on politics I have outlined above (DOP.a-c), we no longer see these political commentators as simply demonstrating an age old, recalcitrant obsession with majority rule procedures and associated institutional practices. Their focus no longer strikes us as a traditional bias towards institutions (Sen’s “*niti*-oriented institutional understanding of democracy”), which is adopted simply because it reflects a political reality.¹⁵⁷ Moreover, these political commentators no longer seem to be ignorant of the “basic idea of democracy” mentioned above and cited by Sen and so many others, according to which “Balloting alone can be thoroughly inadequate on its own, as is abundantly illustrated by the astounding electoral victories of ruling tyrannies in authoritarian regimes ...”¹⁵⁸

Rather, one finds that these commentators are themselves well aware of the larger deliberative context that lends majority rule procedures and their associated practices real, dynamic, deliberative, and fundamentally “democratic” significance. For instance, the political

¹⁵⁶ Sen 2009, 326.

¹⁵⁷ Sen 2009, 20-22.

¹⁵⁸ Sen 2009, 327.

commentator Sen singles out as a representative of an improperly traditional view of democracy, Samuel Huntington, offers up a “deliberativist” perspective in a passage shortly after the earlier one cited by Sen as evidence for his critique: “We all know that military coups, censorship, rigged elections, coercion and harassment of the opposition, jailing of political opponents, and prohibition of political meetings are incompatible with democracy.”¹⁵⁹ In other words, even the political commentator Sen himself worries about as a contemporary advocate of the traditional view of democracy demonstrates a firm grip on the deliberative ethos and Sen’s contention that democracy and tyranny are deeply disconnected.

A Case Study

The deliberative outlets proposal (DOP.a-c) changes our perspective on such commentators at a more profound level, though, than these brief comments reveal. Exploring this profound change of perspective in the particular case of these commentators will help to connect the reflections of this chapter together in a way befitting the chapter’s “conclusion.” Thus, I will conclude this chapter with a further, more in-depth exploration of how our perspective on the political commentators Sen mentions has changed, that the chapter’s key lessons can usefully be seen to come together.

If we no longer see the works of these political commentators as anti-deliberative, our perspective as deliberative democrats is likely to become a more sympathetic one. We are more likely to see the focus of political commentators on majority rule procedures and their associated practices as an obvious focus on the most dramatic (DOP.b) and effective (DOP.a) catalysts

¹⁵⁹ Huntington, Samuel (1993). *The Third Wave: Democratization in the Late 20th Century*. Norman, OK: University of Oklahoma Press, 8.

(DOP.c) of citizen deliberation in the ways discussed above under the name of the deliberative outlets proposal. For instance, when commentators are drawn to electoral results and recent polls, we would no longer see them as beholden to a narrow-minded notion of democracy that implies the possibility of a democratic tyranny; rather, we would see the appeal of electoral results and polls as the natural consequence of believing that majority rule procedures and their associated practices provide an excellent window into the dynamics of the democratic system as it currently stands in a state of *active movement*. In a poll, citizens may react to a given statement *in analogous ways* (DOP.c), allowing commentators and then their readers to see whether any considerations are widely shared “reasons” informing the will of the people.

Moreover, when the same poll is conducted again in the future, a trajectory can be gauged for the extent to which any consideration has “gone viral” and swept across the political system with a visceral dynamism (DOP.b). Such rapid change is also open to analysis in terms of whether it demonstrates a sudden increase in the quantity of citizen deliberation about the related political content (DOP.a). Finally, both in the poll questions and the commentator’s analysis of the poll results, one constantly finds analogies being drawn (DOP.c), and later on, citizens steering their own decision-making by drawing analogies between their own situation and the situation represented in earlier polls. In many ways, the task of the political commentator reflects the major thrust of my deliberative outlets proposal. When political commentators are faced with a bevy of poll data, they work hard to locate and disseminate helpful analogies (DOP.c) for understanding the shared considerations these majority rule associated practices reveal to be dramatic catalysts (DOP.a-b) of democratic deliberation. Indeed, it is especially noteworthy that of all the political commentators Sen might single out as exemplars of the abiding popularity of the traditional view of democracy, the one he singles out

(Samuel Huntington) is by and far more famous for using an analogy that appeared half a century earlier between the well-trodden “clash of cultures” and a burgeoning, global “clash of cultures,” which itself was riffing off of an earlier title by Arnold Toynbee.¹⁶⁰ In short, Huntington is exemplary of the extent to which political commentary is the practice of analogy-crafting (DOP.c) towards dramatic (DOP.b) and catalytic (DOP.a) ends.

What makes attributing this more sympathetic and “deliberative” vision to political commentators philosophically interesting, though? The answer, I would like to suggest, is related to the problem of *underdetermination* and indeterminacy identified in the last chapter. Tracing this connection will provide a basis for responding to the central problem of this project, namely: How can diagnostically dissolving the juxtaposition between deliberative democracy and majority rule procedures and their associated practices help with the indeterminacy worry described in the first chapter?

To roughly summarize the use of the concept as it was introduced in the last chapter, underdetermination is the problem we face when there are “all sorts of possible interpretations” that fit some target of inquiry, though some are ruled out.¹⁶¹ For instance, we may find that a body of evidence underdetermines what we ought to believe about a case. Too much is consistent with it.¹⁶² More specifically, we may have data regarding how much money a person had when entering a store and how much the various items cost at the store. With this data, we can determinately believe that certain purchases were not made (e.g., no item that costs more money than the person has ever had, like a famous painting, could have been “purchased.”).

¹⁶⁰ Mathews, Basil (1928). *Young Islam on Trek: A Study in the Clash of Civilizations*. New York, NY: Friendship Press, 196, Toynbee, Arnold (1923). *The Western Question in Greece and Turkey: A Study in the Contact of Civilizations*. Boston, MA: Houghton Mifflin, for a related discussion, see Bulleit, Richard W. (2004). *The Case for Islamo-Christian Civilization*. New York, NY: Columbia University Press, 2-5.

¹⁶¹ Heath 2011, 149.

¹⁶² *ibid.*

However, though some such beliefs can be determinately adopted, a set of possible beliefs remains with two characteristics: (m) all of the beliefs are consistent with the data (e.g., purchasing ten items at one dollar or one item at ten dollars, when someone has at least ten dollars); (n) we have no clear sense of determination among these beliefs regarding which to select over the others. When we cannot arrive at a specific belief from a set of equal contenders (m-n), but *we can nonetheless* determine that certain beliefs are off the table, we find ourselves confronted with underdetermination: A mixture of “some determination” (of belief), but not enough “determination” to select a single belief as the winning candidate. In other words, underdetermination (at least in one common usage) stands for the problem of selecting a single, best option from a set of equally good candidates. Generically speaking, the problem of underdetermination is a *selection problem*.

Returning to the topic of those “political commentators” mentioned by Amartya Sen, we can see that a selection problem confronts them in full force. To the extent that these commentators do indeed operate within the deliberative view, they are concerned not with the individual reasons each individual citizen individually holds in isolation, but rather those *shared* reasons that lead the citizenry to shared decisions through a dynamic process of shared reasoning. Given this deliberative orientation, political commentators are interested to discover the shared reasons of the citizenry in two ways. First (e), they will look to the citizenry to discover which considerations are *currently* shared. For example, do a majority of citizens share the belief that a certain candidate is not electable and on the basis of the same consideration (e.g., birthplace)? Second (f), the political commentators will look to the citizenry to discover those considerations that are perhaps not currently of widespread concern, but are *expected* to become so as the dynamics of democratic deliberation unfold. For instance, during a campaign season,

commentators may reflect on how a rarely observed characteristic of a candidate is likely to eventually become widely known in one way or another (e.g., through an official debate), and thereby become decisive in the election. Thus, to offer political commentary on the current state of democratic deliberation or on some future state at time t (e.g., election day), commentators will have to reflect on the shared reasons of the citizenry at both of these levels (e-f).

When pursuing shared reasons in either of these ways, though, a selection problem arises. While a political commentator may have all kinds of “data” to use in figuring out which reasons are currently shared by the citizenry (e) or will be shared at time t (f), that data is likely to be insufficiently determinate. The available “data” of observations, poll results, citizen interviews, editorial comments, letters to the editor, citizen responses at town halls, etc. is likely to be consistent with a tremendous number of deliberative “considerations” and ultimate, “election day” decisions in two ways. First (g), this consistency may obtain because of the content of the data, as when it is too meager, generic, abstract, etc. Finding out that a majority of citizens believe “structural change” is necessary, for instance, may be determinate enough to imply no vote will be cast for some candidate standing opposed to any and all forms of change; however, it is *indeterminate* (and therefore underdetermines a result) when it comes to selecting one candidate as the likely choice, given this consideration.

The problem is that “structural change” (by its content) is too abstract to produce a selection from the candidates that would be consistent and optimal. Alternatively (h), the consistency may stem from a proliferation of contradictions in the data, which (“logically”) implies anything. If the data comes in and suggests that the citizenry trusts one candidate more than the other, but also believes that all candidates are liars, then suggesting that this data specifies one candidate as the likely candidate for selection on election day is just as well-

founded by the data as selecting another candidate. From contradictory “data,” anything seems to follow. Adapting terms from the first chapter on the indeterminacy worry (e.g., the “informational” variation on it), I will refer to these two qualities (g-h) of the “data” as its *informational complexity*. Together, they present familiar circumstances of underdetermination. While some interpretations are determinately inconsistent with the data, many are not, given their informational complexity.

Political commentators are squarely faced with the problem of underdetermination posed by this kind of informational complexity. Formal events like polls, interviews, debates, and town hall gatherings all produce an enormous amount of information (or “data”) that can be used to figure out which considerations are the shared reasons currently informing (or ultimately set to inform) the decision-making of the citizenry. Just taking the verbal exchanges between citizens (and their representatives) into consideration as a set of sentential expressions, one finds a massive array of information which, when organized into a conjunctive set, is rife with informational complexity. Candidates routinely contradict their past statements as they attempt to grapple with the issues, let alone as they try to navigate the spontaneous responses of the citizenry in town halls and other formal events.¹⁶³

Similarly, the enormous amount of informal interaction among citizens provides an even larger array of information which (again) taken as a conjunctive set of sentential expressions, is also rife with informational complexity. For instance, when a past, current, or future politician informally appears at a local eatery or community event, “data” is produced in the form of myriad casual remarks that is often set into the informational context of their official statements in provocative ways (e.g., the gaffe). Either way, the political commentator is faced with a tremendously complex set of information consisting of “data” that is rife with (g-h) vague,

¹⁶³ Patterson 2002, 66-71.

generic, and abstract content suffering from all kinds of contradictions.

If all of that “data” is collected and set side by side, we might ask, *in conjunction*, how does its tremendous quantity and informational complexity allow commentators to *get any kind of grip?*¹⁶⁴ How can commentary proceed to identify the reasons that currently (e) or will ultimately (f) shape the decisions of the people, given such informational complexity?

Real political discourse supplies a ready response to this problem of underdetermination (and the indeterminacy worry more generally): *Judgment*. When the “facts” (i.e., “data”) underdetermine a decision, the necessary response is routinely described as a “judgment call.” For instance, the British Prime Minister David Cameron called upon his nation to make a “judgment call” in the face of a body of limited evidence that suggested chemical weapons were being used in Syria. This evidence was limited in the sense that it included no “single smoking piece of intelligence” that could lend any “certainty” to a single course of government action (or inaction).¹⁶⁵ Nothing in the evidence convinced Cameron “that I am right and anyone who disagrees with me is wrong.”¹⁶⁶ What was needed was a leap of judgment, or “judgment call,” in which a stance is taken about what “is more likely,” rather than what is “100% certain.”¹⁶⁷ Similarly, political commentators look at the “data” of democratic deliberation and make a “judgment call,” just like politicians. In both cases, as one past political official and current political commentator put it: “It’s more of a judgment call. There’s no specific metrics that you can use.”¹⁶⁸ When trying to identify the reasons of the people, political commentators have no

¹⁶⁴ Yet again I am alluding to the discussion of John Haugeland’s work in the fifth chapter.

¹⁶⁵ Mason, Rowena (2013). “Syria Crisis: David Cameron Says British Military Attack Must Be ‘Judgment Call’” *The Guardian*, Thursday, August 29, 2013.

¹⁶⁶ Cameron, David (2013). “Syria and the Use of Chemical Weapons.” House of Commons, London, United Kingdom, August 29, 2013.

¹⁶⁷ *ibid.*

¹⁶⁸ Quoted in Heim, Joe (2013). “A Growing Role for the President: America’s Consoler in Chief.” *Washington Post*, Wednesday, May 22, 2013.

choice but to make a dynamic leap of judgment, akin to the “mental leaps” of analogical reasoning.

By extension, where political commentators work full time on their response to the “data” of democratic deliberation, the citizenry can even more easily be expected to turn to judgment. With even less time for political data collection and evaluation, the tremendous quantity and informational complexity of the “data” of democratic deliberation is even more of a problem of underdetermination for the citizenry than it is for commentators. With less time and other resources for processing that data, judgment is an even greater necessity. In the face of underdetermination and limited time and energy, much of the change that will filter through the political system and lead up to decisions will take the form of “judgment” of this vague and dynamic kind. Thus, to the extent that deliberative democracy is concerned with the dynamics of citizen decision-making, this *dynamic leap of judgment* makes a crucial contribution to the basic idea of democracy that is so dear to deliberative democrats. In other words, to the extent that the people really do collectively rule, they do so by dealing with a political form of underdetermination in similar ways.

The above analysis of analogical reasoning in democratic politics sheds light on this response to the problem of underdetermination and the indeterminacy worry associated with it. As my deliberative outlets proposal is meant to show, the dynamism (DOP.a-b) of an inferential democratic deliberation is deeply analogical (DOP.c). Since analogy is constituted by “mental leaps” of the kind described by Thagard and Holyoak, it makes sense that underdetermination is dealt with by “dynamic leaps of judgment” in which “judgment calls” are made. Any analogy is a judgment call of sorts, insofar as knowledge from one domain that is systematically understood in an entrenched way is inferentially extended to another, less familiar domain (CPAR.i-ii).

Admittedly, our systematic understanding and its entrenchment are often lacking in “metrics” and thereby seem “ineffable.” Sometimes we are, after all, talking about relationsⁿ with large numbers of sub-relations and features. The analogy many citizens and experts draw between the Great Depression and the Great Recession is of this character.¹⁶⁹ They do not grasp its intricacies in a way they could easily explain. However, consistent with Bartha’s demands of analogical reasoning, they do understand some of the preconditions for its systematicity (e.g., causal claims require strong probabilistic dependencies, or spuriousness needs to be considered as a viable threat).

Of course, if there really are “no metrics that you can use,” if “judgment calls” really do deal in something the naive citizen struggles to articulate, then at the same time that we appreciate the contribution judgment makes to the dynamism of democracy, we also come to a natural resting point in our analysis. Judgment is widely said to be the very kind of capacity that resists, deflects, and precludes analytical treatment . . . even by philosophers.¹⁷⁰ Whether we are talking about the judgment needed in politics, or other areas of practical decision-making, the ineffability of that process is well known.¹⁷¹ Thus, to appreciate that a problem of underdetermination squarely faces not only politicians and political commentators, but the citizenry more generally, is simultaneously to lead this investigation to the topic of judgment as well as to a natural point past which little progress seems likely.

In making a second, more theoretical “pass” at characterizing the overlooked democratic dynamism of majority rule procedures and their associated practices, as well as how this dynamism deals with indeterminacy, this last point about judgment may therefore seem like a

¹⁶⁹ Gorton 2012, 200-209.

¹⁷⁰ Larmore, Charles (2001). “Moral Judgment,” in *Judgment, Imagination, and Politics*. ed. Ronald Beiner and Jennifer Nedelsky. New York, NY: Rowman and Littlefield, 47-64.

¹⁷¹ Larmore 2001, 60-63.

worthy concluding remark. In the face of (1) *pragmatic indeterminacy* where our time and energy is limited, or (2) *informational indeterminacy* in which our considerations conflict interpersonally and intrapersonally, or (3) even *first-personal indeterminacy* in which we are unsure how a consideration fits into our larger set of personal beliefs, analogical leaps of judgment offer a worthy tool for cutting through the indeterminacy and making a knowledgeable inference. Majority rule procedures and their associated practices are extremely valuable here, as they supply commentators and citizens alike with pairwise groupings of options that invite analogies from better understood domains that allow citizens to leap over underdetermination and indeterminacy and into deliberative decision.

Intuitive as this response to the indeterminacy worry may sound, though, many philosophers are likely to bristle at it as a worthy response for *two* reasons. When deliberative democrats write about reason-giving, what they describe is how citizens reason from “principles” no one could “reasonably reject” or that everyone would “share” or actually does “share.” Reasons are not simply *given*, but are typically cast in terms of appeals to principles as their motivating, justifying source ... not analogies. Such principled reasoning is much stronger in its derivation of conclusions about what is permissible or necessary as a course of action on any given circumstance, in comparison with analogical inductive reasoning.

Second, while deliberative democrats prefer to focus on principles for deriving citizen reasoning, they also sometimes explicitly allow a space for “judgment,” which means perceiving the particulars of a particular context and adjusting the application of principles to the particular demands that result from that perception. Thus, some might bristle at my deliberative outlets proposal stems from the comparative weakness of analogical arguments, the second reason is that some deliberative democrats may question the extent to which my proposal really advances

beyond what others have already said is necessary under the name of “judgment.” In the next chapter, I will take up these two concerns as the basis for a third, particularly *philosophical (even logical)* “pass” at a diagnosis. As I hope to show, the theoretical framework developed so far contains some starkly different points of orientation for democratic deliberation that will be shown in subsequent chapters to deal with these concerns (and in doing so) to set-up the fifth chapter’s investigation of the indeterminacy worry in its three variations (1-3) discussed above.

Chapter Three: Two Classic Challenges to Analogical Reasoning

Summarizing the Last Chapter

In the last chapter, I made two attempts at a single claim. Majority rule procedures like voting are the central catalyst of democratic deliberation, especially in light of the analogical form that deliberation tends to take. To better express this idea, I developed an analogy between my proposal and the more familiar idea of a creative outlet. Much as a creative outlet stimulates a dramatic increase in creative activity, I suggested, so too majority rule procedures act like *deliberative* outlets. When an election is on the horizon, an increase in deliberative activity occurs, as evidenced by the very notion of a campaign season with all of its debates, forums, and bar stool arguments. More specifically, the quantity and quality of democratic deliberation are all deeply impacted by the presence of majority rule procedures like voting (see DOP.a-b above). Furthermore, analogies play a key role in making that increased deliberative activity happen (DOP.c). The pairwise options on a ballot, including pairings of candidates, positions on issues, etc. are especially well-suited to catalyzing democratic discourse, insofar as the very structure of these pairwise options invites analogical comparison with other domains of experience also structured around pairs. For instance, to say that two candidates are but “two heads on the same monster,” is to draw an analogy with the two-headed monsters that populate a domain quite far from everyday politics.

This proposal stands in stark contrast to the way practices like voting are typically juxtaposed against the deliberative dimension of democratic politics. Voting is typically seen as

an alternative to deliberative decision-making in politics, a kind of “second best” option when deliberation breaks down. By contrast, my deliberative outlets proposal focused not so much on what practices like voting achieve on the day of their use, but rather the way their anticipation in the near or distant future catalyzes democratic deliberation (especially in its analogical form). As the analogy with creative outlets was meant to reinforce, it is the *anticipation* of an election that catalyzes deliberation (via a campaign season), not just the political activities of “election day” itself.

However, it is easy to see why other democratic theorists have not developed positions analogous to my deliberative outlets proposal. Many philosophers and democratic theorists will bristle at the way I lean heavily on the role of analogy in campaign season discourse to make my proposal seem realistic. Analogical reasoning is too flabby, vague, and lacking in rigor to excite anyone about a theoretical proposal that leans heavily upon it. Accordingly, one of my major concerns in the last chapter was to stress that analogical comparison between a familiar source analog and the pairings on a ballot allows for *rigorous* reasoning. Contrary to what is often assumed, analogies can be inferred in terms of their systematicity, rather than just by way of a simple extension of properties from one domain to another (which I referred to as the “Millian” conception of analogical reasoning owing to its long association with John Stuart Mill’s 19th century logic textbook). This last point about the rigor of analogical reasoning is significant because analogy is often said to be more like psychological manipulation, and less like the rigorous inference championed by advocates of a deliberative view of democracy. As Paul Bartha observes, there is a “growing conviction that much of what takes place under the heading ‘analogical reasoning’ is not really inference but rather something akin to perception.”¹⁷² My stress on the systematicity of analogical reasoning offered a response to this “growing

¹⁷² Bartha 2010, ix.

conviction,” stressing the rigor made possible by the systematicity that analogy maps across domains so as to clearly emphasize that it is not a means of psychological manipulation. I therefore hoped that this emphasis on the systematicity of analogical reasoning would counter the “growing conviction” that analogical reasoning is mere psychological manipulation. With that worry allayed, I claimed, my “deliberative outlets” proposal could hopefully be appreciated for what it offers, namely: A much needed shot of determinacy for the deliberative approach to democracy.

At this point, it may be worth recalling why a “shot of determinacy” is needed in the first place. Recall the problem I labeled the *indeterminacy worry*, which stems from the frequent worry that deliberative democracy offers a poor guide to real political decision-making. I used an instance described elsewhere to frame this worry: The image of the ‘liberal lawyer.’ This person learns of the democratic idea as defined by the deliberative approach, and though persuaded, nonetheless bemoans its lack of relevance to the kind of advocacy work carried out by a “liberal lawyer.” When it comes to figuring out a specific course of action to pursue in light of the deliberative democratic vision, this liberal lawyer contends, the deliberative approach is only weakly helpful. The approach can help a liberal lawyer realize, for instance, that a few options are off the table because they violate the democratic vision (e.g., coercive measures to give voice to the oppressed). However, for real, living political agents like a liberal lawyer, taking a few options off the table is of only minor benefit. This proverbial liberal lawyer wants real, practical guidance about what to choose to do, not how to slightly narrow the options from which choices can be made.

In more precisely characterizing this problem, I described how it amounts to a problem of *underdetermination*. Deliberative democracy determines some narrow results (e.g., some narrow

set of options like coercive ones are off the table). However, that level of determination is not enough. Its narrow amount of determination is *under-whelming* to the liberal lawyer or any other citizen driven by the democratic idea. For instance, knowing the principles of reciprocity and the reason-giving requirement sometimes identified with deliberative democracy will provide an *under*-specified guide to political problem-solving. More needs to be done to lend citizen decisions some greater determinacy, to make them not *under-whelming*, but *decisive*. In particular, such decisiveness is needed because underdetermination takes *three* significant forms, or variations, which I labeled as the pragmatic, informational, and first-personal variations. Regarding the first, pragmatic variant, the deliberative ideal comes across as incredibly inefficient. The reasoning from principles of reciprocity, for instance, is too time consuming, in part because it leaves so many options on the table to wade through.

With the second, informational variant, the deliberative ideal underdetermines a specific course of action in the face of “informational complexity,” by which I mean pervasive pluralism, inconsistency, and even self-contradiction, both among the citizenry in general and even citizens individually. Finally, regarding the third (3), “first-personal” variant, the deliberative ideal seems to do little to actually determine what we ought to do. No matter what we figure out when deliberating collectively from the perspective of “we the people,” decisions are ultimately made by individuals who cannot help but consider their own, non-collective, private, individual beliefs, desires, and personal histories in making decisions. Accordingly, the results of democratic deliberation offer only vague suggestions for what “we the people” ought to do, rather than an actual determination of what should be done.

My deliberative outlets proposal (abbreviated as “DOP” above) was meant to go some way towards defusing this underlying problem of underdetermination and the three, variant

forms of the indeterminacy to which it gives rise. In the face of (1) *pragmatic indeterminacy*, where our time and energy is limited, or (2) *informational indeterminacy*, in which our considerations conflict interpersonally and individually, or (3) *first-personal indeterminacy*, in which we are unsure how a consideration fits into our larger set of personal beliefs, I argued, analogical leaps of judgment offer a worthy tool for cutting through the underlying indeterminacy and making a specific, knowledgeable inference.

To better illustrate my argument, I took up the example of “political commentators” discussed by Amartya Sen. When political commentators are faced with majority rule procedures and their associated practices (e.g., polls, electoral outcomes), they find themselves faced with pairwise groupings of options. Crucially, these pairwise groupings can be made meaningful in countless number of ways. A pairing of candidates, for instance, may be interpreted as a “referendum” on one candidate’s most famous policy statement. Or the pairing may be interpreted as a choice between two strategies for military intervention in a burgeoning conflict. Equally, the pairing might seem to be conducive to interpretation from countless other angles. The point is that the actual majority rule procedure with which political commentators are faced tends to underdetermine its political meaning. A major task for political commentators, then, is to cut through the countless options for interpreting the pairing of options and to figure out how to comment on those options in a meaningful way.

To meet this major task, I claimed, political commentators do what anyone would be expected to do: Explore how the pairwise grouping of options on a ballot invites analogies from a better understood, (source) domain (CPAR.ii). The similarity between the pairing of the candidates, for instance, will very often invite consideration of an *analogous*, historically prior pairing of candidates. The countless other possible interpretations will fall by the wayside as this

resonant historical analog invites political commentary, often in ways that seem impossible to ignore. Consequently, in responding to this invitation to analogy, commentators are able to “leap” over the underdetermination and indeterminacy presented by their political world. Analogy offers a “deliberative leap” towards a determinate interpretation, despite the underdetermination with which commentators are faced. More importantly, what makes these deliberative leaps effective is often not a superficial similarity of (“Millian”) features, but rather *entrenched, systematic* similarities (CPAR.i).

For instance, a recent poll result may be consistent with hundreds of interpretations, like any other majority rule driven “data. However, the results of a poll may strongly remind a commentator of a lesson learned long ago. The options, for instance, may elicit a reminder of how two similar types of response were available during an earlier economic crisis, and the clear lesson of history is that one type of response should be preferred to the other. In the face of such a *clear lesson of history*, how to interpret the poll results will be (analogically) determinate, not underdetermined. In this case, not only the commentator’s personal history (CPAR.ii), but also the *systematic structure* of the majority rule driven data itself (e.g., its pairwise grouping) does the work (CPAR.i). The way a pairing of options strikes the commentator as a choice between two optional *types* of response, for instance, where each type is understood in terms of entrenched, systematic relations among an enormous number of economic mechanisms, is crucial to understanding my point.¹⁷³ The analogy between past and present domains is driven not by a mere surface resemblance among their features, but likely more so by highly complex, systematically related events characteristic of both domains (e.g., legislated market deregulation followed in similar time intervals by a “bubble” mentality in the market). Thus, no poll result is as simple as a choice between option 1 and option 2; rather, the pairing it offers will elicit

¹⁷³ The language of “types” here points ahead to my discussion of Haugeland’s account of kinds in the fifth chapter.

analogical mapping because the options are systematically understood as typical, being systematic, because optional *types* of response.

If we appreciate this “typical” systematicity, we can see how my deliberative outlets proposal actually offers *two additional sources of determinacy for democratic deliberation*, each presented in one “pass” at formulating my proposal in the last chapter. In the “first pass” (1), the additional determinacy of majority rule procedures and their associated practices is highlighted. Voting and other majority rule driven practices are widely praised for their capacity to get decisions made with greater determination than mere deliberative discussion. In the “second pass” (2), the determinacy of “deliberative leaps” is highlighted. In the face of optional outcomes both real and expected that emerge from determinate, systematically structured majority rule procedures and their associated practices, analogy can provide a clear way forward.

The Need for an Additional Source of Determinacy

With these two sources of determinacy highlighted, the time may seem to have come to really tackle the indeterminacy worry head-on and at greater length. However, in this chapter I establish the need for a “third pass” at formulating my proposal. Two potential challenges to my proposal may lead people to bristle at its heavy focus on analogy and reject my proposal as a result even before evaluating its details.

According to the first, “deductivist challenge,” as I will call it, analogy may involve inference, but it is inference of the wrong sort. In other words, some people will accept that my focus on systematicity (CPAR.i) successfully defuses a very common worry about analogical reasoning, namely, the “growing conviction that much of what takes place under the heading ‘analogical reasoning’ is not really inference but rather something akin to perception,” as Bartha

describes it.¹⁷⁴ However, even if the inferential nature of analogical reasoning in a democracy is accepted, many will object that it is the *wrong kind of inference*. To these philosophers, analogical reasoning engages in *inductive* argument, which is to say, analogy starts with some particular context (the source domain) and then infers its features to a second, equally particular (target) domain (CPAR.ii).¹⁷⁵ The evidence used to make this induction (i.e., to move from one particular to another particular) is extremely limited. One might worry that in other contexts, the inferred features would prove to be spurious or accidental. Like two cases in which a guess came out to be true, analogy seems (at least on a “Millian” reading) to operate in a restricted domain of inquiry. Instead of taking into account *all* domains, it limits its scope to just two domains.

However, with such a restricted scope, analogy seems to always run a high risk that if we were to look to other domains, our analogy would easily fall apart. In the last chapter, an analogy drawn between English and Hungarian regarding their origins lent weight to this concern about the high risks of analogy. Both English and Hungarian may have a shared word and may share a European geography. If we were to infer that these common features point to a common origin in an earlier Indo-European language, though, we would be drawing a spurious connection between them. Stepping back and comparing English and Hungarian with other languages that share words with them and a European geography, we would immediately see our mistake. Hungarian looks a lot like Finnish, but these two languages look radically different from other European languages of the present day. Thus, only when we restricted our analogical reasoning to just two domains, English and Hungarian, did the two languages seem to have a strong commonality. With a larger evidence class including other languages, though, it seems

¹⁷⁴ Bartha 2010, ix.

¹⁷⁵ A more precise characterization of inductive argument appears below.

downright ridiculous to retain that earlier suspicion about a common origin.

Thus, if we are going to make inferences from one particular case to another, one might declare, we had better expand the evidence to include many, many more examples to make it persuasive. In response to such a declaration, I drew attention not only to the systematicity of analogical reasoning, but also to its focus on spuriousness (CPAR.iii). This practice of checking for spuriousness just is the same as checking for accidental similarity. Thus, from the contemporary perspective on analogical reasoning I described (CPAR), people do not simply extend an analogy and “sit back.” Rather, the extension of an analogy is always checked for spuriousness. In this way, analogical reasoning is a rigorous, systematic practice, even if it is inductive.

However, when philosophers worry about the *kind* of inference carried out by analogy, they are not concerned with these questions about evidence strength. Instead, they wonder: Why would we want to base democratic deliberation on this inductive form of inference in the first place? More specifically, they wonder, when an alternative, *deductive* form of inference exists that is immune to questions about the strength of its evidence class, why not use that stronger, deductive form of inference? In other words, why should analogy be preferred to a stronger competitor? In the first part of this chapter, I take up this challenge from proponents of what I will call (following Wesley C. Salmon) “deductivists.” Unlike my focus on analogy, a focus on deductive inference when modeling democratic deliberation is extremely pervasive, even orthodox. Deliberative democrats routinely describe citizen decision-making in “deductivist” terms when they portray it as a *principled form of deliberation*, one that begins not with some particular context, but rather with a universal proposition, belief, principle, norm, etc., such as a principle of respect or reciprocity. In being “deductive,” which is to say, universal in its *initial*

scope, principled deliberation does not have to worry about spuriousness or accidental similarities among two particular domains (i.e., CPAR.iii is unnecessary). Its “deductive” orientation protects principled deliberation from questions about spuriousness. Given this superiority, what I will call the “deductivist’s challenge” arises, which asks: Why should a rare focus on analogy be so important to deliberative democracy, when a stronger competitor (the deductivist’s principled deliberation) is available?

The second potential challenge to my proposal, which may lead people to bristle at its heavy focus on analogy, is what I will call the “humanistic challenge.” By “humanistic,” I mean not only the long-standing traditional usage of the term, which is associated with the *studia humanitatis* (humanistic studies), but especially the meaning of the term intended by the person who originally coined it: Friedrich Immanuel Niethammer.¹⁷⁶ On the traditional meaning, “humanistic” is associated with the study of a set of subjects that expanded upon an earlier, medieval course of study (i.e., the *trivium*, which included grammar, rhetoric, and logic) to include the disciplines of grammar, rhetoric, poetry, history, and moral philosophy.¹⁷⁷ In this traditional usage, the label “humanist” is closely used to signify those who not only taught these subjects or studied them, but also those who (more importantly) *also stressed the significance of their study*. Literary and historical resources from the ancient past were treated not as merely instrumentally valuable “stepping stones” to more advanced studies in other disciplines (e.g., theoretical philosophy, theology), but also as intrinsically valuable as well (for reasons that have

¹⁷⁶ Celenza 2010, 462-4.

¹⁷⁷ Shiner, Larry (2001). *The Invention of Art*. Chicago, IL: University of Chicago Press, 37, Gadamer 2004, 16, Bernstein, Eckhart (1983). *German Humanism*. Boston, MA: Twayne Publishers, 2ff, see also Arend, Stefanie (2013). *Rastlose Weltgestaltung*. Tübingen: Max Niemeyer Verlag, 149-164, and Köhlmann, Wilhelm (2007). “Education in Early Modern Germany,” in *Early Modern German Literature 1350-1700*. ed. Max Reinhart. Rochester, NY: Camden House, 152-158, 165-7, Horn, Peter (1998). “Die Sprache als Generator von Sinn Bei Kleist,” in *Kleists Beitrag zur Ästhetik der Moderne*. Ed. Peter Ensberg and Hans-Jochen Marquardt. Stuttgart: Verlag Hans-Dieter Heinz Akademischer Verlag, 123-131.

varied widely historically).¹⁷⁸

This heavy stress on the larger, non-instrumental significance of studying these disciplines carries over from the way Friedrich Immanuel Niethammer originally used the term in his educational reform efforts in Bavaria during the 19th century.¹⁷⁹ For Niethammer, humanism did indeed stress “the importance of a secondary educational system based on the Greek and Roman classics,” which shows the continuity between his original use of the term and its traditional use today.¹⁸⁰ However, he too stressed that the literary and historical resources associated with the *studia humanitatis* were not mere “stepping stones” on the way to other educational efforts in theology. Rather, these resources play an essentially dialectical role in education. Their purpose is to use the literary and historical resources of antiquity as abstract objects with which students tarry in a way that drives the development of their inner potential both further along and in ever-wider orbits.¹⁸¹ Thus, Niethammer’s “humanists” envision engagement with literary and historical resources not as a stopping place along the way to later studies, but rather as the dialectical pole in a cyclical educational process that develops human potential further only as it returns again and again to the difficulties of historically distant Greek and Roman classics (as well as their grammar, poetic structures, etc.).

Hans-Georg Gadamer uses the term “humanism” along these original lines in his analysis of the “Guiding Concepts of Humanism.”¹⁸² In this context, Gadamer discusses Niethammer’s close friend and ally in his educational reform efforts: Georg Wilhelm Friedrich Hegel. Notably, in a work Hegel wrote during his time as a high school principal dedicated to implementing Niethammer’s educational reforms, Hegel pays especially close attention to what Gadamer

¹⁷⁸ Celenza 2010, 462.

¹⁷⁹ Schauer 2005, 35-41.

¹⁸⁰ Celenza 2010, 462.

¹⁸¹ Schauer 2005, 38.

¹⁸² Gadamer, Hans-Georg (2004). *Truth and Method*. trans. Joel Weinsheimer and Donald G. Marshall. New York: Continuum, 8, 11.

believes is one of the “guiding concepts of humanism:” *Bildung*.¹⁸³ In this work, Hegel not only places a heavy stress on the significance of studying the literary and historical resources of antiquity, but also stresses their role as a dialectical pole in the educational development (*Bildung*) of students.

Hegel writes, “Besides, with the mechanical elements in the learning of a language there is closely connected the *grammatical study* whose value cannot be too highly assessed,” which provides “so to speak the single letters or rather the vowels of the spiritual realm, with which we begin in order to spell it out and then learn to read it.”¹⁸⁴ As this statement clearly conveys, Hegel places a very heavy stress on the significance of the study of grammar in much larger educational processes (*Bildung*). This significance is “dialectical” insofar as what seems like a mere means to later study (grammar), is compared with “vowels,” which are not learned and cast aside as one progresses educationally, but rather used to make all later stages of education *intelligible*. Just as one cannot read or write theology or speculative philosophy without drawing on one’s earlier lessons about vowels from primary school, so too, Hegel claims, the literary and historical resources of the ancients (especially their languages) must continually be drawn upon if later studies and activities are to be intelligible. Grammatical study supplies the “vowels,” he suggests, with which the “spiritual realm” is made intelligible.

Some work by deliberative democrats is more “humanistic” insofar as it shares with “humanism” (in both the traditional and original uses of the term) the belief that many later, more “spiritual” activities are only made intelligible by recourse to literary and historical resource such as narrative, personal history, moral imagination, rhetoric, and linguistic

¹⁸³ Hegel, G.W.F. (1984). “On Classical Studies,” in *German Aesthetic and Literary Criticism*. ed. David Simpson. Cambridge, UK: Cambridge University Press, 204, (2006). *Nürnbergger Gymnasialkurse und Gymnasialreden 1808-1816*. ed. Klaus Grotzsch. Hambrug: Felix Meiner Verlag, 461, Gadamer 2004, 13, 89.

¹⁸⁴ Hegel 1984, 204, 2006, 462.

expression. In the context of deliberative democracy, such humanism amounts to the claim that political activities like citizen deliberation can only be made intelligible in a determinate way if we take these resources into account. Apart from knowing how someone might narratively construct his or her own personal history, we cannot make intelligible, determinate sense of what we observe in their external behavior. Deliberative democracy needs to be humanistic if it is to avoid indeterminacy, they maintain.

For my purposes, though, what is particularly important about this work in deliberative democracy is that it has a great deal to say about the central role of “judgment” in democratic deliberation. Here, judgment is a human capacity people use to deal with what is more or less explicitly identified with the indeterminacy that runs rife in political life. For some of these deliberative democratic theorists, this capacity for judgment is essentially tied up with “humanistic” concerns such as narrative, personal history, and moral imagination ... sometimes even in ways that are explicitly tied to the literary and historical resources so ardently championed by humanists centuries ago. This humanistic work on judgment raises a challenge for my proposal. To what extent, devotees of this work will want to know, does my talk of “deliberative leaps” add anything new or important to what has already been said about the problematic indeterminacy in democratic deliberation, albeit under the heading of “judgment” rather than analogical reasoning?

As I hope to show, both of these challenges to my proposal are not as “challenging” as they would seem to be for the same exact reason. Both challenges frame democratic deliberation in exactly the same terms, terms that Gerald Gaus has blamed as a source of the hopeless indeterminacy in democratic theory today. While my proposal may *seem to assume the same framework for deliberation*, it at least offers an improvement over this earlier work by

incorporating the famously determinate, majority rule practices to which the deliberative view of democracy has for too long been opposed.

In doing so, *it may seem* that my proposal's focus on analogy "wins by default," simply beating out its competitors because of the additional *bit* of determinacy it manages to lend to the deliberative approach via its incorporation of majority rule and analogical leaps of judgment. In the next chapter, though, I will challenge the apparent continuity between the framework assumed by these two challengers and my own, analogical framework. The result will be a "third pass" at formulating my deliberative outlets proposal (DOP.a-c). However, prior to elaborating my proposal along those lines, the need for a "third pass" must first be set up by considering the two reasons introduced above regarding why others may "bristle" at my proposal, namely: The Deductivist's Challenge and The Humanist's Challenge.

The Deductivist's Challenge

As I mentioned above, many deliberative democrats will bristle at my heavy focus on analogy. Even if we allow that analogy is a source of inferential reasoning, it is not clear that it is the right *kind* of inferential reasoning. Where analogy is inductive, most deliberative democrats describe citizen reasoning in *deductive* terms instead. As Eric Schechter observes in his textbook on logic, in our ordinary, "nonmathematical English, an *inductive* argument is one that goes from the specific to the general, while a *deductive* argument is one that goes from the general to the specific."¹⁸⁵ Clearly, my proposal fits Schechter's "ordinary language" definition of inductive argument (especially CPAR.ii). When citizens engage in analogical reasoning, they

¹⁸⁵ Schechter, Eric (2005). *Classical and Nonclassical Logics*. Princeton, NJ: Princeton University Press, 195, for an alternative approach to this classic way of contrasting deductive and inductive logic, as well as a critique of the classic contrast, see Skyrms, Brian (1986). Belmont, CA: Wadsworth Publishing Company.

start with some *specific context* (i.e., the source domain), and then infer a systematic set of relations from that *specific context* to another, *specific context* (i.e., the target domain). Only at a later stage (CPAR.iii), when citizens check for the spuriousness of the inference, does the *general* applicability of the systematic set of relations under discussion become an object of concern (indeed, if at all).

By contrast, the way others describe democratic deliberation clearly fits Schechter's definition of deductive argument. Deliberation begins with *generally* applicable "principles," which are then applied to a *specific* decision that has to be made. Whether the decision is related to such different topics as education or security, general principles of reciprocal respect and equal treatment are to be applied. We see this deductive orientation across the various works of deliberative democratic theory. For instance, after invoking the "reason-giving requirement" with which Gutmann and Thompson identify the deliberative approach to democratic theory, the very next sentence strikes a deductive tone:

The reasons that deliberative democracy asks citizens and their representatives to give should appeal to principles that individuals who are trying to find fair terms of cooperation cannot reasonably reject.¹⁸⁶

In this quotation, Gutmann and Thompson *immediately* shift from talking about "reason-giving" as constitutive of deliberation (as discussed above), to *principled* reason-giving as the preferred form of reasoning. As this rapid shift to talk of principles reveals, Gutmann and Thompson believe that general principles should play a guiding role in democratic deliberation that is not secondary, but rather principal. Such an attitude reflects Schechter's definition of the deductive approach to argument, insofar as it places the general before the particular in the order of reasoning.

Similarly, in describing both the deliberative view and how it emerges in response to one

¹⁸⁶ Gutmann and Thompson 2004, 3.

of its founding texts, John Rawls' *A Theory of Justice*, Joshua Cohen writes:

Citizens, in turn, judge their representatives in the first instance by reference to principles of justice and only secondarily by how well those representatives represent other interests than the basic interest in assuring justice.¹⁸⁷

In this short statement, Cohen succinctly expresses the same preference for a principled form of reasoning that was evident in the Gutmann and Thompson quotation. Cohen stresses explicitly that “in the first instance,” deliberation is oriented around general principles like Rawls’ principles of justice. More specific interests among representatives and citizens only enter deliberation as secondary concerns. This language of first and secondary reference points in citizen judgment mirrors the deductive order of argument that appears in the account developed by Gutmann and Thompson. Cohen makes the same point more directly in other statements, including when he writes, “The principles of justice are intended for the use of citizens in a democracy,” as well as when he states, “The principles of justice, then, are intended to guide the judgment of citizens - who, as a group, are the ultimate authority in a democracy”¹⁸⁸ As these statements demonstrate, Cohen is very explicitly concerned to stress the primary role of general principles in guiding not only democratic theory, but real citizen judgment as well.

Other deliberative democrats also use Rawls’ principles of justice to articulate their vision of democratic deliberation in deductive terms. For example, Seyla Benhabib explains the role of what she calls (following Habermas) “normative constraints” in her “discourse theory” of democratic legitimacy and public deliberation by comparing how these constraints work in her theory with the role of the first principle of justice from Rawls’ founding text in his own political philosophy. Benhabib writes, “The normative constraints of practical discourses would occupy

¹⁸⁷ Cohen 2003, 102, though note the tension in which this statement stands with what he said in a statement quoted in the first chapter, which was quoted from what he wrote together with Charles Sabel, see Cohen and Sabel 2009, 205 .

¹⁸⁸ Cohen 2003, 100.

the same place in discourse theories of legitimacy and public space as the Rawlsian basic liberties and rights specified under the first principle of justice occupy in his theory ...”¹⁸⁹ In other words, Benhabib’s normative constraints “occupy the same place” in her deliberative democratic theory as does Rawls’ first principle of justice in his own theory. As Cohen’s discussion of Rawls’ principles of justice demonstrated, those principles follow the deductive order of argument.¹⁹⁰ Accordingly, Benhabib’s explanation of her democratic theory by comparison with Rawls’ shows that even those working with an alternative, “discourse” approach to democracy nonetheless retain a preference for deductive argument.

As this brief survey of various deliberative democratic theorists shows, theories of deliberative democracy tend to mirror the structure of deductive argument as defined by Schechter. Deliberation begins with general principles before moving to the specifics of any particular decision that citizens have to make. It is worth stressing that deliberative democrats attribute this deductive orientation not only to their theoretical work, but also to their vision of real citizen deliberation. General principles of justice and respect are not relegated to abstract theorizing by these deliberative democrats. As Joshua Cohen articulates this point, “Generally speaking, one of the essential roles of political philosophy is to provide practical guidance, ‘guidance where it is needed’,” the latter phrase being a quotation from Rawls.¹⁹¹ As Cohen adds, “Now in a democracy, final political authority lies in the hands of equal citizens,” which means that any practical guidance must ultimately be guidance for the citizenry.¹⁹² Connecting the dots between the need for principles in political philosophy and the citizenry’s need for guidance, Cohen concludes, “The principles of justice, then, are intended to guide the judgment

¹⁸⁹ Benhabib, Seyla (1992). *Situating the Self*. New York, NY: Routledge, 106.

¹⁹⁰ In chapter four, I will explore this apparent connection with Rawls’ philosophy at greater length.

¹⁹¹ Cohen 2003, 100.

¹⁹² *ibid.*

of citizens - who, as a group, are the ultimate authority in a democracy.”¹⁹³ In short, the *general* principles discussed by political philosophers are meant to guide the *specific*, real deliberation of the citizenry.

This discussion shows that deliberative democrats really do tend to describe citizen reasoning in *deductive* terms, rather than the inductive terms assumed by my analogical account. This stark contrast is worth noting, because it explains one of the main reasons other deliberative democrats may bristle at my proposal and its heavy focus on analogy. Inductive arguments are prone to spuriousness, while deductive arguments are not. An analogy from one case (source domain) to another (target domain) naturally raises the question of whether other cases could be found, or whether the analogy depends on a spurious, “fluke” similarity between the source and target domains. For instance, we may observe that in one context our horoscope offered helpful guidance. As a result, when we hear of another person in a similar situation (i.e., context), we may infer that this person should also look to astrology for guidance. However, if we looked beyond that one case to other similar contexts in our lives, we would realize that our horoscope rarely shows any observable relationship with what was the right course of action (or would have been).

Similarly, one might worry that analogies are very much like horoscopes. They too are prone to the spuriousness of accidental correlation. In large part, this susceptibility to spurious, accidental correlation stems from an inherent weakness of inductive argument. For in induction, we move from the specific forwards. As a result, the basis of our argument (its “evidence class”) is always open to the question, “Why did we start with one specific source domain rather than another?” In the horoscope example, the specific source domain we use presents itself by mere fluke chance, not necessity. Personal luck or sheer contingency constantly lurks behind

¹⁹³ *ibid.*

inductive argument as a potential explanatory factor that would undermine any resulting inference completely. In short, the deeper worry is usually that the structure of the source domain is too *context-specific*. To have one case (source domain) and to analogically extend it to another (target domain) to get some practical guidance risks serious myopia. We might ask, have we actually looked further to see if the relationship observed in the source domain isn't highly context specific ... perhaps even to the point where, as with a horoscope, we would see that it is but a fluke?

By contrast, principles are to be preferred as guides to decision-making because they *transcend* any one particular context, or even a handful of particular contexts, cases, or examples. For instance, according to one very popular understanding of principles, they gain their appeal from being “a priori,” which is to say, they obtain prior to experience in *two* potential ways.¹⁹⁴ First, they may have something to do with the very meaning of some subject matter. To understand the subject matter just is to grasp the principle. For example, one might say that to understand what it means for someone to be a “person” is also to grasp a principle of equal respect. Second, one may find that whatever particular experience one is to ultimately have, it can be said prior to that particular experience that a principle will inevitably be grasped when the experience does happen. In other words, we may grasp a principle “a priori” when we possess it as a kind of tacit knowledge; until we become experienced with the world, we are not yet aware of what we know. For instance, we might all grasp a principle of respect, but it takes our experience with other people to actually engage that principle, since it otherwise remains only tacit.

As these examples of *a priori* principles demonstrate, part of the appeal of principled

¹⁹⁴ In my discussion of this terminology, I draw on Kitcher, Philip (2006). “A priori,” in *The Cambridge Companion to Kant and Modern Philosophy*. ed. Paul Guyer. Cambridge, UK: Cambridge University Press, 52-57.

reasoning is that its guiding light is not specific, contextual, and therefore at risk of being contingent and spurious. Instead, the guiding light of deductive argument consists of context-transcending, generally applicable considerations. These general considerations may be tacit knowledge or embedded in the very meaning of the subject matter under discussion (i.e, the considerations may be *a priori*). However, what matters is that these general considerations are indeed general principles, or deliberative guides to any relevant decision. In being general along these lines, principles are immune to worries about accidental correlation and spuriousness. They do not base decisions on an open “evidence class” that can always be doubted and questioned with regard to its contingency. Given this superiority over inductive argument, as well as the antecedent preference for deductive argument among deliberative democrats, one reason why others may bristle at my proposal becomes clear: Why should anyone prefer an inductive, analogy-driven account of democratic deliberation when stronger, deductive, principle-driven accounts offer a superior alternative?

The Intellectual Backdrop to Deductivism

I have tried to motivate this challenge from proponents of deductive reasoning by investigating its *philosophical* basis in concerns about evidence strength, accidental correlation, and the *a priori*. However, before I address this challenge, it will be helpful to explore the larger intellectual backdrop that informs this challenge from proponents of deductive reasoning in politics. The value of exploring this intellectual backdrop is that it will do more to explain the pervasiveness of deductive reasoning among deliberative democrats than any survey of exemplary quotations could ever achieve. Consequently, exploring this intellectual backdrop will further motivate the challenge posed by proponents of deductive reasoning in politics to my

inductive, analogy-driven account.

The intellectual backdrop I have in mind has already been identified and analyzed at some length by Wesley C. Salmon under the name of *deductivism*.¹⁹⁵ As Salmon uses this term, it stands for the belief that deductive argument is to be favored over inductive argument. According to Salmon, deductivism is the legacy of Euclid's *Elements*, to which philosophers have looked for a model of ideal reasoning for millennia. This historical genealogy may seem extravagant in its sweeping reach from the present to the ancient world. However, Salmon is not the only person to have noticed the remarkable influence of Euclid on models of ideal reasoning both today and in centuries past. Others have noted, for instance, that, "No work, except the Bible, has been more widely used, edited, or studied. For more than two millenia it has dominated all teaching of geometry, and over a thousand editions of it have appeared since the first one printed in 1482."¹⁹⁶

To understand Euclid's influence on deductivism, one need only notice how perfectly the order of inquiry in the *Elements* mirrors the order of argument Schechter defines as deductive. More specifically, in the *Elements*, Euclid *begins* with a set of axioms, or "self-evident truths," which are assumptions from which consequences are then derived.¹⁹⁷ As Salmon describes this approach, Euclid begins his work in geometry by assuming a set of "primitive 'propositions,'" and then proceeds to identify "derived 'propositions'."¹⁹⁸ Since the primitive propositions, or axioms, are "self-evident," Euclid can be said to begin his investigation with what is assumed to

¹⁹⁵ Salmon, Wesley C. (1988). "Introduction," in *The Limitations of Deductivism*. ed. Adolf Gruenbaum and Wesley C. Salmon. Berkeley, CA: University of California Press, 3-5.

¹⁹⁶ Eves, Howard (1963). *A Survey of Geometry*. (vol. 1). Boston, MA: Allyn and Bacon, 19, quoted in Shabel, Lisa (2003). *Mathematics in Kant's Critical Philosophy*. New York, NY: Routledge, 5.

¹⁹⁷ Salmon 1988, 3-5, for a more in-depth analysis of this role of axioms, see Easwaran, Kenny (2008). "The Role of Axioms in Mathematics." *Erkenntnis* 68:3, 381-391, which similarly describes axioms as those statements that are used to "guarantee the truth of theorems proved from them," 381 .

¹⁹⁸ Salmon 1988, 3.

be *generally* true, and then proceeds to “deduce” other, derivative propositions that are more particular.

As Salmon and many others have long pointed out, this process of deduction, so long taught by reference to Euclid’s *Elements*, is essentially characterized by its focus on *truth-preservation* across the steps of inquiry.¹⁹⁹ From a general truth, more specific propositions can be derived as true propositions, because they preserve the truth of the initial, primitive propositions (e.g., Euclid’s axioms). Notably, truth-preserving deduction manages to preserve truth only because it is what logicians refer to as a *demonstrative* inference, which is an inference “whose premises necessitate its conclusion; the conclusion cannot be false if the premises are true.”²⁰⁰ In other words, deduction works by taking up general propositions assumed to be true and then demonstrating that if those propositions are indeed true (as assumed), the propositions deduced from it must also, by *necessity*, be true.

To better understand the significance of calling an inference demonstrative, it will be helpful to explore at greater length what makes a demonstrative inference capable of *necessitating* a true conclusion from true premises. In other words, what is it about demonstrative inference that gives it this capacity to preserve truth? Salmon answers this question with admirable concision in the following passage:

Inferences of this type purchase necessary truth preservation by sacrificing any extension of content. The conclusion of an inference says no more than do the premises - often less. The conclusion cannot be false if the premises are true *because* the conclusion says nothing that was not already stated in the premises. The conclusion is a mere reformulation of all or part of the content of the premises. In some cases the reformulation is unanticipated and therefore psychologically surprising, but the conclusion cannot augment the content of the premises. Such inferences are *nonampliative*; an ampliative inference, then, has a conclusion with content not present

¹⁹⁹ Salmon 1988, 8, see also, for example, Dummett, Michael (1993). *The Logical Basis of Metaphysics*. Cambridge, MA: Harvard University Press, 40.

²⁰⁰ Salmon, Wesley C. (1966). *The Foundations of Scientific Inference*. Pittsburgh, PA: University of Pittsburgh Press, 8.

either explicitly or implicitly in the premises.²⁰¹

In this passage, Salmon pinpoints the very heart of deductive reasoning ... and deductivism thereby. The demonstrative inference associated with deductive argument manages to preserve truth “because the conclusion says nothing that was not already stated in the premises.”

Deductive reasoning merely “reformulates” the content of the premises. When, as in the Euclidean ideal, our premises are a set of self-evident, universally true or context-transcending propositions like principles, deductive reasoning proceeds to simply preserve the truth of that content as it derives additional propositions inferentially. Deduction preserves truth by sacrificing the extension of its content in favor of simply “reformulating” it. In the logician’s terminology, deduction is truth-preserving because it is *non-ampliative*. By this phrase, it is meant that deduction does not “amplify” the content from which it sets out on the path of investigation, but purposely restricts the amplification of that content to purchase necessary truth preservation. The term “reformulation” is meant to convey this point.

In light of this discussion of the basis of deductivism, the motivation behind proponents of deductive reasoning in politics can be better appreciated for its full logical force and historical pedigree. For centuries, Euclid’s *Elements* has been used to teach people about the truth-preserving capacity of demonstrative, non-ampliative, *deductive* inference. Because deductive argument starts with general truths which are then merely “reformulated” in more specific terms, without amplifying the content at all, the inferences generated are admirable, even ideal ones. If we accept the initial starting point of any deductive argument, we cannot reject the related conclusion for a very easy to appreciate, logical reason. The conclusion is a mere “reformulation” of the initial starting point.

²⁰¹ *ibid.*

By contrast, the inductive inferences we draw with analogies are thoroughly ampliative. After all, as the second part of the contemporary perspective on analogical reasoning (CPAR.ii) revealed, analogy works by *extending* the systematic relations we know well from one domain, where we have an entrenched grasp of them, to a second, target domain. This analogical extension is thoroughly ampliative because it involves taking what we know from one specific domain and engaging in “the extension of its content,” rather than in simply “reformulating” it. In doing so, though, a logical weakness can now be seen to arise. Analogical reasoning cannot necessitate truth-preservation across the steps of investigation, from source to target domain, as it were. Preservation cannot be achieved because analogy involves moving from a well-known, well-observed source domain to a less-known, less or even un-observed target domain. In other words, with analogy we are usually trying to extend our knowledge to the unobserved or less observed through *purposeful amplification*. We thereby extend the content of our knowledge as well. We say more than is included in the content of the source domain. We do not simply “reformulate” the content of that domain, but instead analogically extend its content. Truth cannot be preserved because we are (*inductively*) taking a “mental leap” (to use Thagard’s phrase) into a less well-known space.

This contrast regarding the relative amplification of content during deductive and inductive argument, respectively, illuminates the real force behind the challenge posed by proponents of deductive reasoning in politics, or “deductivists,” as I will now refer to them. People who bristle at my focus on analogy may object to my proposal not only because its focus on analogy is prone to certain weaknesses (e.g., spuriousness, an open evidence class), or even because they believe good decision-making should start with the general and then move to the particular. Rather, they bristle at my analogy-driven proposal because it abandons a tried and

true method of reasoning that has a long track record of success that may reach back as far as Euclid's geometry. This tried and true method is the method of nonampliative reasoning that merely reformulates the content from which reasoning proceeds. Given its rich history, as well as the historical and geographical access humanity has had to this method through access to Euclidean geometry, and given also its well-documented, logical underpinnings, such deductivists clearly bristle at my proposal on account of the "leap" it demands of citizens and democratic theorists alike. They do not want leaps in deliberation, but long, elegant chains of deductive reformulation and nonampliative reasoning.

Of course, the "leaps" I advocate are essentially the same as the leap away from nonampliative reasoning and into the "mental leaps" of wildly ampliative, analogical reasoning. Though I may have established successfully that analogical reasoning has advanced beyond the crude form frequently associated with John Stuart Mill's highly influential *System of Logic*, deductivists may still bristle at my proposal because the entrenched systematicity of analogical reasoning is not the tried and true systematicity of deduction ... that is, the careful reformulation of self-evident principles of reason or intuition (e.g., principles of respect and reciprocity championed by deliberative democrats) across long, elegant chains of reasoning. Rather, the systematicity of analogical reasoning is the systematicity of the "guess and check" worldview of contemporary cognitive science, rather than the classical systematicity of geometric proof.

In light of this larger intellectual backdrop, the larger rationale behind the objection to my proposal identified in this section may best be described as the "deductivist's challenge." Essentially, this "challenge" to my proposal is motivated by the belief that anyone should bristle at my proposal's focus on inductive, analogical reasoning, because citizens should be engaged in deliberative *demonstration* (i.e., nonampliative inference, the reformulation of principles), rather

than deliberative *leaps*. In short, my proposal errors in opting for a nonclassical, cognitive, entrenched systematicity instead of the historically beloved classical systematicity long taught and revered through Euclidean geometry.

Deflating the Deductivist's Challenge

In defense of my proposal, several weaknesses internal to the deductivist's challenge might be identified; however, for present purposes, one weakness is especially serious. The overarching target of the current project is to defend deliberative democracy against the indeterminacy worry. As I described this worry, many have been concerned that deliberative democracy is such an indeterminate theoretical tool, that it actually offers little real guidance for real politics. This worry about the indeterminacy of deliberative democracy has taken three forms, which I labeled above under the following titles: (1) pragmatic indeterminacy; (2) informational indeterminacy; (3) first-personal indeterminacy.

In brief, these three forms might be summarized as follows. According to the first, pragmatic form of the indeterminacy worry, some contend that deliberation is so time consuming, that a real life deliberative democracy would never be able to actually make decisions in a sufficiently timely manner to be successful as a political system. Others express a concern about the informational indeterminacy of deliberative democracy, claiming that deliberation offers only vague, unhelpful guidance in the face of the pluralism and self-contradiction that pervades modern societies. As a result, the practicality of deliberative democracy disappears when it is applied to modern societies. Finally, still others claim that whatever happens under the name of "democratic deliberation" has so vague and indeterminate a connection to the first-personal perspective from which citizens actually make real, life-changing

decisions as to render it practically insignificant. This concern is the third, first-personal form of the indeterminacy worry.

Given the overarching target of the present project, the “biggest threat” to the deductivist’s challenge would be that it not only fails to offset the indeterminacy worry in one form or another, but worse yet, *actually contributes to it*. In this section, I will turn to the arguments Gerald Gaus develops to support the third (3), “first-personal” variant of the indeterminacy worry. In doing so, I intend to show that this “biggest threat” is a real threat, one that identifies a real weakness internal to the deductivist’s approach to deliberation, and therefore, the “challenge” they direct towards my deliberative outlets proposal (DOP.a-c) as well. More specifically, I will explore Gaus’s claim that the indeterminacy arises not *despite* the principled, universalistic form of reasoning championed by the deductivist and so many deliberative democrats alike, *but precisely because of this principled, universalistic form of reasoning*.

In addition to deflating the deductivist’s challenge, this response also serves two methodological purposes in the larger course of the present project. First, by deflating the deductivist’s challenge, it leads naturally into the next challenge to my project that needs to be dealt with, namely, the humanist’s challenge. Second, it provides an important motivation and set-up for the next chapter’s third, philosophical formulation of my deliberative outlets proposal. This connection to the next chapter emerges naturally from the fact that my response to the deductivist’s challenge in this section will do little to argue that my own focus on inductive, analogical argument is superior to the deductive one. Instead, my response merely *deflates* the challenge advanced by the deductivist, showing that as long as the indeterminacy worry is a major concern, the deductivist has little reason to bristle at my proposal. Being a mere deflation

of the deductivist's challenge, a stronger defense of my focus on inductive, analogical argument may still seem like a gaping hole in my analysis. Consequently, the present response to the deductivist's challenge sets up the need to develop a third, more philosophical formulation of my deliberative outlets proposal in the next chapter (DOP.a-c). However, since that formulation can only proceed after the philosophical structure of deductivism has been analyzed, the present sequence of investigation is necessary to both motivate and set up the topic of the next chapter.

Before I turn explicitly to Gaus's arguments against the use of principled reasoning by deliberative democrats, it may be best, for explanatory purposes, to preface that more technical discussion with a description of its guiding intuition. The intuition goes as follows. We might usually think that in a democracy, in which different people with different beliefs come together to figure out a solution to a problem, deliberation is unlikely to get anywhere if people simply take turns describing *all* of their beliefs and desires. First, that kind of global exchange of information is impractical, being impossibly time consuming (i.e, pragmatic indeterminacy). If we surveyed *every* belief that is potentially implicated in what we take to be *relevant* to solving a problem, deliberation would become a practical impossibility. For instance, we might find it necessary to describe even very simple and obvious beliefs that we take for granted, such as the belief that water is an effective way to combat conventional fires in homes or forests. Second, it might seem to make collective agreement on the best decision less likely. Discussion would devolve into debate about beliefs that might seem to have nothing to do with the problem, but which are highly *divisive*. For example, if people are deliberating about a policy related to sidewalk safety in their community, and if a citizen mentions a metaphysical belief about the nature of the self or the afterlife, deliberation is likely to become side-tracked and to even stagnate in divisive disagreement about these practically irrelevant beliefs.

Thus, when deliberative democrats invoke principles as the starting point or fundamental reference points for framing democratic deliberation, they could easily be seen to be helping the cause of deliberation. What they seek is a starting point that is both relevant and non-divisive. Citizens will start from common beliefs, *not simply all of their beliefs*, and more importantly, they will start with context-transcending beliefs that apply regardless of any particular political situation's details. Whether the deliberation is focused on sidewalk safety in their community or public displays of political speech on private property, principles like equal respect still apply.²⁰² Proceeding forward from these principles to the global sets of beliefs citizens hold individually more generally, there will be some kind of constraint, or as Benhabib describes it, some kind of "normative constraint" that keeps deliberation focused. If deliberation begins with a reference to equal respect, for instance, citizens may find that this principle, which all can be expected to endorse so long as all seek fair terms of cooperation, precludes mention of certain beliefs. A divisive belief about the relative superiority of some persons will not be expressible without violating the principle. As a result, instead of having massive, global sets of beliefs with indeterminate relevance to the problem at hand, principles provide a starting point that lends greater determinacy to deliberation by narrowing down the range of content that can be entered into deliberation.

As Gaus observes, though, this "principled" starting point may intuitively seem to simplify deliberation and structure it more determinately, but that intuition is misguided. To see why, Gaus invites us to consider the *divergent implications* such principled starting points have for two individuals, Alf and Betty, whose beliefs and desires overlap at some points, but diverge at other points.²⁰³ One might better understand Gaus's approach if one thinks of a Venn diagram

²⁰² Benhabib 1996, 134-141.

²⁰³ The discussion of Gaus here draws on Gaus 2011, 239-241.

for these two individuals. According to this diagram, each of these individuals would have a circle representing total beliefs and desires, and those two circles would be set atop one another such that an area of overlapping beliefs/desires can be seen, but without eliminating divergent areas representing beliefs and desires that are not held in common.

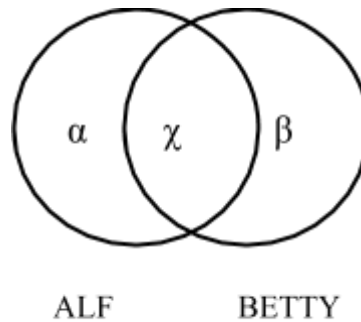


Figure 6: Venn Diagram of Gaus's Example

Gaus assigns the name “Alf” and “Betty” to these two individuals (which I have done in the diagram above).²⁰⁴ He refers to the overlap between their respective “circles” of beliefs/desires with the Greek letter “χ” (*Chi*, pronounced “kar”). He then refers to the area representing Alf’s divergent beliefs/desires with the Greek letter “α” (*Alpha*), with Betty’s respective divergent beliefs/desires area represented with the Greek letter “β” (*Beta*). Accordingly, Alf’s beliefs/desires are equivalent to $\chi + \alpha$, while Betty’s are equivalent to $\chi + \beta$.

As Gaus points out, democratic theorists rarely observe the divergent implications for Alf and Betty that would arise if both began by recognizing a shared belief from χ , *such as a principle*, and then proceeded to a second stage of deliberation in which the principle’s bearing on the larger set of beliefs they do *not* share is considered. In other words, the situation Gaus is describing is one in which two individuals begin with some shared belief (*Stage 1* of

²⁰⁴ Gaus 2011, 239.

deliberation), and then proceed to a second, “first-personal” stage of deliberation in which they also take into account *all* of their beliefs, even those not shared (*Stage 2* of deliberation).

Formally described, this two-stage deliberation moves from χ to $\chi+?$, where “?” stands for the larger set of beliefs each individual holds privately, or “first-personally” (e.g., for Alf, $\chi+\alpha$). To see the rarely observed, divergent implications Gaus wishes to draw attention towards, he asks us to consider the two “implausible” conditions that would be necessary for different individuals involved in this two-stage deliberation to *converge* in their ultimate conclusions when deliberating.

According to the first condition (i), convergence could be achieved if, contrary to the implications of the above Venn diagram, individuals involved in deliberation actually had the same exact sets of beliefs. In other words, if Alf and Betty had identical beliefs (if $\alpha=\beta$), the shift from the first, “shared” stage of deliberation to the second, “first-personal” stage, would yield a convergent result. Gaus declares that this possibility can safely be set aside since it amounts to treating deliberators as nothing more than “perfect clones.”²⁰⁵ In short, if democratic theory is concerned with “real people in general, not just perfect clones,” then (i) will readily be rejected as a preposterous impossibility. Citizens of a democracy, or even real agents in general, never begin deliberation with an identical set of beliefs. Thus, (i) can safely be set aside.

By way of the second condition (ii), convergence could be achieved only if, as Gaus summarizes the idea, “what they initially believed had no effect on their final set of beliefs.”²⁰⁶ This summary needs to be “unpacked” for many philosophers, because “it has been attractive to many in the history of epistemology.”²⁰⁷ To unpack this summary, Gaus asks us to allow for absolutely impractical assumptions about the rational capacities of those individuals involved in

²⁰⁵ *ibid.*

²⁰⁶ Gaus 2011, 239.

²⁰⁷ *ibid.*

the two-stage process of deliberation described above. For instance, in the case of Alf and Betty, he allows us to assume (even though it is also a practical impossibility) that Alf and Betty “Each suddenly has the highest possible powers of reasoning (whatever that means), each sees all the inferences from his or her fully held beliefs and can see precisely, and immediately, the maximally coherent and consistent set of beliefs that result.”²⁰⁸ Highlighting how practically impossible this assumption is, Gaus quotes Isaac Levi, who described such “Herculean” reasoners as the equivalent to “philosophical moonshine.”²⁰⁹

Part of what makes this assumption so ridiculous, Gaus points out, is that we have to assume that the norms, criteria, ideals, etc. with which Alf and Betty guide their reasoning are completely shared.²¹⁰ The Herculean assumption only works if we believe that these guides for reasoning belong to χ , rather than to the non-shared sets of beliefs each holds apart from one another. In a world in which specialists in epistemology, let alone logic, divide over the criteria that should guide reasoning (e.g., is “relevance” logically essential to ideal reasoning?), this supposition does indeed form a kind of “philosophical moonshine.” Even Socrates seems to have changed his mind, from the early dialogues to the later ones, about the guidelines we should adopt in reasoning.²¹¹

Nonetheless, Gaus asks us to consider this “Herculean” possibility as the basis for convergence among Alf and Betty as they deliberate. In their Herculean form, we would expect Alf and Betty to both start out with some shared principle from χ , and to then rationally reflect on its bearing on other shared beliefs in χ . Being identically Herculean reasoners, we would thereby expect that Alf and Betty would ultimately transform χ into a “maximally coherent set,”

²⁰⁸ *ibid.*

²⁰⁹ Gaus 2011, 239, footnote 109.

²¹⁰ Gaus 2011, 239-240.

²¹¹ Forster, Michael N. (1989). *Hegel and Skepticism*. Cambridge, MA: Harvard University Press, 174-6.

or an idealized version of χ Gaus refers to as “ χ^* ”. Turning to the same exact content, χ , with the same exact rational capacities, they would ferret out inconsistencies (especially with their initial principle), bring every belief into rational coherence, and *converge* on the absolute, “maximally coherent set.” This expectation seems intuitive and obvious, given our Herculean assumption about Alf and Betty.

However, a problem arises when we turn our Herculean Alf and Betty to the *next* stage of deliberation (*Stage 2*'s “first-personal” deliberation, or $\chi+?$). When Alf and Betty transform their “first-personal” beliefs by applying their identically Herculean rational capacities to α and β , respectively, will the “same outcome” result? Will the outcomes of their Herculean efforts at *Stage 2* also converge, as they did at the first stage? Will $\chi+\alpha$ and $\chi+\beta$ be identical? Gaus articulates three possibilities in this scenario:

- (i) Alf rejects all of α and Betty rejects all of β ; (ii) whatever elements of α that Alf retains, Betty adopts and whatever elements of β that Betty retains, Alf adopts; (iii) Alf and/or Betty retain some elements of his or her belief set that the other does not adopt.²¹²

In the first (i) case, Herculean reasoning has transformed $\chi+\alpha$ and $\chi+\beta$ into χ^* , creating total convergence by simply jettisoning “first-personal” beliefs *en masse*. In the second (ii) case, we get a new, identical set of beliefs in place of α and β , which is to say, we get convergence into a new set through idealized transformation of the beliefs into a maximally coherent set (we might call it “ γ^* ” to reflect both its difference and its idealization). In the third (iii) case, total convergence is *not* achieved.

It is easy to see how the first possibility (i) is a poor response to the problem created by this scenario. Simply jettisoning “first-personal” beliefs and sticking to χ^* may render beliefs *consistent*, but it is unlikely to manifest the idealized reasoning we have in mind when we think of Alf and Betty as Herculean in their rational capacities. Rationality is more than “whittling”

²¹² Gaus 2011, 240.

down one's beliefs to make them consistent. To simply attain consistency by believing less, by claiming to no longer have as many beliefs, and therefore, no longer have as much room for error in the form of inconsistency, is not to be an ideal, Herculean reasoner. Rather, we would expect a rational Hercules to have more than two consistent beliefs. To use the term Gaus exploits to make this point intuitive, "richness" matters in moral psychology.²¹³ A rational Hercules is someone with lots of beliefs that have been rendered consistent, not someone who feigns no belief about anything except for a small handful of consistent commitments.

The second (ii) possibility, Gaus summarily rejects as a general possibility in human deliberation for the same reason he believes (and we are likely to intuit) that the third possibility (iii), will proliferate in a scenario like this one, namely, *there obtains a fundamental difference* between:

(j): bringing our beliefs into accord with χ^* by changing them (because they conflict with χ^*),

and

(k) bringing them into accord with χ^* by simply letting them be (because they already cohere with χ^*).

In other words, we may turn to the task of making our beliefs consistent only to discover that they are (j) in need of serious revision because they conflict, or we may discover (k) that our beliefs are already consistent. To make one of these discoveries rather than another is no small deal, Gaus maintains. To change our beliefs and to find them perfectly acceptable in their consistency "as is" are two qualitatively different discoveries during deliberation. Given this qualitative difference, *a fundamental difference obtains* when answering the question posed by χ^* ? Ultimately leads us to discover a need to (j) change what we believe to make it cohere with

²¹³ *ibid.*

χ^* , and when that question leads us to (k) discover no change is necessary because our beliefs already cohere.

If we allow for this fundamental difference, we can see why this second possibility (ii) is so unlikely or rare in human deliberation. *Stage 2's* Herculean transformation *will mean different things for different individuals*, so long as they differ at all in their respective, unshared, individual, private beliefs. Accordingly, it is unlikely that different people will arrive at the same exact beliefs, which is to say, the second possibility (ii) will obtain. If the implications of applying χ^* diverge in their meaning or significance for individuals with even slightly divergent sets of first-personal beliefs, some will resist implications that call for change, while others will welcome those implications on account of the fact that their personal beliefs already cohere with them. For instance, if part of what χ^* implies is a specific belief about the causal efficacy of prayer, then if Alf is a committed practitioner of prayer, he will balk at revising his religious beliefs to make them reflect that specific belief about the causal efficacy of prayer. By contrast, if Betty has always maintained that people are delusional when they expect their prayers to impact the world, she will welcome the implications of χ^* for her own, individual, “first-personal” set of beliefs. As a result, the implications of χ^* for Alf and Betty are *divergent implications*.

Strengthening Gaus's Point

To fully grasp the force of Gaus's point, though, more needs to be said about the deeper, human point he is making. The phrase “divergent implications” can seem cold and logical. Gaus's point, though, is supposed to carry a kind of “existential force.” From their “first-personal” points of view, the *experience* of deliberation for Alf and Betty will be tremendously

different or “divergent.” To discover during deliberation that one needs to change what one holds dear is a very different experience, from the first-personal point of view of the deliberator, from discovering that (oh look!) one had the correct beliefs all along! Philosophers sometimes use the technical term “*phenomenology*” to refer to this first-personal, experiential dimension of deliberation.²¹⁴ Here, the term “phenomenology” stands for the richly experiential, first-personal, *lived* dimension of the acting person. In other words, here the “phenomenological” dimension stands for the point of view of the person who really makes the decision from which an action (e.g., voting) actually follows. Thus, to re-describe Gaus’s point as being concerned with *phenomenologically* divergent implications, as I will do here, is to explicitly stress that the difference is not a logical one, but rather a richly experiential, lived difference between Alf and Betty during their experience of decision-making.

However, often people balk at any arguments focused on the phenomenology of deliberation. People may ask, why should anyone care about the *experience* of deliberation? Don’t arguments focused on phenomenology presuppose all kinds of questionable and contentious assumptions about freedom of the will, or the irreducible nature of human consciousness to brain states?²¹⁵ When the metaphysical problem of the freedom of the will is not just a scholarly topic of debate, but a topic in popular culture as well, to invoke the phenomenological dimension of these divergent implications may seem like a contentious move. Thus, if, as I have just claimed, the full, existential force of Gaus’s point can best be grasped by tying it to the “phenomenology of deliberation,” this skepticism about the significance of human phenomenology needs to be addressed.

Fortunately, as I intend to use the term “phenomenology,” where one stands in these

²¹⁴ McManus, Denis (2012). *Heidegger and the Measure of Truth*. Oxford, UK: Oxford University Press, 11-12.

²¹⁵ *ibid.*

topics doesn't render the "first-personal" dimension of deliberation with which I am concerned insignificant. This statement may seem surprising. Isn't "phenomenology" as the *experience* of deliberation essentially tied up with where people stand in debates about human consciousness and the role of the will in determining behavior? Against this popular tendency to connect the experiential aspect of phenomenology with specific stances in these contentious debates, I would return our attention to the first-personal aspect as it appeared in my description of real democratic deliberation in the second chapter. When the citizenry thinks about majority rule procedures and their associated practices, I argued, it is not only their actual day of use, but also the *anticipation* of their use that lends them real political *and deliberative* significance. With an election "on the horizon," a campaign season of ramped up discourse, debate, and dialogue is catalyzed. In other words, how the citizenry anticipates an election is essential to understanding how they *experience* it as deliberative, rather than as a mere practical necessity (as deliberative democratic theorists tend to portray practices associated with majority rule).

Where that analysis asks that we approach *political* deliberation in terms of its anticipatory structure, I would now ask that we do the same with the *first-personal* deliberation associated with the term "phenomenology." How is the first-personal, phenomenological dimension of deliberation a matter of human anticipation? Historically, some of the most influential figures working on phenomenology have often answered similar questions by considering how we engage entities in the world typically in terms of some "prior anticipations. For instance, Edmund Husserl saw human anticipation as a way to deal with the limited perspective of "straight-forward perception."²¹⁶ As Victor Biceaga colorfully conveys Husserl's phenomenological approach, if perception was not always already laden with prior anticipations

²¹⁶ McManus 2012, 13-14, 106-9, see also, Husserl, Edmund (1966). *Analysen zur passive Synthesis*. ed. Margot Fleischer. The Hague, Netherlands: Martinus Nijhoff, 45-48, 51, (2001). *Analyses Concerning Active and Passive Synthesis*. trans. Anthony J. Steinbock. Dordrecht: Springer Verlag, 85-8, 91.

about what we are about to perceive, then a sudden turn of the head would create “perceptual shock” as we would encounter an unexpected and very different perceptual field all of a sudden.²¹⁷ Similarly, when we see an object, we only see one side of it in straight-forward perceptual terms. However, because we are typically always already anticipating how the other sides of the object would look as we move around it, the object reveals itself to us in a richer way than would otherwise be possible. The meaning of the object is more fulfilling, expansive, and revelatory, when it is constituted in association with what we anticipate from further engagement with that object.²¹⁸ As Biceaga concisely states the significance of such prior anticipations for Husserl’s philosophy, they provide the “defining mark” of phenomenology, at least in the context of Husserl’s work.²¹⁹

In the present context, I will *adapt* the term “phenomenology” from this traditional, Husserlian usage to explicitly mark out where I believe prior anticipations play an important role in what might otherwise seem like a narrow, more “straight-forward” process of decision-making (i.e., *Stage I*). In doing so, it can more readily be seen that collective deliberation of a Herculean form (χ^*) is just as narrow as the “straight-forward” perception of an object from one side. Recall that the object has other sides, the anticipation of which was said to sometimes increase the richness of engagement with it. Analogously, during collective deliberation, we may arrive at a Herculean form of agreement on some set of beliefs about what to do; however, that engagement is always enriched by our anticipation of how our other beliefs will impact that collective set. We do not simply and totally silence the relevance of our other commitments when we deliberate collectively as Herculean reasoners. Such a total silence would be hard won,

²¹⁷ Biceaga, Victor (2010). *The Concept of Passivity in Husserl’s Phenomenology*. Dordrecht: Springer Verlag, 14.

²¹⁸ Here, I draw on language suggested by Denis McManus in his reading of phenomenology with regard to both Husserl and Heidegger, see McManus 2012, 26, 41, 105-9.

²¹⁹ Biceaga 2010, 57.

if not psychologically impossible.

Even more significantly, silencing our anticipation of the effect of deliberation on our other commitments might be described in terms of a profound *inauthenticity* (in the sense of the term passed down by Romanticism to non-technical usage, rather than the sense of the term as defined in the phenomenological tradition of philosophy).²²⁰ To “cling” to one narrow set of considerations (i.e., the shared ones, or “ χ ”) while other, deeply relevant, personally significant ones suggest themselves *as important* to us in the form of a nagging question ($\chi^{*+?}$), is to only “feign” a genuine understanding of those considerations.²²¹ To the extent that we understand their meaning by ignoring their larger significance, we do not genuinely understand them at all. One is not treating the collective, shared considerations that occupy the first stage (*Stage 1*) of deliberation as *one’s own*, to the extent that one creates a barrier between those considerations and the other commitments one holds dear. One fails to “appropriate” the process of Herculean reason as *one’s own reasoning* or deliberation.

Roughly cast in terms of such inauthenticity, one can start to see more clearly why Gaus’s point poses a serious, existential threat as much as a logical threat. Insofar as our other commitments capture ways in which things matter to us, something first-personally significant is lost if the first, collective, Herculean stage of deliberation (*Stage 1*) is conducted in total isolation from its anticipated effect on what matters to us individually (*Stage 2*). Just as something about our engagement with objects would be lost if we did not anticipate our engagement with their other sides, so too something about deliberation is lost when we bracket its anticipated effect on what matters to us individually. What is lost? In a word, its “phenomenology” is lost. Moreover, with this loss there is not only a problem of inauthenticity, but a problem of

²²⁰ Here, I adapt some of what is said about inauthenticity in McManus 2012, 161.

²²¹ The terms in quotation marks here are borrowed from McManus 2012, 161.

determining individual courses of action. If people must deliberate in isolation from any anticipated resonance with what matters to them broadly speaking, how can we expect the results of that deliberation (*Stage I*) to actually be decisive in determining what will ultimately be done?

The existential grip or human dimension of Gaus's point now comes into clearer view. What he is pointing out is not just a logical consequence, nor is it just an issue related to human consciousness or willpower. Rather, the point is simply that when deliberating collectively, people simultaneously *anticipate* how that deliberation will impact their other commitments, many of which are deeply significant to them personally. Alf may giddily anticipate that his other beliefs are almost "ahead of their time," while Betty anticipates a rough 'experience' of belief revision. Alf may breathe a sigh of relief as collective deliberation settles to a close, anticipating (as he did throughout) that his other commitments will remain intact.

Or perhaps if Alf is scheduled to present his educational research at a conference next month, he may be anticipating during the deliberative process (*Stage I*) that the research's policy implications do not need to be revised. By contrast, Betty does not breathe a sigh of relief, but feels a pang of anxiety about how she is going to explain herself to friends familiar with her passionate dismissal of equality of opportunity as an ethical ideal every time it comes up in the news or casual conversation. As these contrasts between the anticipated implications of the collective deliberation (*Stage I*) between Alf and Betty are meant to vividly illustrate, the implications of collective deliberation for people can be divergent in a deeply personal, *phenomenological* (i.e., anticipatory) way. One way of concisely capturing this phenomenological divergence is to describe it as the result of an open-ended question about what is *implied* by collective deliberation (*Stage I*) for what matters to deliberators individually. The previous notation, " $\chi^*+?$," was meant to effectively capture precisely this open-ended question.

For Alf, his anticipation of how that question ($\chi^{*+?}$) will be answered (i.e., $\chi^{*+\alpha}$) diverges radically from Betty's anticipation of how that question will be answered (i.e., $\chi^{*+\beta}$).

Notably, the way I am using “phenomenology” as a term here to describe the human, existential grip of Gaus's point is unlikely to shift much in significance, depending on where people stand in contentious debates about the freedom of the will or the nature of human consciousness. For instance, those subscribing to the causal force of human will power often describe the manifestation of that causal force in phenomenological terms. For them, the exercise of the will just is the capacity that allows us to anticipate certain behavioral and psychological changes (or inertia). When the will issues a decision, then beliefs and overt behavior are anticipated to change. As Robert Brandom declares, “Having a rational will ... can be understood as having the capacity to respond reliably to one's acknowledgement of a commitment (of a norm as binding on one) by differentially producing performances corresponding to the content of the commitment acknowledged.”²²² In the other words, those who, like Brandom, concern themselves with human willpower leave ample space for phenomenology in their account, insofar as they tie the very meaning of having a will at all to anticipated impact on “performance.” More concisely stated, to the extent that what we acknowledge with a decisive act of the will actually “makes a difference,” Brandom maintains, we are being rational creatures, for as he writes, “we are rational creatures exactly insofar as our acknowledgement of discursive commitments (both doxastic and practical) makes a difference to what we go on to *do*.”²²³

Alternatively, some people object to framing human action around the causal force of human will power as Brandom does. The phenomenology of deliberation I am describing

²²² Brandom, Robert (2001). “Action, Norms, and Practical Reasoning,” in *Varieties of Practical Reasoning*. ed. Elijah Millgram. Cambridge, MA: MIT Press, 477.

²²³ *ibid*.

nonetheless occupies an important place in this alternative philosophy of action as well. Though it is not identified with a distinct faculty that is *added* to the process of deliberation to initiate action in a causal chain of events, it still appears as a real dimension of a larger process of action lacking linear structure, but being phenomenologically structured none the less.²²⁴ According to this philosophy of action, complex patterns of behavior unfold from myriad psychological considerations without a clear, linear path that can be traced to some psychological moment that “caused” that behavior. Much as a musician’s improvisational solo unfolds a complex behavioral pattern from merely thinking a bit about the relevant scale to be played and which fingerings on the instrument fall within that scale, so too action is sometimes seen to stake out an indirect, nonlinear relationship of *self-activity*, rather than a linear causal path from psychological content to behavior.

For present purposes, what matters is that even without a single, decisive, willful moment of action in which behavioral and psychological changes come to be expected, a phenomenological dimension still obtains. The musical improviser may be so well-studied, trained, and habituated in the use of a given scale, that a solo within the confines of that scale flows without much thought beyond deciding which scale to adhere to. Nonetheless, even that brief consideration about which scale to adhere to is enough to create expectations about what is anticipated to follow as a result. Even an action as spontaneous as an improvised musical solo performance is still laden with anticipation as the person “lets go” and engages in musical self-

²²⁴ Helpful summaries of this alternative conception of action and its difference from the more popular, linear variety can be found in Larmore, Charles (2010). *The Practices of the Self*. Chicago, University of Chicago Press, 97-109, also Geuss, Raymond (2014). *A World Without Why*. Princeton, NJ: Princeton University Press, 62-67, 172-174, also Geuss, Raymond (2005). *Outside Ethics*. Princeton, NJ: Princeton University Press, 40-52. Some of the most detailed expositions of this alternative conception of action can be found in recent work that takes Elizabeth Anscombe’s philosophy of action as its starting point, a representative sample of which can be found in *Essays on Anscombe’s Intention*. ed. Anton Ford, Jennifer Hornsby, Frederick Stoutland. Cambridge, MA: Harvard University Press, as well as work in the philosophy of action that develops insights from Hegel’s work in logic, such as Yeomans, Christopher (2012). *Freedom and Reflection*. Oxford, UK: Oxford University Press.

expression, considering little more (perhaps) than the key. Furthermore, as one proponent of this philosophy of action, Charles Larmore, observes, this spontaneity is no less significant though it lacks the decisive exercise of willpower, “there is something priceless in the experience of being wholly ourselves, of giving ourselves over so entirely to our feelings or actions that we no longer look at ourselves through someone else’s eyes.”²²⁵ In other words, the anticipated behavior that follows from “letting go” during a musical solo performance is still very important, experientially, because it has a priceless sense of surrender to some force within ourselves, be it our “feelings or actions.”

Moreover, even if one stakes out a radical position with regard to not only the reality of willpower, but even consciousness, the phenomenology I am describing remains a significant dimension in human action. Inspired by computational models of neurobiology, some people deny that “consciousness” is a very helpful or even meaningful term for describing human decision-making.²²⁶ If we were to just stick to descriptions of brain states and patterns of neural activity, it is said, we would gain a remarkably richer and more accurate understanding of human decision-making than we do by invoking the mysterious, amorphous concept of consciousness. Advocates of this “eliminativist” attitude are often used as devil’s advocates against any philosophical analysis that depends heavily on phenomenology to make its point.²²⁷ However, as I have sketched the meaning of phenomenology above, it fits quite snugly into even this radical, eliminativist, neurocomputational account of human decision-making. On this view, people will not be described as having (phenomenological) anticipations about which they are conscious, or that they consciously expect when they will a course of behavior or change of belief.

²²⁵ Larmore 2010, 55.

²²⁶ The following draws heavily from Churchland, Paul M. (2012). *Plato’s Camera*. Cambridge, MA: MIT Press, as well as Churchland, Paul M. (2007). *Neurophilosophy at Work*. Cambridge, UK: Cambridge University Press, Clark, Andy (2013). “Expecting the World.” *The Journal of Philosophy*. 110:9, 469-496.

²²⁷ McManus 2012, 11-2.

Nonetheless, from a neurocomputational perspective, decisions are made in ways that are thick with anticipation. Humans make decisions with brains that have roughly 10^{14} synaptic connections.²²⁸ As sensory excitation is delivered to this network of synaptic connections, some of those connections tend to be excited together, unlike others, and eventually form activation patterns. These activation patterns are synaptic connections that are highly prone to excitation when any signal reaches part of the network above a certain threshold. In other words, the brain over time naturally develops a tendency to more easily trigger certain patterns of neural activity than others. Thus, when *adult* human beings approach a problem to make a decision, they always already come to it with a set of easily triggered activation patterns in the background of their engagement. When neural excitation (e.g., visuals, speech, imagined scenarios, etc.) enters this background network of activation patterns, that excitation will be met with a predisposition to specific forms of neural activity rather than others.

As Paul Churchland describes this process of deliberation, this confluence of predisposition and excitation is effectively described as the meeting up of anticipation or expectation and sensory deliverances. When a certain phrase from another speaker is heard, it is met with the predispositions of a background of activation patterns in ways that rapidly trigger a wider pattern of neural activity that fills-out its significance and enriches its meaning. To hear someone invoke “property rights,” for instance, is to immediately predispose one to anticipate other statements on that person’s behalf in no small amount of time (e.g., regulations directed at workplace safety violate a “sacred right”). In this way, the “meaning” of what our senses deliver during deliberation is heavily dependent on what we are predisposed to anticipate from those sensory deliverances, based on the training of our nearly countless (10^{14}) synaptic connections over time. As Churchland observes, when we deliberate together, “One must learn to anticipate

²²⁸ Churchland 2007, 67.

the normal unfolding of this ongoing commerce” that is the meeting point of sensory excitation and neural predisposition.²²⁹

Notably, insofar as the “individual profile” of these long-accumulated, background predispositions constitutes our moral character, they are extremely important to each human being personally. Their slow accumulation across millions of synaptic connections means that each predisposition cannot be changed at the drop of a hat, nor through a “sudden conversion.”²³⁰ These are essential to who we are, as they shape how we approach any given decision, and thus, are to be taken seriously as a significant, defining factor in deliberation ... even if “consciousness” plays no role in how that process of deliberation is understood. In this way, these background predispositions acquire the stature of “epistemic assets” (to use a rich phrase from Gaus to which I will turn at greater length later), just like any other initial considerations that people proudly bring to bear on a deliberative scenario. Consequently, even from a neurocomputational perspective that denies the helpfulness of talking about consciousness, let alone willpower, the anticipatory dimension of human deliberation I am referring to here under the name of “phenomenology” remains crucial to the process of decision-making. If people adopt a thoroughly neurocomputational approach to human deliberation, the “phenomenology” I am describing here still remains central (if not *more* central).

Further Strengthening Gaus’s Point

By surveying these varied philosophies of action and their varied positions on the metaphysics of the will and the nature of consciousness, I have tried to fend off possible worries

²²⁹ Churchland 2007, 47.

²³⁰ Churchland 2007, 48.

that Gaus's point about phenomenologically divergent implications is heavily dependent on contentious views in theoretical philosophy. As a result, I hope to have prevented some otherwise obvious objections to Gaus's point from arising. However, more can be said to further substantiate the threat posed by phenomenologically divergent implications. Gaus himself, for instance, further substantiates his point by invoking a commitment to what he calls, "the principle of conservatism," which is a streamlined version of a more expansive claim developed in his earlier work, namely, "The Principle of Conservation of Beliefs."²³¹ Gaus marshals a number of supporting quotations from other philosophers to pithily express the rationale behind this principle in both of these forms. One of these supporting quotations is especially illuminating. In this quotation, Gilbert Harman argues,

Your initial beliefs and intentions have a privileged position in the sense that you begin with them rather than with nothing at all or with a special privileged part of those beliefs and intentions serving as data.²³²

In this quotation, the rationale behind phenomenological divergence is illuminated by connecting it to the initial starting point of deliberation. When we deliberate, our starting point is the beliefs we already have (or the pertinent ones at least). Starting with those beliefs, rather than "nothing at all" is very important, even crucial, to the process of deliberation. We start with those beliefs not because we just so happen to have them, but because we assume they have a "privileged position" in the sea of possible considerations that might be brought to bear on an issue or problem.

This observation's guiding rationale is expertly revealed by the contrast Harman uses to concisely capture its force. The alternative to assigning a privileged position to our initial beliefs is to start with "nothing at all," i.e., from "scratch" in our deliberations. To start from scratch in

²³¹ Gaus 2011, 240, Gaus 1996, 85.

²³² *ibid.*

deliberation seems not only wildly impractical (e.g., time consuming), but more importantly, to infringe upon an important experiential dimension of deliberation. We begin deliberation not as people with “nothing at all” to offer as initial considerations, but rather, with *something* worth contributing. That “something” may be as unsophisticated as the knowledge that conventional fires at homes or in forests are effectively fought with water; or it may be highly sophisticated knowledge, even “counterintuitive” knowledge about the fact that taking on more debt effectively combats financial crisis in a national economy, but not in home finances. Either way, our initial beliefs have a “privileged position” which we *experience* as being privileged. In the phenomenology of deliberation, what we initially believe may (j) require revision, or (k) be correct after all, but that ultimate outcome will yield different deliberative experiences for people depending on what they were proud to “privilege” initially when deliberation began.

Harman’s illuminating contrast explains why Gaus describes the substantiating rationale behind phenomenological divergence with the phrase “conservation of beliefs” and the term “conservativism,” when he claims that his point rests on larger epistemic principles. Given the need to avoid starting with “nothing at all,” we should reasonably expect some *conservation* of beliefs in our deliberation. Gaus further clarifies this “conservative,” substantiating rationale in his own words, when he writes, “Now I think this must be roughly right; though we want coherence, we seek to purchase it as cheaply as possible, by giving up as few beliefs as possible.”²³³ The “conservative” element in the principle underlying phenomenological divergence is in many ways a *practical* principle. Gaus offers an intuitive encapsulation of this substantiating rationale by articulating it as a commitment to experiencing our beliefs not as brute logical entities, but rather as “epistemic assets.” Each belief is an epistemic *asset* because we treat it as a benefit we seek to accrue, all the while training a constant eye on the related

²³³ Gaus 1996, 86.

costs, just like a “smart consumer.”²³⁴

Gaus explores this idea of an “epistemic asset” approach to beliefs at some length, ultimately teasing out its significance for debates in epistemology related to intuitionism and foundationalism. For present purposes, though, this “intuitive” encapsulation of the rationale behind phenomenological divergence is sufficient. It helpfully substantiates the claim that Alf and Betty encounter a serious, human issue when their beliefs call for different amounts of revision. There is a markedly different deliberative experience, or phenomenology, when one (j) has to change one’s initial beliefs, versus when one (k) discovers that those initial beliefs are already correct. The experience is different, and significantly so, because we approach deliberation not with empty hands, but rather with some initial set of beliefs we assume to be privileged among the sea of possible considerations that could be brought to bear on the topic of deliberation. Loosely speaking, the point is that phenomenologically divergent implications are a real problem because we privilege our current beliefs over every other possible belief ... we are “proud of them.” We would rather start with our initial beliefs as “something” worth considering than “nothing at all.” In this sense, deliberation begins with an assumed conservation of beliefs as epistemic assets that should be changed minimally, not simply cast back into the sea of considerations as just more content to be canvassed eventually.

Axel Honneth further illuminates the human side of these phenomenologically divergent implications, our “epistemic assets” are not only “beliefs” about the world, but also beliefs about the *social* world. Honneth writes, “For people who enjoy moral respect, obligations arising from social relationships normally act as limiting conditions on their moral deliberations”²³⁵

People who are recognized and thereby respected in their social spheres (e.g., the family,

²³⁴ *ibid.*

²³⁵ Honneth, Axel (2014). *Freedom’s Right*. trans. Joseph Ganahl. New York, NY: Columbia University Press.

community, work, etc.) enter practices of collective deliberation with related beliefs about what they owe to others in these social spheres. These beliefs may involve “norms of parenthood, collegiality, or friendship that determine our personal identity”²³⁶ They are particular to our social spheres and the relationships we have within those times and places. Particular as they may be to these contexts, though, they cannot simply be bracketed out of collective deliberation.

As Honneth argues, once we “ignore this context, as soon as we act as if we were not already committed to certain elementary norms, the fiction of an uninhibited subject arises, one that must derive all its principles from the abstract perspective of universal humanity.”²³⁷ To deliberate about universally acceptable principles and commitments with which to solve a problem (i.e., to pursue χ^*), while ignoring our first-personal commitments, creates a *social* form of phenomenological divergence as well in the form of a “fictional subject” without a personal identity or obligating relationships. To be Herculean reasoners, we must bracket not only our other, “first-personal” beliefs related to our individual lives, but also “first-personal” beliefs we have about our social world and what we owe to *some* others in that variegated space of highly divergent social roles. Thus, to ask that someone bracket “first-personal” beliefs will create a socially significant form of phenomenologically divergent implications as well. We must forget the norms of parenthood, collegiality, friendship, and social identity for the time being; however, what is decided while those socially relevant “first-personal” beliefs are bracketed will mean highly divergent things for people with divergent social roles.

As a result, whatever aims are established during Herculean deliberation “will ultimately lack any personalized character,” which Honneth argues runs a number of risks, including tendencies towards “social isolation,” “abandonment of all personal identity,” the forgetting of

²³⁶ Honneth 2014, 115.

²³⁷ *ibid.*

“immediate obligations,” and other “pathologies of moral freedom” associated with the “rigid moralism” of Herculean reasoners.²³⁸ Such “pathological” risks help illuminate the problem posed by phenomenologically divergent implications. Herculean reasoning demands not only that we bracket those epistemic assets related to what we know about the world or our own past lives, but also the “value that social relationships and attachments have for the totality of a person’s life.”²³⁹

Gaus and Deductivism

We can now see why Gaus’s arguments are relevant to meeting the deductivist’s challenge. As I mentioned earlier, Gaus’s analysis is focused on the third (3), “first-personal” variation on the indeterminacy worry. As this discussion of the phenomenology of deliberation shows, he is very much concerned with the first-personal dimension of decision-making. With regard to the deductivist’s challenge, this concern is relevant because he exploits it to show an internal weakness within any account of deliberation that begins with a shared belief ... as the principled deliberation championed by deductivist deliberative democrats surely does. More specifically, even if we start with the most wildly unrealistic, *Herculean* deliberators anyone can imagine, a form of “first-personal” indeterminacy will erupt from the internal assumptions of principled deliberation. Instead of allowing us to safely set aside those beliefs that divide us, deliberation that sets out from shared terrain creates a phenomenological divergence among those individuals involved because they are “proud” of their initial beliefs. The implications that arise when the principle is applied during deliberation will *demand* divergent,

²³⁸ Honneth 2014, 114-6.

²³⁹ Honneth 2014, 116.

phenomenologically easier or harder changes to the initial beliefs every citizen brings to decision-making with a certain amount of pride.

Given this phenomenological divergence, we should then *expect* that when citizens turn from their shared considerations to what they each, individually, personally believe-*d* at the onset of deliberation (i.e., *Stage 2*), indeterminacy will erupt. For some citizens like Alf, what was believed (j) requires little revision. For others like Betty, (k) massive revision to what was initially believed is called for. In the face of these divergent experiences at the second stage of deliberation, the question of what has been decided during deliberation is completely re-opened. Someone like Alf, we can safely assume, is going to simply continue with the trajectory of collective deliberation and act on what was decided there. After all, it implies exactly what Alf believed already. By contrast, for someone like Betty, the question will be completely re-opened, regarding what to actually adopt as a course of action. In the face of a collective decision that requires the wholesale abandonment of her epistemic assets (i.e., initial beliefs), or even just major revision to them, someone like Betty is very likely going to find it necessary to re-start deliberation all over again. In short, however successful citizens like Alf and Betty may be at arriving at a collectively endorsed set of beliefs (χ^*), their convergence on those beliefs says nothing *determinate* about the decision each will make individually when they step back and allow their “first-personal” beliefs back into deliberation. Convergence at χ^* yields only convergence at χ^* , not at $\chi^*+?$.

This point is worth repeating. We often like to think that if people reasoned collectively from a shared principle as their first premise, a determinate outcome for their own particular decisions would be forthcoming. Even more so, we like to think that if they reasoned in this way with identical, Herculean rigor, then the resulting convergence in shared beliefs, χ^* , would give

us a clear sense of what each would decide individually. For instance, if collectively deliberating citizens Alf and Betty arrive at χ^* , and that set includes a decisive consideration about how to act politically (e.g., whether to revolt), we would expect the actions each would pursue individually afterwards to reflect that decisive consideration and to be convergent as well (e.g., both Alf and Betty would revolt). However, if Gaus is right, divergent implications will arise the moment Alf or Betty considers to any degree the implications of this convergence on *their initial beliefs, which are epistemic assets*. Alf may suddenly find what was a “decisive consideration” is too distasteful in its consequences for his religious practices (i.e., some of his epistemic assets), which ask that one respect tradition and not overthrow it. Betty by contrast, may find that revolt fits neatly with her spirituality (or lack thereof), but that engaging in revolution is markedly at odds with her belief in the force of the better reason to dictate change. Once this divergence between Alf and Betty is observed, what was a decisive consideration collectively will have different, phenomenologically diverse bearings on how each will decide individually to act. Alf and Betty may now seem likely to jettison the decision they would have made when only χ^* was under consideration; however, it is indeterminate whether other, “first-personal” beliefs will change their views yet again. As a result, the phenomenologically divergent implications of principled convergence among Alf and Betty reveals a deep indeterminacy in the course of their deliberation.

Gaus organizes this set of reflections under the title: “Sensitivity to the Initial Set: The Root of Indeterminacy.”²⁴⁰ What this set of reflections identifies is the way in which different people are “sensitive” to the initial set of propositions from which deliberation proceeds. Even if that initial set is an agreed upon principle of the sort promoted by deliberative democrats like Gutmann and Thompson, or if it is an ideally coherent set of beliefs like χ^* , either way,

²⁴⁰ Gaus 2011, 239.

individuals are “sensitive” to the phenomenological uptake of that initial set in divergent ways. Moreover, this sensitivity is the “Root of Indeterminacy” because it takes even the most idealized, determinate convergence among Herculean reasoners and still manages to render its deliberative outcome indeterminate. What is “decisive” among Herculean reasoners is *not decisive enough* to determine (to render determinate) the results of deliberation for individuals with realistic sets of (divergent) beliefs. In light of these connections, Gaus’s “summary” statement quoted above now makes sense, having been sufficiently “unpacked.” The problem with principled democratic deliberation is that it assumes that for a citizenry, “what they initially believed had no effect on their final set of beliefs.”²⁴¹ Earlier, I said above that “we like to think” that people would converge in their decisions, if they began with a shared principle and reasoned in a Herculean manner. Now, Gaus tells us, the problem with principled democratic deliberation is that as much as we “like to think” along these lines, as much as it “seems” right to think along these lines, it is wrong to assume that our initial starting point has no effect on the final set of beliefs that will determine what we decide because *all* beliefs are epistemic assets. Phenomenological divergence will ensue as a result of our initial divergence in beliefs. Thus, it would be wrong to assume that principled deliberation somehow offers a way around the problem of divergent initial belief sets among participants in deliberation.

I will refer to this fundamental point behind Gaus’s reflections by a name that I believe better captures its thrust:

Neutral Starting Point Thesis. No starting point can be *equally basic* to both collective and first-personal deliberation (including “principles”).

The reference to a “neutral starting point” here, I believe, effectively captures the fundamental point Gaus makes about any attempt to locate a neutral starting point in practical philosophy. To

²⁴¹ *ibid.*

the extent that it is “basic” in one dimension, the starting point cannot be equally basic to both the shared and “first-personal” sets of beliefs over which deliberator(s) reason. The phrase “neutral starting point” is especially helpful for referring back to Gaus’s fundamental point, because deliberative democrats are so often invoking shared beliefs as preferred starting points for deliberation. In the above example drawn from Gutmann and Thompson’s work, for instance, it was noted that they quickly shift from defining deliberative democracy by way of its “reason-giving requirement,” to talking about how citizens “should appeal to principles that individuals who are trying to find fair terms of cooperation cannot reasonably reject.”²⁴² In doing so, their shift makes clear that they take principles to be a preferred “starting point,” and a “neutral” one at that, insofar as they are supposed to be “un-rejectable” from a certain perspective. Similarly, when Joshua Cohen describes the task of political philosophy and deliberative democratic theory as the provision of principles that can “guide” real democratic decision-making, his reference to “guidance” reflects the assumption that these principles will have a determinate upshot for real deliberators, *regardless of their initial belief sets*. In doing so, he fails to recognize that what he takes to be basic to a collective process of citizen deliberation is indeterminate in its practical consequences for the decisions individuals will actually make as political agents.

As these two examples illustrate, the Neutral Starting Point Thesis advanced in Gaus’s work pinpoints a deep, problematic indeterminacy at the heart of principled deliberation. Consequently, to suggest that my analogy-driven, “deliberative outlets proposal” is inferior to an alternative, more popular way of framing deliberation in terms of principles is to miss the heart of the matter under investigation in the present study. The indeterminacy worry, including its third, “first-personal” variant form, is the overarching concern in the present project. Thus, to

²⁴² Gutmann and Thompson 2004, 3.

suggest that analogy is inferior to a “principled” alternative account of democratic deliberation will only make sense if principled deliberation is superior in its determinacy. My rebuttal may seem weak. It may seem to amount to the claim that if principled deliberation is no more practically determinate than analogical reasoning, then we have no reason to prefer a theory of deliberative democracy that uses it over any other. However, as I hope to show below in my “third pass” at a formulation of my proposal, not only is principled deliberation poorly skilled to deal with the indeterminacy worry, it, not analogical reasoning, is actually the *inferior* form of reasoning for dealing with indeterminacy of a “first-personal” variety as well. Before I take up that claim, though, I turn to another potential objection to the priority I have assigned to analogical reasoning, namely: The objection that analogical “leaps” in deliberation offer little advantage over the leaps of “judgment” deliberative democrats have long identified in their accounts already.

The Humanist’s Challenge

In the last section, I considered how a focus on principled deliberation might seem to displace analogical reasoning as a preferred form of democratic deliberation; however, by drawing on Gerald Gaus’s work, I tried to show how principled deliberation offers a very problematic resource for dealing with the indeterminacy worry. This worry, it will be recalled, (especially in its third, “first-personal” variant form) inspired my focus on analogical reasoning in the first place. Unlike other deliberative democratic theories, which are simply focused on “reason” plain and simple, my heavy focus on analogical reasoning was meant to combat worries about the impracticality of democratic deliberation by both bringing it “down to earth” and reconciling it with more determinate and decisive majority rule mechanisms and associated

practices. In doing so, I claimed, the dynamism of deliberative democracy would be better realized as well.

In this section, I consider how deliberative democrats might yet again object to the special treatment I assign to analogical reasoning, but from a less technical direction. Much has already been said by deliberative democrats about the need for “judgment” in the exercise of democratic deliberation. This prior work on the crucial role of “judgment” in our attempts to make determinate sense of the idea of deliberative democracy is “humanistic” in a number of ways I pointed out in the first section of this chapter. As “humanism” is traditionally defined, its proponents champion the contribution made by literary and historical resources to seemingly unrelated activities (e.g., politics). Furthermore, as the term was originally coined, it was intended to convey the belief that these resources are not only important, but also essential to the very intelligibility of those later, seemingly unrelated activities. To redeploy Hegel’s analogy, literary and historical resources are the “vowels” with which all later activities – including political ones – are made intelligible in a determinate way.

This prior work on “judgment” by deliberative democrats is similarly humanistic insofar as it claims that the idea of deliberative democracy will be vague and indeterminate (as the indeterminacy worry alleges) until we allow some space for the narrative, personal history, and moral imagination with which literary and historical resources have long been associated by humanists. In many ways, this prior, “humanistic” work by deliberative democrats seems to overlap with what I have said in my exposition in the last chapter. Accordingly, one might object that the special role I offer to analogical reasoning is not really an advance beyond discussions of “judgment” that have long occurred in the relevant scholarly literature on democratic deliberation.

The sense in which what I offer is not really an “advance” over previous accounts is especially evident in my focus on the “deliberative leaps” that characterize analogical reasoning. More specifically, much of the dynamism of democratic deliberation that was highlighted by my analogical focus stems from the way citizens (and their representatives) respond to the underdetermination that pervades political life with *leaps of judgment*, especially when an election is on the horizon. When time and energy are limited and the “data” with which one must form a decision is informationally complex and enormous in quantity, a leap of judgment is a reasonable response (*and a dynamic one as well*). The very idea of a “leap” of judgment or “judgment call” is meant to convey that this deliberative task is dynamic in a very unique way. The issue here is that though deliberative democrats have indeed had little positive to say about the deliberative significance of majority rule procedures and their associated, they have at times nonetheless recognized the need for “judgment” in deliberation.

More specifically, many deliberative democrats have already observed that for all of their elaborate and lengthy discussion of the fundamental and definitive principles identified with deliberative democracy, those principles are restricted insofar as they must also be accompanied by “*judgment.*” Again, while no one has tied this process of judgment to the democratic dynamism of majority rule procedures and their associated practices, the space of judgment in democratic deliberation has often been observed. Consequently, the issue confronted by my deliberative outlets proposal (DOP.a-c) is that it has misstated the gap in deliberative democratic theory to which it is addressed. Deliberative democrats have sufficiently appreciated the need for judgment in democratic life, and thereby the philosophical problem I have unveiled, namely, underdetermination.

Before responding to this second way of objecting to the special role I assign to

analogical reasoning, it is worth surveying a bit of what has already been said by deliberative democrats about the need for judgment. Indeed, what judgment means in this setting is specified to varying degrees by deliberative democrats (which itself may be an act of judgment, as will become clear below). For some deliberative democrats, little is said beyond the mere invocation of judgment. Jon Elster, for instance, opens his analysis of one particular deliberative democratic setting, namely “constitution making,” with an almost immediate invocation of the need for judgment.²⁴³ By constitution making, Elster means the process of deliberation among elected peers through which a constitution is selected. One of the characteristic features of a constitution of this kind, Elster claims, is that it “regulates the most fundamental aspects of political life.”²⁴⁴

Almost immediately after introducing his topic, Elster expresses a concession to judgment: “what is and what is not fundamental is to some extent a matter of judgment.”²⁴⁵ In other words, no sooner does Elster introduce his topic and its characteristic features than he immediately concedes some space to the practice of judgment. In doing so, he makes it very clear that what he is saying about the fundamentals of a political situation like constitution making cannot be taken as given, but must be filtered through a process of judgment which makes the *particular decision* about what is and is not “fundamental.” Despite his concision, Elster nonetheless identifies judgment with a capacity for *identifying the fundamental in a particular context of political deliberation* (here: constitution making). After making this concession to the space of judgment, he then promptly moves on.

Other deliberative democrats write far more extensively about the practice of judgment. Joshua Cohen, for example, writes, “the application of the principles of justice themselves calls

²⁴³ Elster 1998, 97.

²⁴⁴ *ibid.*

²⁴⁵ *ibid.*

for judgment.”²⁴⁶ Even when principles are available to guide deliberation, Cohen claims, their *application* calls for additional considerations of “judgment” to actually make their application intelligible. He immediately offers an example to clarify:

... the application of the principles of justice themselves calls for judgment, for example, about the kind of constitution that best ensures the protection of political and personal liberties, about whether a proposed law infringes too deeply on a fundamental liberty, or about when efforts to ensure fair equality of opportunity have gone too far. Consider current debate in the United States about campaign finance. Translated into the terms of justice as fairness, the disagreement is about whether and how to restrict a liberty protected by the first principles - the right to political speech - to ensure the fair value for political liberty which is also required by the first principle.²⁴⁷

Here, Cohen describes how even with the principle of “justice as fairness” in hand, the application of that principle still involves an additional deliberative process of “judgment” to make it apply to a *particular decision*. Like any principle, this one must be “translated” into a problem-solving context where its implications are sometimes not only divergent in practical consequences, but also need to be weighed against one another. In the context mentioned here, a principle requires a balancing between two liberties that flow out of that principle, but which stand in tension such that there is currently a debate and point of disagreement. As with Elster, the idea here is that judgment is the process of combining our concern with fundamentals (here, principles) with the particular details of a situation to arrive at *particular decisions*. Has the application of a principle of justice gone “too far” in a particular decision? Would a particular decision infringe upon a principle “too deeply”? These kinds of questions concern the way in which fundamentals “apply” in particular decisions, and “judgment” is just the name for this process of application of fundamentals to particular decisions.

²⁴⁶ Cohen 2003, 128.

²⁴⁷ *ibid.*

Benhabib's Exposition of the Humanist's Challenge

Seyla Benhabib has developed one of the most extensive treatments of judgment in the setting of deliberative democracy. Like Cohen, Benhabib also believes that judgment is needed to translate principles into a particular context of decision-making, to make *particular decisions* by applying principles to the particulars of a political setting. Benhabib begins with the invocation of the deliberative view, writing,

In a democratic polity agreement among citizens generated through processes of public dialogue is central to the legitimacy of basic institutions. Such dialogues submit the rationale behind the major power arrangements of societies to the test. Insight into the justice or injustice, fairness or unfairness of these arrangements gained as a result of such dialogic exchanges results in public knowledge won through public deliberation.²⁴⁸

In this passage, Benhabib rehearses the familiar tenets of the deliberative view of democracy, according to which a “democratic polity” is concerned with the use of dialogue to test the rationale behind various political structures, resulting in “public knowledge won through public deliberation.” However, as she proceeds to note, “when we reach this judgment as a result of participatory politics we not only have the assurance that we can support our position by principled argument but also, and more importantly, we form a judgment having submitted our opinion to the test of the judgment of others.”²⁴⁹ Here, Benhabib declares her support for the popular focus on “principled argument” among deliberative democrats, but she also (like Cohen and Elster) concedes that principled argument is *not the strict and sole determinant of deliberative outcomes*. In addition, she adds, a “faculty of judgment” must be cultivated to form an “enlarged mentality,” the latter expression being one she borrows from Hannah Arendt’s work on Kant and judgment.²⁵⁰ Her more detailed account will help pave the way to subsequent stages

²⁴⁸ Benhabib, Seyla (2001). “Judgment and the Moral Foundations of Politics in Hannah Arendt’s Thought,” in *Political Judgment*. ed. Rudolf Beiner. Chicago, IL: University of Chicago Press, 183.

²⁴⁹ *ibid.*

²⁵⁰ *ibid.*

of this project, so I dwell on it at greater length here than the other accounts mentioned above.

To understand Benhabib's treatment of judgment, it is crucial to see that it emerges as a response to the limited determinacy of principled argument in democratic decision-making that was just observed. As Benhabib claims, democracy is notable for its transfer of power from experts, with their special knowledge and extensive experience, to a public that diverges in these matters.²⁵¹ From this common observation about popular rule, it follows that democratic politics cannot be a domain of expert knowledge and experience, but must instead orient deliberation around considerations that are accessible to a "public" or *demos* (people), being "universal" in a sense. Principles naturally fit into this vision of deliberation. Since principles have a context-transcending reach and generality, they are well-suited to orient a "public" by a commonly accessible standard, rather than a group of experts oriented around considerations that are by their very nature elite.

Judgment enters the picture here because Benhabib acknowledges a form of "interpretive indeterminacy" in the use of principles as public standards for deliberation.²⁵² The "multiplicity of contexts and life-situations with which practical reason is always confronted"²⁵³ create a barrier to the straight-forward use of principles to determine the outcome of deliberation outright. In creating such a barrier, the particulars of a given context of deliberation ask us to "take seriously the claims of community, gender, and postmodernism" regarding the ability of an autonomous individual to act rightly in the world by simply putting universal, rational principles into action. Other persons matter not only as co-deliberators with equal access to universal propositions like principles. They also, like ourselves, act in light of their own "life histories,"

²⁵¹ Benhabib 2001, 187.

²⁵² Benhabib 2001, 190, Benhabib, Seyla (1986). *Critique, Norm, and Utopia*. New York, NY: Columbia University Press, 134-6.

²⁵³ Benhabib 1992, 3.

which call out for “empathy, imagination, and solidarity.”²⁵⁴ The “claims of community, gender, and postmodernism” are resonant with this deference to personal narrative or life histories. We cannot simply act on principles without also imagining the life histories of others with whom we are involved, empathizing with those who have suffered, or acting in solidarity with our co-deliberators. Interpretive indeterminacy is the phrase Benhabib uses to refer to this barrier to the straight-forward use of principles in deliberation, and it is the process of overcoming this barrier that she associates with “judgment.”

The deeper question here is *why* Benhabib believes judgment, by which I mean the process of overcoming the barrier of interpretive indeterminacy, is necessary for principled deliberation. Why can’t we simply act on our principles in a straightforward manner?

Benhabib’s response to this problem has *two* major components. First (1), she claims that interpretive indeterminacy is a barrier because without knowing the particular details of a context, we cannot tell the difference among particulars involved in a decision. Benhabib uses the term “individuation” to refer to this first component. In deliberating, we need to know the difference between ourselves and others. Here, “individuation” by reference to personal histories is essential to being able to tell how persons with equal rational capacity are nonetheless not identical beings when it comes to decision-making.²⁵⁵ If we deliberate with the same universal principles and the same universal rational capacities, then it seems to follow quite naturally that we do not really need to empathize with others or imagine their life circumstances. This point resonates with Gaus’s arguments against deductivist democratic deliberation. If we do not appreciate that each person has “epistemic assets” initially, when deliberation begins, which have not only a logical force, but a phenomenological dimension as well, we fail to recognize why

²⁵⁴ Benhabib 1986, 349.

²⁵⁵ Benhabib 1992, 163.

empathic understanding is important for deliberative success.

Furthermore, we also need to defer to our life histories to individuate the actions that we deliberate upon and ultimately decide to do.²⁵⁶ To be able to tell the difference between one action and another, we rely heavily on our personal narratives of our life histories. The reason we need to defer to these narratives to individuate actions is that often an overt behavior is consistent with more than one description of its intention.²⁵⁷ Someone may be said to vote for a particular candidate because that candidate espouses a common set of egalitarian principles with the voter, or because the voter will receive more government subsidies if that candidate goes into office. To know whether the person is voting in a principled or self-serving manner, i.e., what the person is doing when voting (their action), we therefore need to individuate among these actions. For Benhabib, this individuation is tackled by reference to personal histories. For example, if we know the voter in the current example to have been a *lifelong*, ardent, unceasing champion of egalitarianism, we will use the principled description.

As this example clearly shows, we use narrative content to figure out which principles are relevant for describing an action. Without reference to the lifelong egalitarianism of this particular voter, we would not be in a position to make a particular decision about how to describe the overt behavior of the individual (i.e., who was voted for). Knowing someone to be a lifelong champion of egalitarian principles makes it easier to individuate a principled form of behavior, from a strategic, self-interested one. Similarly, in deliberation more widely, our particular decisions are made in a principled way by using the particulars of a context to figure out which principle is relevant. An “indeterminacy” exists with regard to the numerous ways of individuating the options from which we must choose when deliberating. “Interpretation”

²⁵⁶ Benhabib 1992, 126-7.

²⁵⁷ *ibid.*

overcomes the barrier posed by this indeterminacy by turning to the particular for guidance on the decision. Judgment, then, is the use of such interpretation to pick the relevant principles for framing decisions.²⁵⁸

The second (2) component of Benhabib's response is that she sees this interpretation as also fundamentally an interpersonal process of consideration. As she writes,

In other words, what I do, which course of action I decide upon, involves some interpretive ability to see my act not only as it relates to me but as it will be perceived and understood by others. I must have enough moral imagination to know the possible act descriptions or narratives that my action can be subsumed under.²⁵⁹

Not only does narrative content help us overcome the indeterminacy posed by the individuation of any particular action, but that narrative content also matters insofar as it takes an interpersonal form. For instance, we consider not only how our behavior may best be described by reference to our long cherished egalitarian principles, but also by reference to how others would assess those principles as more or less "long cherished" reference points for describing our behavior as "principled action," rather than "strategic action." Accordingly, in our voter example, the individuation of a principled vote from a strategic one is carried out by considering all of the diverse people who might appreciate or fail to appreciate the principled life history behind the behavior. "Moral imagination" is called for here, not straight-forward application of principles to particular decisions. We need to think through, empathize, imagine, and reflect upon the viewpoints of others to understand the behavior as significantly one *kind* of action rather than another.²⁶⁰

Furthermore, as Benhabib observes, the interpersonal dimension is essential to the ways in which we learn about ourselves through the collective process of individuating actions. After

²⁵⁸ Note the similarity with Habermas 1996, 217-237.

²⁵⁹ Benhabib 1992, 128.

²⁶⁰ I pick up on the significance of this language of "kinds" in the fifth chapter.

the onset of behavior, we often discover something about ourselves. We gain some “self-knowledge” when others help us realize how that behavior fits into our personal life histories. In acting, we “become the object of the tale of others,” as they attempt to describe our behavior with descriptions that fit it into various narratives about our life histories. The results of such tales and our openness to acknowledging them is that “sometimes we do not know what our intentions are or may have been until our actions have become a part of the world.”²⁶¹ Others can help us see how our behavior is best described one way rather than another. Thus, in our prior example, the principled voter may quickly form a decision about how to vote and vote accordingly, never really thinking in very great detail about the reasons behind that behavior and how it constitutes an example of principled action. Nonetheless, the voter may later learn from others that this rapid deed was actually a very principled one, especially given many temptations to act more selfishly by behaving in alternative ways. In response, the voter may say that those alternatives were never even considered or evaluated. The voter may also say that reasoning was never really very elaborate. However, self-knowledge will still be gained when that behavior too is individuated under an act-description of principled “egalitarianism” at work.

These two components (1-2 above) of Benhabib’s response to interpretive indeterminacy explain why she believes “judgment” is necessary for the application of principles. We cannot, as she declares adamantly, simply subsume particular decisions under universal principles. True to the various critiques advanced by earlier theorists against principled rationalism, our capacities for imagination, empathy, and solidarity are essential to human action. These capacities allow us to figure out which principle to use and how to describe our behavior as various individuated actions, which we “know how” to do by taking into account narrative content from an interpersonal array of perspectives. Benhabib summarizes this point, when she

²⁶¹ Benhabib 1992, 128-9.

writes,

The assessment of morally relevant situations cannot be explained in light of the subsumptive model of judgment; the identification of morally correct actions requires moral imagination of possible act descriptions and narratives under which they fall; and the interpretation of one's intentions and maxims entails comprehension of narrative histories - both one's own and those of others.²⁶²

As this passage succinctly states, the reason “why” the application of principles requires judgment is that we cannot even identify behavior as morally correct action (we cannot individuate behavior under one of the many normatively loaded, principled descriptions available) without reference to “narrative histories.” These narrative histories are interpersonal because they are “both one's own and those of others.” Benhabib helpfully labels this set of lessons under the heading of a “phenomenology of moral judgment.”²⁶³

Clearly, Benhabib lends a great deal of detail and sophistication to the topic of “judgment” as it relates to collective deliberation. Moreover, she also applies the results of this more detailed and sophisticated account of judgment in her work more directly dedicated to deliberative democracy as an ideal, building explicit bridges to that earlier research by describing it as what she has “indicated elsewhere.”²⁶⁴ Indeed, in her work on deliberative democracy, her analysis often mirrors the order of investigation of her discussion of her investigation of the phenomenology of moral judgment. For example, after introducing “the deliberative model of democracy,” she then turns to framing it in terms of principles which are said to require a situated interpretation in terms of imagination, empathy, and solidarity. She states, for instance, that her approach “formulates the most *general principles* and *moral intuitions* behind the validity claims of a deliberative model of democracy,” these principles being “norms,” which she

²⁶² Benhabib 1992, 129.

²⁶³ *ibid.*

²⁶⁴ Benhabib 1996, 78.

parenthetically defines as “general rules of action and institutional arrangements.”²⁶⁵ Here, her references to “general principles, “norms” and “general rules” all mirror her earlier starting point in principled universal propositions and norms.

Moving ahead, we learn, however, that these principles cannot be applied in a straightforward manner. For example, we hear again in this work of what we “have learned from all the criticisms of rationalism in the last three centuries,”²⁶⁶ and that on the basis of these criticisms, judgment is necessary for the application of these principles. More specifically, we learn that an interpersonal application of these principles is necessary. For instance, in the case of rights, the normative content they provide is different from “a Kantian deduction of the concept of right” or “a Rawlsian construction of the ‘original position,’” insofar as it privileges “practical debate as ... the appropriate forum for determining rights claims.”²⁶⁷ In this statement, Benhabib delineates her own position by arguing that claims involving rights are *determined* by an interpersonal process of “practical debate,” rather than simply through a subsumptive “deduction of the concept of a right” or an abstract process at a remove from actual interpersonal relations. Here, the second (2), interpersonal component of Benhabib’s response to interpretive indeterminacy comes to the fore. The content of rights is determined by a process of interpersonal judgment among persons, not *in abstracto*.

The additional detail and sophistication of Benhabib’s account of judgment marks a significant change from the more cursory remarks by Elster and Cohen. However, the structure of her account maps onto the contours of their remarks quite well. As with Cohen, here too we are learning that principles cannot be applied to a decision without being “translated” into the particular context of that decision. For Cohen, that translation required weighing the various

²⁶⁵ Benhabib 1996, 70.

²⁶⁶ Benhabib 1996, 78-79.

²⁶⁷ Benhabib 1996, 78.

implications that derive from the principle and assessing points of tension *through debate*. Essentially, judgment involves combining our concern with fundamentals like principles with a debate about their implications for the details of a particular situation and the decision it demands. These debates involve questions of degree (“too far”) and depth (“too deeply”).

Similarly, Benhabib stresses the role of interpersonal assessment, though she expands that concept to include more than just “debate.” Additionally, she is sensitive to the need for interpersonal assessment to include narrative content. In expanding the concept along these lines, she believes deliberation attains a quality of judgment that is defensible against the criticisms of principled decision-making leveled by critics of rationalism over the past three centuries. Though far more concise in his statement, Elster’s remarks about judgment share the same structure. Like Cohen too, he stresses that judgment involves our capacity to apply fundamentals, like principles, to particular decisions by interpersonally assessing questions of degree and depth. For all of these philosophers, then, judgment is perhaps best defined as the application of fundamentals like principles to particular decisions through a process of interpersonal assessment.

Deflating the Humanist’s Challenge

This brief survey of work on judgment among deliberative democrats raises a question for my own focus on analogy. Does my focus on analogy, like Benhabib’s focus on narrative content, *simply add more detail* to a claim already made by a number of deliberative democrats? Have I not simply suggested that in addition to narrative content, we should also consider the role of analogy in the process of judgment that translates the fundamental concerns of the citizenry (i.e., principles) into particular contexts of decision-making? If so, to what extent does

my focus on analogy do anything more than add detail to a well-developed idea already found in the work of others? Essentially, the question being raised here for my own focus on analogy is a challenge to say what is really “news” in my account for the many deliberative democratic theorists who are already sensitive to the role of judgment in political deliberation. As I attempted to characterize these deliberative democratic theorists, their guiding idea is a “humanistic” one. Like the “humanists” who were originally associated with the *trivium* in classical liberal arts education, so too these deliberative democratic theorists stress the significance of literary and historical resources for the attainment of excellence in any human practice, be it politics, decision-making in general, or even theoretical work. For instance, when Benhabib writes that “the identification of morally correct actions requires moral imagination,” she makes a humanistic point (again, assuming this definition of the term).²⁶⁸

Given this association with a humanistic orientation, the question now posed as a challenge to my focus on analogy might most vividly be described as the *humanist’s challenge*: What is ‘news’ in my account to those deliberative democrats who already espouse a humanistic orientation towards deliberation? To what extent, devotees of this humanistic work on judgment will want to know, does my talk of “deliberative leaps” add anything new or important to what has already been said about the problematic indeterminacy in democratic deliberation, albeit under the heading of “judgment” rather than analogical reasoning?

I have two responses to this question. The first of these responses shares the same concern with the indeterminacy worry that I expressed in the last section. This work on judgment by deliberative democrats, I contend, offers surprisingly little support for deliberative democracy in the face of the variant forms of indeterminacy with which I am so concerned in this project. More specifically, the divergent implications identified by Gerald Gaus as a

²⁶⁸ Benhabib 1992, 129.

problem for deliberative democracy are not seriously offset by this work on the need for judgment. Consequently, the threat to my account posed by this work on judgment is deflated. My second response to this question will be addressed in the next chapter. There, I will take up the problem posed by this question more directly and offer a “third pass” at my proposal. In doing so, I will highlight the *philosophical* difference between my deliberative outlets proposal, with its heavy reliance on analogical reasoning (especially CPAR), and prior work on democratic deliberation.

Before moving on to the that third pass, though, I first need to reflect on the sense in which this work on judgment by deliberative democrats does surprisingly little to offset the indeterminacy worry and therefore is deflated as a challenge to my deliberative outlets proposal (DOP.a-c). The most obvious continuity with my analysis in the last section is that the structure of judgment replicates the two stage (*Stage 1 & 2*) process of deliberation described by Gaus and identified as a source of indeterminacy. Judgment still shares with principled deliberation the same starting point, namely: “an initial set of propositions,” which deliberators are supposed to share. As a result, judgment can be said to begin with what was labeled as “ χ ” above, a common set of shared principles and other propositions. The process of judgment itself then proceeds to “translate” χ into a particular setting in which a decision has to be made by way of interpersonal assessment. At this time, Benhabib tells us, the personal life histories of those involved play a crucial role. Importantly, we figure out *what to actually do* in a particular context of decision-making by taking into account this personal narrative content. This point is important, because it very clearly underlines the sense in which each person’s own, personal, individual, private set of propositions is ultimately the *decisive* matter. Benhabib’s discussion of the individuation of action by reference to interpersonal assessment of narrative content underscores this point still

further. To draw on the example I used above, we cannot even describe actions, we cannot even individuate one action as principled or strategic, as egalitarian or selfish, without reference to individual life histories and their associated “first-personal” perspectives. As a result, the “first-personal” really is the decisive matter in deliberation for Benhabib. What it means to deliberate towards a *decision about how to act* in a describable way, rather than how merely to behave, is defined by the “first-personal” stage (*Stage 2*) of deliberation, called “judgment.”

At this point, the perfect replication of the indeterminacy-yielding kind of deliberative judgment described by Gaus comes into full view. To say that the “first-personal” segment of judgment is decisive is equivalent to agreeing with Gaus that (*Stage 1*) χ is not enough to *determine the outcome of deliberation*, i.e., action. Another stage in the sequence of deliberation (i.e., *Stage 2*) is needed, namely, “ χ + the first-personal,” (i.e., $\chi + ?$) To use the variables selected by Gaus for the “first-personal” perspectives of Alf and Betty, namely α and β respectively, we can rephrase this point as follows. What it means to engage in judgment is to translate χ into a particular context of *action*. This translation proceeds by incorporating the first-personal, narrative content of each person’s perspective into decision-making. In the case of Alf and Betty, this process of translation involves moving from a Herculean χ to the context of action, which is to say, $\chi + \alpha$ and $\chi + \beta$, respectively. Rephrased with Benhabib’s own terminology, we begin with shared principles and then move into the interpersonal and narrational interpretation of those principles. If we now combine her description of the stages of judgment with Gaus’s variables for representing the stages of deliberation, the perfect replication of the two processes of decision-making pops into view: Beginning with shared principles (χ), we then take up the process of interpreting their bearing on a particular decision by communicating and reflecting on our individual life histories (e.g., α , β). At this second stage, judgments are formed

($\chi+\alpha$ and $\chi+\beta$) about the action each person (Alf and Betty, respectively) will individually take.

Once we appreciate this replication of the same 2-staged deliberative structure, we can see how very little this work on judgment does to offset the indeterminacy worry. The phenomenological divergence that applied to principled deliberation is only further underscored by Benhabib's insistence that individual life histories are crucial to turning deliberation into action. From a shared principled, each individual will find that divergent life histories mean divergent implications for their body of personal beliefs (e.g., α or β). For example, deliberation might proceed from a shared principle that maintains, universally, that all human beings have a dignity that makes them equal as persons.²⁶⁹ Consider how Alf and Betty might have divergent, first-personal life histories. If Alf has, during his life history, struggled to be recognized for his equal intellectual capabilities in a society that tends to think very little of the intellectual capabilities of people like him, he will have a set of first- personal beliefs (α) about his own history and its meaning. Among these beliefs (α), some may be that in the past, he deserved equal recognition from others for his intellectual capabilities, and accordingly, he deserved equal investment in his intellectual development. For instance, when a school would not permit him access to advanced coursework in mathematics because "people like him aren't capable of passing the class," he perhaps came to believe (α) that all people, on account of their equal dignity, deserve equal access to educational resources.

Betty, by contrast, has struggled to convince others that on account of her traumatic childhood, she deserves more educational resources than others have been given access to or are even able to get access to in a current system. Certain words and phrases associated with encouragement and evaluation, even when offered with good intentions, cue traumatic responses

²⁶⁹ This example draws on a "divergent" implication identified in Wood, Allen (2014). *The Free Development of Each*. Oxford, UK: Oxford University Press, 252-274.

on her part and lead her to “overreact,” making her doubt her own abilities and quit tasks before she would otherwise accomplish them. Getting others to recognize this need has been a lifelong struggle that has often required justifying the assignment of resources to her that took away from educational offerings to others. For instance, a teacher was unable to teach an elective mathematics course because of the teacher’s heavy investment in teaching Betty in a very specific manner during separate tutorial sessions. Consequently, Betty has beliefs about this personal history and what it means (β). Among these beliefs is the idea that resources should not be distributed to students equally, but rather unequally and in proportion to specific needs. A student with a traumatic childhood deserves a disproportionate amount of a faculty’s time and energy in comparison with students lacking such trauma, but otherwise similar.

Both Alf and Betty are able to agree that all people have a dignity that makes them equal as persons (χ). Betty thinks that she has the same worth as her peers who also graduated from the school she attended. Alf also thinks that his peers at school had the same dignity. Thus, when a particular decision needs to be made about the educational system they both attended, they might (*Stage 1*) begin to deliberate about what to do by starting off with this shared principle (χ): All people have a dignity that makes them equal persons. Moreover, they may even agree (as unlikely as it may be) to the same criteria for reasoning (e.g., same logical criteria), though perhaps after some discussion. These criteria would therefore be added to their shared beliefs arrived at during the first stage of deliberation: χ^* . Additionally, they may agree about all manner of facts about the educational system they both attended. For example, they may agree that it was rife with injustices, biases, and other problems in its distribution of educational resources. Some of these points of agreement may also be the result of discussion. Either way, these considerations might also be added to χ^* . Something has to be done, they

further agree, and come to the conclusion that they need to volunteer their services at the school. Their shared principle of respect for all people at the school as equal persons leads them to this action.

However, when it comes to actually *rationaly planning* how to put this conclusion of their deliberation *into effect*, suddenly, phenomenological divergence erupts and indeterminacy explodes. Alf's life history (α) suggests that everyone needs equal access to educational resources. As a result, he states that they ought to enter the school and advertise their availability as volunteers equally to all of the students, perhaps with signage or with an announcement on the school broadcast system. By contrast, Betty's life history (β) leads her to believe volunteering should first be targeted directly to those who need it most. Whatever volunteer hours they have that are not taken by those who need it most should then be offered to those of less dire, but still significant need. If any volunteer hours remain, a similar process of offering their volunteer time to those of greater need *first* should be maintained until all hours are distributed or all students have been contacted.

As their different strategies suggest, Alf and Betty put their shared commitments (χ^*) into action in highly divergent ways. More importantly, though, their strategies seem to be clearly determined by their first-personal beliefs about their life histories (α or β , respectively). Indeed, their first-personal beliefs determine their strategies so obviously that it raises the question of what contribution their shared commitments (χ^*) are even making to *the determination of their actions*, or at least to the rational plans they are making about what to do. In other words, it is not clear that $\chi+\alpha$ and $\chi+\beta$ are so different from α and β . Indeterminacy emerges here in precisely the way Gaus imagined. From a shared principle, action is not directly determined or even determined in any meaningful way. The results of the first stage of deliberation (*Stage 1*),

no matter how Herculean and idealized (χ^*), *under-determine* actual decisions people make about what in fact to do. *Both* of their strategies are *equally consistent* with their shared principle of respect for the dignity of persons and even its associated beliefs. Here, the natural rebuttal is to say that at least they agree to counteract the injustices in their educational system; they at least agree not to donate money to the biased members of the faculty. The elimination of optional courses of action in this way does seem significant, as was mentioned above in our earlier discussion of the role of principles in deliberation and deliberative democratic theory. However, indeterminacy remains in abundance because underdetermination obtains.

Of greater significance still is how very much this underdetermination aligns not only with Gaus's analysis, but also with the way the process of judgment is described. As Cohen said, the questions addressed by judgment are whether any particular plan of action or event has gone "too far" or has infringed upon a principle "too deeply." In other words, the questions addressed by judgment just are the questions we ask when we *actually determine* what to do. The vagueness of these phrases, "too deeply," and "too far" *makes it very clear that judgment is little more than a label for the problem of underdetermination in democratic deliberation*. More than one course of action is consistent with acting on principles of justice. We are therefore left with vague, indeterminate questions that seem only capable of vague, indeterminate answers about what is "too far" and "too deep" an infringement.

Benhabib's response at this point might simply be to suggest that deliberation has been cut off too prematurely in my example of Alf and Betty. To determine what they actually ought to do, they should share their life histories (α and β). This narrative content, when it is given an interpersonal expression, provides an interpretive response to the indeterminacy that she recognizes as natural to principled deliberation. If Alf heard Betty's story (β), and they

evaluated its meaning together, they could much better determine what to do. Interpretive indeterminacy would be offset by actual interpretation. We figure out how to offset the risks of a rationalistic focus on principles by deferring to narrative content and reflecting on it interpersonally. Only then can we become sensitive to issues of oppression through acts of imagination and empathy. Thus, Alf would imagine himself in Betty's shoes, something he had never done before. He would think about the way trauma impacts cognitive functioning, imagining a way of life he had hitherto never really considered as a perspective on the world. He might then agree to Betty's strategy and suggest, instead, that they contact teachers and ask about their neediest students.

However, by the same tactic, Betty might empathize with Alf's story of struggle to get equal access to educational resources (α). He might therefore find that Betty agrees with him. They should plan to advertise their services broadly. I say "however," here, because we seem to be back in Joshua Cohen's incredibly vague, underdetermined and indeterminate space of judgment. What can we say, philosophically, that would lend any kind of detail or structure to the results of this discussion between Alf and Betty? Are we not back in the terrain of vague questions of "too far" and "too deeply"? Interpretation seems to only recognize the indeterminacy of principled deliberation, rather than actually *offset* the problematic underdetermination at its heart.

This difficulty can be given a still more precise analysis. If we agree with Benhabib that the response to the problem of underdetermination here is an interpersonal reflection between Alf and Betty about their own narrative histories, then we seem (yet again) to have some options eliminated by the theory, but no real guidance regarding the remaining options (i.e., we have the problem of underdetermination). On the one hand, Alf and Betty could share their stories and

agree that something has to give in their first-personal perspectives (α and β , respectively). Something does have to change. However, their shared commitments (χ^*) offer no guidance on which beliefs from their first-personal perspectives (α and β) need to change.

Worse yet, as Gaus was shown to demonstrate above, whatever does need to change is going to mean very different outcomes for each of them. If they agree to offer their volunteer services equally, Betty will be suppressing all kinds of heartache about the problems of a society that offers its resources in an egalitarian manner. The times in the past that she argued so vehemently against egalitarianism as a basis for denying her special resources, or the times she challenged those who criticized her teacher for helping her instead of teaching that elective course, provide a horizon to her deliberation with Alf that will make adopting Alf's strategy very different phenomenologically from the way adoption of the same strategy will impact Alf. Thus, we can see why Gaus believes that we might as well consider deliberation to have started anew when first-personal considerations are taken up in deliberation.

For Betty, the phenomenologically divergent implications that arise from principled deliberation raise the question, *all over again*, of whether Alf's strategy is really the right one to act on. When she walks into the school, freshly printed signs in hand, and memories begin to flash back regarding her time at the school, she will be able to ask herself, all over again, whether Alf's strategy is really the right course of action for putting their shared beliefs into effect. The beliefs with which she initially entered deliberation with Alf, which maintain that equality of access is the wrong heuristic for guiding thinking about justice and resources, *were very hard won*. They stand for years and years of daily responsiveness to her environment. Consequently, when memories flood her mind as she walks down the hall with freshly printed signs in hand, part of what she is *experiencing* (i.e., the phenomenology of her deliberation), is

remembrance of how those initial beliefs were hard won *epistemic assets*, not mere starting points for discussion.

Even more to the point, we are likely to expect that in rationally planning how to put those shared beliefs into effect, the phenomenological overload of gushing memories Betty encounters when she walks into the school is *very likely to cause her* to change strategy. A rich past trumps a collectively reasoned conclusion, it often seems. Moreover, not only is it very likely that she will change the plan, but it is also *probably very rational* for her to do so as well. When she walks in that door and her memories flood her mind, she is very likely to come to the conclusion that despite Alf's excellent arguments earlier, "he is wrong." His strategy will backfire. It will not offset the injustices at the school. Once all students have equal access, those who need it least (the most advantaged) will take up so many of their hours in aggregate that the remaining hours for those most needy will be inadequate to the depth of their needs. Her phenomenology trumps her reasoned conclusion with Alf because it seems to say something more reasonable about their plan than anything they discussed when they debated their strategy together earlier and shared their personal histories.

Judgment as a Label for Underdetermination in Politics

As I hope this example reveals, adding "judgment" to principled deliberation does little to offset its latent indeterminacy. What we end up with, rather, is *merely a label* for the problem of underdetermination that results from principled deliberation. Principles may narrow our range of options for deciding what to do in a particular situation, but they do little to actually determine our specific courses of action. Like Betty in the hallway with her printed signs in hand, people

more generally seem to give more weight to the rich phenomenology of their first-personal considerations in deciding on particular courses of action than they do principles and other abstract, universal considerations. The result is a recapitulation of the Neutral Starting Point Thesis. No content that is basic to a process of collective decision-making is basic in a determinate way when it comes to individual action. Again, like Betty in the hallway, the latter process more or less starts the sequence of deliberation about what in fact to do all over again, albeit perhaps with a slightly narrower range of options to choose from.

The relevance of Gaus's worries about indeterminacy has been investigated at some length in this section. However, it may nonetheless be worth concluding this chapter with some of Gaus's pithy remarks about deliberative democracy, just to further underscore the points made here. As Gaus describes deliberative democracy, it is "A current fascination in contemporary political theory" that is "held captive by the highly idealized picture in our mind's eye of the Athenian polis: why can't we again be like that? (Was it ever like that?)"²⁷⁰ As these remarks make abundantly clear, Gaus is skeptical of deliberative democracy because of its "idealized" basis. This "current fascination" garners more detailed criticism when he observes,

Deliberative democracy supposes that our differences in evaluative standards are, as it were, only on the surface. Once we reason together and talk things through, deliberative democrats hold that our value orderings will be transformed; the range of disagreement will so radically narrow that the problems of social commensuration will become fairly insignificant, if not vanish altogether.²⁷¹

In this passage, Gaus criticizes the idea that democratic deliberation could *sufficiently narrow our range of differences* to the point where people could really agree on a course of action. In the terms used above, he is criticizing the faith deliberative democrats have in the capacity of a citizenry to arrive at anything like χ^* , such that it would prevent the divergent beliefs among the

²⁷⁰ Gaus 2011, 387.

²⁷¹ *ibid.*

citizenry (e.g., α and β) from plugging up the process of political decision-making with non-collective considerations. This idea, as he describes it, is a supposition that the standards we use to evaluate are only different “on the surface.” When it comes to decision-making, where we differ is the kind of superficiality that would be changed with a sufficiently in-depth discussion. As Gaus declares, “Surely, though, this is a fantastic claim,” a declaration he supports by drawing attention to the fact that even deliberative democrats themselves recognize that deliberation *never sufficiently narrows* our options to allow for a decisive determinacy in political life.²⁷²

Above, the “problem of underdetermination” has come to serve as a label for this worry about indeterminacy. Though our principles may eliminate some options (e.g., Alf and Betty will not donate money to the most biased faculty members at their school), they do not narrow our range of choices down sufficiently to allow us to determine our course of action. Alf and Betty’s divergent strategies about how to put their shared beliefs into effect is a case in point. As Gaus concludes, due to this underdetermination, “democratic procedures simply are not up to the task of collective commensuration.”²⁷³

²⁷² Gaus 2011, 387-8.

²⁷³ Gaus 2011, 388.

Chapter Four: The Logical Interpretation of Political Judgment

Towards a Third Pass

In the last chapter, I considered two challenges to my proposal's focus on analogy. The first, which I called the deductivist's challenge, questioned the value of orienting deliberative democracy around the inductive argumentation associated with analogical reasoning, rather than the deductive argumentation that is identified with the principled reasoning regularly preferred by deliberative democrats. The second challenge, which I called the humanist's challenge, observes that much of what I am saying is so similar to what has been said earlier by those deliberative democrats concerned with the role of judgment in politics, that it is unclear what is really "new" in my focus on analogy. In response to these challenges, I tried to deflate the challenge they really pose to my proposal. Advocates of these challenges employ the use of the very same conceptual framework that Gerald Gaus pinpoints as the source of deliberative democracy's indeterminacy. As a result, these two challenges cannot be a serious threat to any proposal that is trying to move beyond the framework that is responsible for the problematic indeterminacy of deliberative democracy (as my own proposal does).

Of course, *deflated* as a "serious threat," these challenges may nonetheless remain a source of concern. Deflating the force of any challenge is not as satisfying a response as actually meeting the challenges head on. The question that remains, then, is what my proposal achieves that marks a serious improvement over the focus on principled deliberation and judgment in past work on deliberative democracy. Does my proposal's focus on analogy "win by default," simply

winning some additional *bit* of determinacy for the deliberative approach? Or does my focus on analogy offer a *significant* advantage over these two competing visions of democratic deliberation? In this chapter, I attempt to affirm the second possibility. More specifically, I argue that in *practical* deliberation, we would do better to employ inductive ... not deductive ... inference. As a result, deliberative democrats should welcome an inductive model of democratic deliberation like the one advanced by my proposal. To support this contention, I develop an insight from Michael Dummett, who has observed that in “practical life,” the humble, inductive logic of the “common [person]” is actually *logically stronger* than the deductive logic assumed by my proposal’s competitors. This logical insight derives from a problem Dummett calls the “degeneration of probability.” I then use Dummett’s insight to offer a logical motivation for the superior practical determinacy of my analogical approach. To further substantiate this insight, I turn to other resources outside the philosophy of logic for additional support.

In the last chapter, I tried to counter worries about the heavy focus on analogy in my deliberative outlets proposal (DOP.a-c) by deflating two challenges. Analogical reasoning, I recognized, is likely to be frowned upon by many philosophers who, trained in logic, are aware that it is “usually” less preferable than deductive forms of reasoning, especially of the more principled form. Such philosophers are likely to worry that for as much practical realism as my proposal may carry, it risks selling the citizenry short of their rational capacities. I called this worry the “deductivist’s challenge,” associating it with a long intellectual tradition that has often gained its inspiration and educational foothold in the “deductive” methods of Euclidean geometry. Why frame deliberative democracy around an inferior form of reasoning (inductive) involving analogies when we can aim higher and push for a principled (deductive) form instead? Similarly, I recognized that some will say that whatever practical limits may seem natural to

principled reasoning can be counteracted by acknowledging the role of judgment in democratic deliberation. Accordingly, the principled form's superiority can easily be salvaged from any practical concerns about its determinacy (e.g., Gaus's criticism and the Neutral Starting Point Thesis). I called this worry the "humanist's challenge," a label I also drew from the close alliance between the way of thinking behind this challenge and an intellectual tradition, namely, "humanism" (as the term was originally defined when coined by Friedrich Immanuel Niethammer).²⁷⁴

However, as I hope to have shown by drawing on Gerald Gaus's work, the indeterminacy worry remains in full force in the face of such high-flown "deductivism" (to use Wesley Salmon's term), even when it is combined with a humanistic supplement in the form of "judgment." Principles seem largely restricted to narrowing our range of options when making practical decisions. They do not, however, tell us anything more specific about how to (1) choose among those options that are consistent with them; (2) select those beliefs that should be changed in the face of disagreement (e.g., the conflicting strategies of Alf and Betty). As Gaus argues, when it comes to making *actual* decisions that *determine action*, our first-personal, phenomenological considerations carry a particularly heavy weight. For some reason, this first-personal content seems to play a more decisive, determinate role. When Betty enters the school hallway, with freshly printed signs in hand, and her memories flood her mind, it seems both probable and rational that she will change her plan and revise her strategy for acting on the principle of respect she shares with Alf.

The problem of underdetermination here identified seems particularly intractable because

²⁷⁴ Celenza, Christopher (2010). "Humanism," in *The Classical Tradition*. ed. Anthony Grafton, Glenn W. Most, and Salvatore Settis. Cambridge, MA: Harvard University Press, 467. Schauer, Markus (2005). "Friedrich Immanuel Niethammer und der bildungspolitische Streit des Philanthropinismus und Humanismus um 1800." *Pegasus*. 5:1, 28, 35-38, as well as the more detailed discussion below of this original, "German-Greek Humanism" use of the term and corresponding intellectual tradition, Schauer 2005, 35.

in some ways we know more about what to do than just what our principles deliver. The discussion of “judgment” among deliberative democrats is supposed to point in this direction. Elster, Cohen, and Benhabib are aware that in the face of underdetermination, we do have *some kind of capacity* for ferreting out differences among our options and selecting a specific course of action. The problem is that the considerations that engage this strange kind of capacity for judgment seem inherently vague. Cohen speaks vaguely of matters of degree and depth. Benhabib puts her faith in a vague, interpersonal communication and the consideration of our individual narratives. These comments reveal a latent sense that we know more than we can say with our talk of principled justification and Herculean efforts at deliberation. Thus, the problem of underdetermination for democratic deliberation is even more intractable because we actually know that something more has to be said, but we simultaneously recognize that it is the kind of subject matter that is by its very nature vague.

Thus, it may come as no surprise that Benhabib cites Charles Larmore’s article on “Moral Judgment” as “an illuminating discussion of moral judgment.”²⁷⁵ In that article, Larmore concludes, “In the light of what appears to be the intrinsic recalcitrance of moral judgment to theoretical analysis, we might consider returning to the 17th and 18th century idea of natural limits to human understanding, an idea which (no doubt unfortunately) seems to have disappeared from subsequent philosophy.”²⁷⁶ In this quotation, Larmore declares that we cannot offer a satisfactory analysis of moral judgment (or judgment more broadly) because it eludes, by its very nature, theoretical explanation. There is good reason for it to elude theoretical explanation, though. Larmore observes:

This inability to arrive at a general theory of judgment should not surprise us, however, if we reflect upon our very idea of what it is to have a theoretical understanding of some

²⁷⁵ Benhabib 2001, 202, footnote 8.

²⁷⁶ Larmore 2001, 62.

form of intentional activity. Having a theoretical understanding of some intentional practice ... consists in having reconstructed the rules, both explicit and tacit, which characterize that practice. The distinctive feature of moral judgment, however, appears to be - if our experience of it is any guide - the way in which it transcends the explicit or tacit rules upon which it only partially depends.²⁷⁷

In this passage, Larmore clarifies his major conclusion about moral judgment. In our experience, judgment cannot be reconstructed with any set of rules, be they explicit or tacit. Since theoretical explanation today consists of a reconstruction with rules, our capacity for judgment (i.e., our vague capacity for dealing with underdetermination) is distinguished by its *resistance* to theoretical explanation. To round off this conclusion he adds: “theory can carry us only so far in our attempt to understand the nature of moral judgment. To go further, we must turn, above all, to the great works of imaginative literature.”²⁷⁸ With this final note, we can see why Benhabib finds his analysis of moral judgment so illuminating. If the problem of underdetermination for democratic deliberation is even more intractable because we actually know that something more has to be said, but we simultaneously recognize that it is the kind of subject matter that is *by its very nature vague*, then turning to literature seems like a natural way to both acknowledge this limitation and deal with it. Since Benhabib puts such heavy stress on moral imagination, this turn to literature is a natural fit.

A Logical Insight

In the face of this difficulty, I would like to explore the philosophical basis for a third pass at my deliberative outlets proposal (DOP.a-c). The point for a third formulation of my proposal has arrived because the major difference between my proposal and other work by

²⁷⁷ *ibid.*

²⁷⁸ Larmore 2001, 63.

deliberative democrats, including those for whom “judgment” is essential to decision-making, now comes into clear view. In the face of this vague human capacity to deal with underdetermination, I believe far more can be said. We do not have to take Larmore’s lead and concede that this part of deliberation referred to as “judgment” simply transcends theoretical understanding. More resources are at our disposal than Larmore, and by extension, Benhabib and other deliberative democrats, would recognize.

What are these additional, overlooked resources? A clue is actually written into the very words Larmore uses to deliver his conclusion: “if our *experience* of it is any guide.” Larmore uses our past experiences with judgment to arrive at his claim about the inarticulable nature of judgment. More specifically, he frames his claim by calling upon the reader to stop and consider what *we* can infer about judgment, if *our* past experience of judgment is any kind of guide, whatsoever. Fundamentally, Larmore’s statement takes a very particular form. He begins with our particular past experiences, which he describes as *shared*. He then proceeds to ask us to consider how a general claim about judgment can be inferred on the basis of these shared experiences. Fundamentally, the form of this line of reasoning is to begin with specific, shared, past experiences, and to then draw an inference from them that is of a general nature: Judgment is by its very nature inarticulable.

The essential point here, I hope, should suggest itself *by analogy* with discussions from the last chapter. Larmore is asking us to move from the specific to the general; from a set of similar past experiences, to a general claim inferred from those past experiences. In a word, he is asking us to carry out an inference that is analogous to the inference carried out by analogies, namely: Inductive inference. As Schechter described this form of inference in “nonmathematical English,” induction means moving from the particular to the general when reasoning; by

contrast, deductive inference moves from the general to the particular. Thus, when it comes to the topic of judgment and its challenging vagueness, Larmore asks us to use inductive argument, which is associated with analogy, to say something determinate about it. In doing so, he provides a clue to how we might deal with the problem of underdetermination in deliberation, namely: Use inductive reasoning!

For a third pass at my deliberative outlets proposal, I will consider how the inductive nature of my focal point, *analogical reasoning*, provides an unprecedented resource for dealing with the problem of underdetermination in democratic deliberation. As I mentioned above, other deliberative democratic theorists focus heavily on the need to initially orient deliberation around the *general* (especially principles), and to then move into the space of the particular. In doing so, they frame democratic deliberation in a way that cleanly maps onto the two stage process of deliberation as Gerald Gaus describes it and with which “deductive” reasoning is ordinarily identified in “nonmathematical English.” As was shown in the last chapter, the problem with this two stage process (*Stage 1 & 2*), as Gaus argues, is that it suffers from serious underdetermination.

By contrast, my deliberative outlets approach describes the process of democratic deliberation in terms of “deliberative leaps,” where analogy is used inductively to move from one particular context to another particular context. Thus, earlier work by deliberative democrats relies heavily on deductive reasoning, whereas my proposal shifts that focus to inductive, analogical reasoning. A very helpful way of labeling this difference was explored above, namely, Salmon’s description of “deductivism,” which is a pervasive tendency in the history of philosophy to follow the example of Euclid and show a heavy preference for deductive techniques over inductive ones. Applied to this “third pass” at my deliberative outlets proposal,

this label allows me to say that what my proposal does is challenges the “deductivism” of deliberative democratic theory. The clue provided by Larmore’s statement, then, is just the idea of such a shift in deliberative democratic theory away from using deductive techniques and towards an unprecedented focus on inductive ones ... *like analogy*.

The idea of using analogy to shift our vision of democratic deliberation away from “deductivism” may at first seem extravagant, a construct of grandiose philosophical speculation. To that end, one might try to further substantiate the idea by adding greater detail to Salmon’s idea, especially in ways that make it relevant to democratic theory. For instance, one might point to the influence of Kant on deliberative democrats and explore the way in which they understand reasoning to be a rule-governed procedure in ways that mirror his use of Euclid’s geometry.²⁷⁹ That kind of project, however, is itself a grand one, being well beyond the limited scope of the present work.²⁸⁰

Fortunately, Michael Dummett provides an alternative, less historically-situated

²⁷⁹ Shabel 2003, 105.

²⁸⁰ As William and Martha Kneale observe in their attempt at a sweeping history of logic, “for many centuries Euclid’s *Elements* set the standard of rigour in all demonstration,” Kneale, William and Kneale, Martha (1962). *The Development of Logic*. Oxford, UK: The Clarendon Press, 379. Kant’s lectures on logic are a case in point, as he opens his lectures with the following claim: “Everything in nature, whether in the animate or inanimate world, takes place *according to rules*, although we do not always know these rules,” Kant, Immanuel (1963). *Kant’s Introduction to Logic*. trans. Thomas Kingsmill Abbott. Westport, CT: Greenwood Press, 1. According to Desmond Hogan, the sweep of Kant’s claim here, which is “extravagant by current standards,” may stand in stark contrast to Hume’s inductivism, but it is historically more of an inheritance from his rationalist predecessors in Germany, being an assumed “fact” to be explained, rather than a point he really argues for, Hogan, Desmond (2010). “Kant’s Copernican Turn and the Rationalist Tradition,” in *The Cambridge Companion to Kant’s Critique of Pure Reason*. ed. Paul Guyer. Cambridge, UK: Cambridge University Press, 21-26. Similarly, Lisa Shabel attributes this vision from the lectures on logic of a “rule-governed,” constructive procedure both to the influence of Euclid and of Kant’s rationalist predecessor, Christian Wolff, whose textbooks Kant used for teaching mathematics, see Shabel 2003, 123-133. In Hans Reichenbach’s highly influential work on induction, taking nature to be governed by rules, or natural necessities, as Kant explicitly does in this opening remark from the lectures on logic, is indeed an “extravagance by modern standards,” because it fails to recognize that nature can be (if not always) intrinsically statistical, rather than rule-governed, see Reichenbach, Hans (1949). *The Theory of Probability*. Berkeley, CA: University of California Press, 5-10, Galavotti, Maria Carla (2011). “On Hans Reichenbach’s Inductivism.” *Synthese* 181: 105-6.

motivation for using analogy to enact this shift in deliberative democratic theory. This motivation arises from a *logical insight*. In mathematical work (e.g., Euclid's *Elements*) of the kind that Salmon believes inspires deductivism, Dummett observes,

we do not aim to make assertions save on conclusive grounds; when proofs are defective, they have to be rectified. We cannot claim to be certain of all our results; but our lack of certainty turns on the difficulty of ensuring that a complicated proof is conclusive, not on our acceptance of arguments we know to fall short of being conclusive.²⁸¹

In this passage, Dummett observes one of the distinctive characteristics of mathematical reasoning. In mathematics, we only make assertions on the basis of “conclusive grounds.” In other words, we start from certain propositions like the “self-evident” ones with which Euclidean demonstration begins. As a result, any uncertainty that enters into mathematical reasoning is not a question of what we “accept,” but whether we executed our reasoning correctly. At this point, Dummett makes the same point about the nonampliative nature of mathematical reasoning that Salmon makes with regard to deductivism, writing, “Hence, it is sufficient, for mathematical purposes, that a principle of inference should guarantee that truth is transmitted from premisses to conclusion.”²⁸² Like Euclidean demonstration and the deductivism it inspires, mathematical reasoning can achieve its purposes by simply insuring that any inference *preserves the truth* of the propositions (i.e., “premisses”) from which it sets out on the path of inquiry.

However, outside mathematics, our uncertainty is different. “Most of our beliefs are perforce based on grounds that fall short of being conclusive,” Dummett writes.²⁸³ Unlike Euclid, we do not begin with a set of conclusive axioms, but rather with beliefs that “fall short of being conclusive,” being of varying degrees of *probability*. For instance, when Betty enters the school with her freshly printed signs in hand, she may enter thinking Alf is “probably right” that

²⁸¹ Dummett 1991, 50.

²⁸² *ibid.*

²⁸³ *ibid.*

his strategy is the superior one; however, when her past experiences flood her with memories as she walks the halls, she inductively infers that Alf is actually “more likely” to be wrong about the best strategy for putting their principle into effect. At this point, Dummett offers a penetrating logical insight about the problem of using deductive, Euclidean-style reasoning in the context of “most of our beliefs:”

but a form of inference guaranteed to preserve truth is not, in general, guaranteed to preserve degree of probability ... the conjunction of two statements will usually have a lower probability than either.²⁸⁴

Here, Dummett observes that when we ask someone to accept one merely probable belief in conjunction with another, merely probable belief, we actually ask that person to accept something that is *even less likely* than either of those beliefs being true on their own. For instance, if Alf can only convince Betty of his strategy because it is probably the case that all students will get equal access to educational resources if they are advertised to everyone at once, she may find that statement is to some degree probably true.

But if he also has to convince Betty, in conjunction with that statement, that posting printed signs one morning counts as “advertising to everyone at once,” he is asking her to agree to an even less likely point of view. The logical point here is actually a very simple, formal point. The conjunction of two probabilities is usually a lower probability. Asking someone to agree that a financial stimulus is probably the best available source of economic recovery during a current economic crisis is one thing; asking someone to *also* agree that the current political climate is suitably equipped for the execution of that stimulus is another, more demanding and therefore less probable request. Dummett refers to this formal point as the “degeneration of probability,” as it shows how the conjunction of increasing numbers of merely probable claims steadily decreases the probability of them being true in conjunction with one another.

²⁸⁴ *ibid.*

Taking this formal point about the logic of probabilistic reasoning, Dummett then offers an insightful application to the real world. Even the most “Herculean” of reasoners, sticking with ironclad devotion to the rules of logic, will suffer from the degeneration of probability as the chain of reasoning develops. Dummett writes, “The ‘ideal’ subject, starting from beliefs whose probability is close 1, will end up with beliefs with probability negligibly greater than 0”²⁸⁵ No amount of Herculean, rational perfection can save us from probabilistic degeneration. Even if we begin with firm principles we suspect are nearly certain (probability close to “1”), degeneration will ensue once reasoning progressively incorporates more and more merely probable beliefs, leading us to conclusions that are only “negligibly greater than 0” in their probability. We cannot *preserve* the degree of commitment from a nearly certain, initial principle, as our reasoning proceeds in any context that involves any merely probable reasoning. The mathematical approach, in which we *first* concern ourselves with opening with strong commitments like self-evident truths, and *then* proceed to preserve that level of commitment until we reach a conclusion about what to do, is *illogical*.

Dummett then applies this logical point to what we should want in the real world: “the man of common sense, initially adopting beliefs with a much weaker evidential basis, but reasoning from them only to a meagre extent, will finish with far fewer false beliefs than he.”²⁸⁶ The average person *does better* than a Hercules, *logically speaking*, by *first* starting with even weaker beliefs than a Hercules, and *then* restricting the number of conjunctive claims. The contrast here might be better specified by comparing what is different between the “mathematical”/deductivist/Herculean, and “common sense”/inductivist approaches to deliberation at each stage. At the first stage (*Stage 1*), the mathematical model begins with a

²⁸⁵ *ibid.*

²⁸⁶ *ibid.*

strong opening premise, like a principle about which we are close to certain, though we might say we are not absolutely certain because we remain open to the possibility that it is wrong or that certain probable provisos would be necessary for its acceptance.²⁸⁷ At the second stage (*Stage 2*), reasoning proceeds by trying to preserve this level of strong commitment, as one would expect to do in a deductive vein, until a conclusion is reached. For instance, in a deliberative context, we might first begin by seeing if people agree that it is generally the case that it is better to “help people than to harm them” (principle). After that initial generalization is accepted as a pretty firm commitment, we then engage in some “interpretive” work. We might, for example, suggest that the justice system “usually” (i.e., probably) offers an opportunity to either “help or harm” criminals. The justice system can use its resources either to help criminals “correct” their bad dispositions, or can harm them by simply punishing them without any intention to help them (to put the principle to work). Finally, we might conclude, *given* our levels of commitment to these two statements, should we not act to insure that our justice system is a corrective one by signing a specific petition? In this example, levels of commitment are being preserved across the steps of deliberation. With the high probability of the opening generalization, followed by the high probability of what is suggested about the corrective capacity of the justice system, we then try to preserve an equally high level of commitment from the first, to the second, and finally to the conclusive third position.

By contrast, the person of “common sense” described by Dummett does not start with anything as high in probability as the help/harm principle mentioned in the last example. Nor does the “common sense” deliberator then proceed to *preserve* that level of commitment until a conclusion about what to do is reached. Rather, the common sense deliberator reasons *sparingly*

²⁸⁷ On provisos and deduction, a classic work is, Hempel, Carl G. (1988). “Provisos: A Problem Concerning the Inferential Function of Scientific Theories,” in *The Limitations of Deductivism*. ed. Adolf Gruenbaum and Wesley C. Salmon. Berkeley, CA: University of California Press, 19-36.

from the start. For instance, some citizens involved with law enforcement may first (*Stage 1*) suggest that in their experiences, it is *often* the case that those persons who perpetrate crimes really struggle to foresee the consequences of their actions when they plan and execute their problematic behavior. The citizens may continue (*Stage 2*) by claiming that these persons also *sometimes* repeat that problematic behavior after they are caught and go through the justice system. It *seems probable* then, the citizens add (*Stage 2 cont'd*), that just like when these persons were caught the first time, that the problem is again a failure to foresee consequences when planning and executing behavior. As a result, if we are serious about “fighting crime,” the citizens may (*Stage 2 cont'd*) conclude, *one* reasonable course of action would be to figure out a way to help these persons learn to foresee consequences, to beat the vicious cycle they are stuck within, be it through educational, experiential, medical, or other means.

Notice in the second example, that these citizens express themselves in very “qualified” ways (as linguists describe this manner of expression). They speak of what is “often” the case, what “sometimes” happens, what “seems probable” and finally, “one” reasonable course of action in response to these observations. One can get the sense that these citizens are (1) aware of how little they *know* and (2) aware of how little *extension* it permits towards a definitive course of action. The former humility comes through in expressions like, “in my experience, it often seems the case,” whereas the latter humility takes the form of conclusions like “*one*” course of action that might be taken. Even more to the point, these citizens are likely to use vivid past experiences in law enforcement to frame their reasoning. *Once*, they may say, they witnessed several people commit a crime that showed an almost impossible short-sightedness in terms of foreseeing consequences. For instance, tales may be retold of attempts to rob a bank that was on the same block as the police station, or to steal the parking meters from a police

station's public parking lot. From these particular experiences, more general claims about other domains may then be inferred: What is needed in each of these particular places (or generally), is a way to counteract such behavioral short-sightedness, they may say. In this analogical setting, the two forms of humility are even clearer. Citizens talk of a particular experience and what *seemed* to be true (e.g., consequences had not been foreseen), and then extend the limited understanding of that particular context to another, particular domain. When the extension is particular to specific domains in this way, it is especially humble in its inferential extension of what is known about the source domain.

According to Dummett, this “common sense” humility offers a superior mode of reasoning over the “mathematical” variety in the last example. The citizens of the last example are aware that they know what is of limited probability and accordingly that they must be sparing in how they apply it to practical matters. By contrast, the “mathematical” approach of deductivism tries to preserve a high degree of commitment across the stages of deliberation. From a strictly logical perspective, Dummett tells us, we should do better with “common sense” humility than “mathematical” deductivism. Thus, he writes, “In practical life, truth is valued chiefly as a guide to action; and then the principal remedy for the degeneration of probability in the course of inferential reasoning is to employ it sparingly.”²⁸⁸ A humble, “sparing” extension of our humble knowledge is the best way to deal with the logical difficulty posed by the degeneration of probability. Recalling our logical vocabulary from above, we can rephrase this point to say that humble ampliative reasoning of the kind associated with analogical reasoning is (practically speaking) *logically stronger* than nonampliative reasoning of the sort associated with the kind of “deductivism” that defines so much deliberative democratic theory.

²⁸⁸ Dummett 1991, 51.

The Logical Interpretation of Political Judgment

The significance of Dummett's analysis for understanding the limited practical appeal of deductivism is startling. To the extent that even a wildly idealized, Herculean group of reasoners includes any merely probabilistic beliefs, their Herculean efforts are, logically speaking, *weaker* than the efforts of a mere "commoner," someone who has far humbler initial beliefs and far humbler extensions of those beliefs as well. Accordingly, from a logical perspective, what we want in "practical life" (*including political life*) is a shift away from deductivism and its truth-preserving approach to deliberation. In this way, Dummett offers a *logical basis for motivating the shift* I have been proposing in this work, that is, a shift away from deductivism in deliberative democratic theory and towards the inductive reasoning of analogy-driven deliberation. I will refer to the perspective on judgment resulting from this shift as the *logical interpretation of judgment*. To the extent that deliberative democracy is a theory to be made concrete in "practical life," it is also a theory that should envision citizens as co-deliberators usually engaged in the humble extension of their humble knowledge, rather than being engaged in the principled deduction of decisions.

Furthermore, this logical motivation for shifting away from deductivism provides a response to the problem of underdetermination in deliberation as well. If we recall, that problem arose from the transition between two stages of deliberation. During the first stage (*Stage 1*), some shared principle or principled set of beliefs was identified (χ^*). With the inception of the second stage (*Stage 2*), citizens individually took up their private belief sets (e.g., α , β , etc.). In doing so, they discovered that the conclusions of the first stage seemed to lose much if not all of their deliberative significance, once the much anticipated second stage began. In other words, the determinacy of those conclusions as a basis for selecting a course of action dissolved in the

process of combining the two sets of beliefs ($\chi^{*+?}$). With Dummett's logical insight, we can far more easily see why this problematic underdetermination arises. When these two sets of beliefs are added together, each citizen is faced with an enormous class of commitments, all set in conjunction with one another. For example, for Alf, he goes from some *single* principle or some *small* set of Herculean commitments (χ^*), to an *enormously large* class of commitments that includes the massive array of all of his first-personal contents ($\chi^{*+\alpha}$). Given Dummett's logical insight, though, the transition here is a perfect recipe for the degeneration of probability. To use Dummett's own term, the shared set is "sparing" in its number of commitments (χ), being as small as a single shared principle. By comparison, the second set is *countlessly large*, being constituted from every single thing first-personally believed (e.g., Alf's personal beliefs).

The problem with this second, innumerable set of commitments is succinctly captured by Dummett, when he writes, "the probability of the conjunction of all of anyone's beliefs is likely to be extremely low, even when they are not actually inconsistent."²⁸⁹ In other words, even if we are rational Hercules and we have arrived at a perfectly consistent set of personal beliefs (which we might call α^* , to use the symbol above for Herculean beliefs), that does not insure that those beliefs are all true of the world. Our beliefs may be perfectly justifiable by way of rules and norms of reasoning, but that does not make them true. They remain, fundamentally, probable. Less metaphysically, though, and certainly less contentiously, Dummett is here observing that the innumerable beliefs that constitute anyone's "first-personal" set of beliefs is never going to be 100% certain across every single belief. If we grant this more pragmatic point alone (let alone Dummett's more metaphysical one), we can see the implication of his observation for the problem of underdetermination in deliberation quite clearly: No matter how Herculean our initial, shared commitments are (χ^*), the addition of an innumerable array of first-personal

²⁸⁹ Dummett 1991, 50, Freeman 2004, 2032-3.

considerations which are merely probable rapidly evaporates their practical significance. The degeneration of probability insures this outcome. From a nearly certain, Herculean set of beliefs, we end up with a set of beliefs that is only “negligibly greater than 0” when we add anything as diverse in its probabilities and massive in its sheer number as someone’s “first-personal perspective.”

Thus, the problem of underdetermination in deliberation is really just the problem posed by the degeneration of probability. When the “first-personal” perspective is “diverse in its probabilities” and “massive,” the initially strong set of beliefs we have is “swamped” radically transformed. Furthermore, even if we allow that most of a person’s private beliefs are not actually relevant in a way that they *all* must be included, the problem becomes acute in exactly the way predicted by Gaus. If our Herculean efforts produced an initial set of beliefs (χ^*) that has divergent implications for Alf and Betty, it is because those beliefs that are first-personally relevant have divergent implications for *the probability of χ^** . For instance, Alf may feel fairly confident about his beliefs regarding the educational system he attended, having long studied it professionally as an education scholar. Accordingly, the strategy he suggests for tackling the injustices in that system is based on a set of beliefs with a very high set of probabilities. By contrast, we might say, Betty has happily turned her back on the details of that system since graduating from school. What she believes about the system, as a result, seems to run a great risk of being outdated. Consequently, she may hold those beliefs at a far lower level of commitment.

If we compare the probabilities of their perspectives, each individually in conjunction with their shared commitments about the need to reform the school, what we may thereby discover is that Alf’s are (on the whole) closer to certainty, closer to a probability of “1,” than are

Betty's. In short, $\chi^* + \alpha$ and $\chi^* + \beta$ are *divergent in their assigned probabilities*. As a result, what is asked of Alf and Betty by implementing χ^* is very different. For Alf, it involves doing something he feels quite confident is the right thing to do. Betty, on the other hand, finds herself contemplating a set of commitments (χ^*) she has agreed to in a Herculean session of deliberation with Alf, but which loses its probability dramatically when set into conjunction with her first-personal commitments ($\chi^* + \beta$). Therefore, we should only expect, given Dummett's logical insight into the degeneration of probability, that for Alf the uptake of their agreement remains decisive for what he will do, while Betty finds herself awash in indeterminacy and underdetermination. In short, Betty faces a divergent implication from Alf, because she cannot really determine what to do based on probabilities that are only negligibly greater than "0." Betty and Alf have divergent implications because the degeneration of probabilities has divergent implications for them.

Earlier, I tried to encapsulate Gaus's criticism under a single heading, namely, the *Neutral Starting Point Thesis*. What is basic to a collective point of view, this thesis stated, is not equally basic to a "first-personal" one. With the degeneration of probability, we can appreciate the logical basis of this thesis. We often think that what is deepest, or most "basic" plays a crucial role in determining our choices. Our deepest commitments, values, principles, concerns, etc. are supposed to be important to understanding the decisive conclusions of our deliberations. Yet, when we add the much larger or individually divergent conjunctive set of "first-personal" contents, they lose their "basic" force, that is, their capacity to be determinate of what we do in any deep and abiding way. The Neutral Starting Point Thesis identifies this problem for collective agency. Nothing that seems neutral with regard to the first-personal can have the determinate force of what is "basic" when it suffers from the degeneration of

probability. The reason for this loss of determinacy is easy to see. As in the case of Betty as I most recently described it, her issue is a sudden loss of faith in the very probability of what she had endorsed during collective deliberation. However much we idealize any set of initial beliefs, once a gigantic set of other, merely probable beliefs is added, we lose faith that those initial beliefs are really worthy guides to decision-making.

A Lingering Deductivism?

One response to this logical motivation for my shift away from deductivism is to simply “stick to the guns” of deductivism. Consider the classic, “tidy” deductive argument that begins with a belief that is not merely high in its probability, but rather *certain*, and then proceeds across other *certain* beliefs, preserving certainty until a conclusion is reached. Would such an argument not easily sidestep the degeneration of probability, and therefore, provide a safe haven for principled reasoning in democratic deliberation? Here, I would only remind the reader of a very obvious problem for principled reasoning, namely, the “interpretive indeterminacy” Benhabib was so concerned with above. Any overt behavior is consistent with a very large number of principles, making the deliberative force of those principles highly suspect. Even more to the point, whatever our principles say, they often fail to say it with the same words we find ourselves forced to deal with in a particular context. For instance, in the above example, we may accept a general principle to help others, not harm them. However, it is an act of interpretation to figure out how this principle *applies* to the context of a justice system. We need to first interpret the system as being capable of “helping” and/or “harming” persons sent to it for “correction” or “punishment.” To what degree do the resources available fit the description of being “helpful”? That question is surely going to involve probabilistic assessments. For

example, deliberators will find themselves talking about how “usually” rehabilitative treatment is more “corrective” and “helpful” for those convicted of crimes than alternatives. What we mean by “usually” will involve some kind of probability, not to mention what we mean by “corrective” and “helpful.” Does something helpful “usually” itself involve people consciously working for the good of others? Or does it “usually” succeed in delivering that good when it works hardest to present itself as “tough on crime,” being a kind of “tough love” for those convicted of crimes? As the quotation marks abounding in these examples are meant to reveal, each of these terms is bound up with probabilities, and therefore, an indication that the degeneration of probabilities is a real risk.

Another connection back to our earlier discussion of interpretive indeterminacy is suggested by the abundance of quotation marks in the last paragraph. In their discussions of judgment, we found that Joshua Cohen and others were dealing with exactly these kinds of indeterminacies. To what “degree,” Cohen asks, is a principle better served by one course of action than another? How “deep” an infringement is carried out by one action as opposed to another? These are questions that seem to involve gradations of significance. As a result, they reflect my point in the previous paragraph: Principled judgment cannot avoid probabilistic assessments. When Cohen talks about the need for judgment, he is talking about the need to be sensitive to the probabilistic assessments that have to be made. Judgment just is the attempt to make decisions in the face of probabilities. Thus, my interpretation of “judgment” as deliberative democrats describe it boils down to the following claim: When they speak loosely of judgment, what they really mean is that at some point, deliberation must deal with the assessment of probabilities, and as a result, shift away from deductivism in attempting to deal with the logic of probability. When Larmore writes, “if experience is any guide” to judgment,

what he hints at is that judgment is the space where we turn to experience and induction, rather than deductivist techniques, to orient deliberation about what to do. According to Allen Wood, even so principled a theory as Kantian moral and political philosophy has long suffered for its failure to heed this lesson which, he claims, Kant was fully aware of.²⁹⁰

Supporting Evidence for the Logical Interpretation of Political Judgment

Recent empirical research supports this *logical interpretation of political judgment*. In his book, *Expert Political Judgment*, Philip E. Tetlock explores the results of extensive experiments he conducted on political judgment.²⁹¹ As he interprets good judgment in politics, much of its concern is to predict future political events. His results are often surprising. For instance, he finds that between recognized “experts” and non-expert “dilettantes” and computer algorithms, there is little difference in respective rates of success for predicting future political events.²⁹² Anyone who has ever doubted whether the category, “expert” tracks an improved capacity to make predictions in an area of expertise will welcome these results. Past suspicions about the class of “so-called experts” and their influence on political life seem confirmed.

However, he observes, when one looks inside the disappointing results of experts, one finds that sub-groups of experts achieve very different results. More specifically, those experts who advocate “one big thing,” tend to muddle the results of the entire class of “experts” with their poor performance rates. By contrast, those experts with a more diversified, balanced set of ideas, or “tricks of the trade,” demonstrate remarkably higher success in political event

²⁹⁰ Wood, Allen (1999). *Kant's Ethical Thought*. Cambridge, UK: Cambridge University Press, 2, 321-333.

²⁹¹ Tetlock, Philip E. (2005). *Expert Political Judgment*. Princeton, NJ: Princeton University Press.

²⁹² Tetlock 2005, 20, 51-64.

prediction than the “one big idea” cohort as well as dilettantes.²⁹³ Adopting terminology developed by Isaiah Berlin, Tetlock describes the former, “one big thing” experts as *hedgehogs*, and the latter, wily experts in “tricks of the trade” as *foxes*.²⁹⁴ To put this terminology to use, one can summarize Tetlock’s chief finding as follows. The class of “experts” is no better at political judgment than dilettantes and computer algorithms ... but that is only because hedgehog experts are so very bad at political judgment. If we separate the hedgehogs and the foxes, it is easy to see that hedgehogs are responsible for the bad scores of experts as a class, while foxes excel at political judgment when hedgehogs are not dragging down their scores.

How do these empirical results support the logical interpretation of judgment? Consider how hedgehogs are deductivists and foxes are not. The superior experts with a diversified set of ideas, or “foxes,” were “skeptical of deductive approaches to explanation and prediction.”²⁹⁵ Instead of trying to preserve the truth of “one big thing” by deriving conclusions from it for every political judgment (as a deductivist would), these wily experts “see explanation and prediction not as deductive exercises but rather as exercises in flexible ‘ad hocery’ that requires stitching together diverse sources of information.”²⁹⁶ In other words, foxes are experts who do not initially orient their judgment around what they know to be the most certain (as a deductivist might with a general principle), but in a more *humble way*. Foxes stitch together “diverse” sources of information into an *ad hoc* solution, making a patchwork, rather than an elegant line of deductive reasoning as in a geometrical proof.

The “one big idea” hedgehogs, on the other hand, suffer in political judgment tasks because they are intent to “aggressively extend the explanatory reach of that one big thing into

²⁹³ Tetlock 2005, 73, 86-120.

²⁹⁴ Tetlock 2005, 20-23, 73-75.

²⁹⁵ *ibid.*

²⁹⁶ Tetlock 2005, 73.

new domains.”²⁹⁷ They are “deductivists” in their attempt to begin with the general and then move to the particular context of judgment. There is a clear resonance between these findings and the logical interpretation of judgment I have been advancing. Foxes use far humbler epistemic content to arrive at political judgments, relying on “tricks,” whereas hedgehogs begin with their deepest commitment (the “one big thing” dearest to them) and then proceed to deduce a conclusive judgment as a result. In this way, foxes are like the “ordinary” persons Dummett describes ... both kinds of reasoners rely on a “short and sweet” approach in their reasoning, rather than the long, elegant chains of deductive reasoning historically associated with the geometrical proof.

Notably, these differences between foxes and hedgehogs are not content-sensitive, but rather a question of “style,” method, or “logic” that emerges across diverse circumstances.²⁹⁸ Whether they occupied the left or right sides of the political spectrum, whether they were hard “realists” about the political world or avid proponents of international coordination, and whether they believed that humans are resilient in the face of natural scarcity, or doomed when confronted with deep natural problems, the “cognitive-stylistic subspecies” referred to as “foxes” did better.²⁹⁹ Perhaps even more astonishing is his finding regarding the “professional vs. dilettante” dichotomy. Regardless of whether one has a “professional background” in politics or is a mere dilettante dabbler, foxes do better.³⁰⁰ Furthermore, not only did a lack of professional background provide no hurdle to excellence in political judgment, the different topics (e.g., political, economic, national security) were dealt with equally well by foxes. This shows that their “tricks of the trade,” *ad hoc* deliberation is better across disparate topics, not just one

²⁹⁷ *ibid.*

²⁹⁸ Tetlock 2005, 75.

²⁹⁹ Tetlock 2005, 71.

³⁰⁰ Tetlock 2005, 78.

domain.³⁰¹ Through a careful analysis of expert exercises in political judgment, Tetlock concludes, the initial results showing no real difference in ability between experts and dilettantes are found to be deceiving, as they “mask systematic, not just random, variation in forecasting skill. Some cognitive-stylistic subspecies of humans [namely, foxes] consistently outperformed others.”³⁰² To use a classical distinction, it is not the *content* of what foxes think, but their *logical style* that makes them so good at political judgment. Hélène Landemore concisely summarizes Tetlock’s “convincing conclusions” as follows:

Foxes’ knowledge of many little things, their ability to draw from an eclectic array of traditions and to improvise in response to changing events make them better forecasters than hedgehogs, who know only one big thing, toil devotedly within one tradition, and impose formulaic solutions on ill-defined problems.³⁰³

The hedgehog “*imposes*” one general (i.e., “big”) idea in a formulaic manner ... regardless of content, while the fox practices an eclectic, improvisational way of responding to problems.

These astonishing results lend empirical support to the logical interpretation of political judgment and Dummett’s related point about the “commoner” versus the deductivist. We actually do better in practical life if we base our judgments on more humble grounds, than we do if try to orient our judgments initially on as certain a basis as possible. To pick up on an earlier claim I advanced above, *starting points matter* (as the Neutral Starting Point Thesis maintains). Dummett’s “commoner” is a *fox*, to use Tetlock’s cognitive-stylistics, while the deductivist is a *hedgehog* concerned to preserve certainty across the stages of deliberation. Tetlock’s findings do not stop there in providing resonant, empirical support for the logical interpretation of political judgment developed above, though. Additionally, he discovered that foxes were “diffident about their own forecasting prowess, and ... rather dubious that the cloudlike subject of politics can be

³⁰¹ Tetlock 2005, 79.

³⁰² Tetlock 2005, 76.

³⁰³ Landemore, Hélène (2013). *Democratic Reason*. Princeton, NJ: Princeton University Press, 222.

the object of a clocklike science.”³⁰⁴ Like Dummett’s “commoner,” foxes demonstrate a humility in their reasoning, being defined by their lack of certainty about the judgments that result from their sparing, humble inferences. For instance, in our example involving citizens with a background in law enforcement, what we find is a highly qualified set of epistemic commitments (“usually,” “often,” “in my experience”) being extended in a very qualified way to reach a political judgment (“one course of action might be”).

By contrast, hedgehogs “display bristly impatience with those who ‘do not get it,’ and express considerable confidence that they are already pretty proficient forecasters, at least in the long term.”³⁰⁵ This description of “big idea” hedgehogs reflects Dummett’s point about the dangers of someone who tries to *preserve the near certainty* of an opening commitment across a chain of practical reasoning: The degeneration of probabilities will ransack the epistemic quality of the resulting conclusion. More importantly, Tetlock points out, not only is the epistemic quality of the resulting conclusion degenerated, but the hedgehog remains confident. This confidence makes sense, given the logical interpretation of political judgment developed above. If people believe political judgment is similar to mathematical inference, then we should only expect them to have as much confidence in their conclusive judgments as they have in their initial, nearly certain, general premise. In other words, if people are deductivists in their approach to political judgment, then we should very much expect them to be confident because they believe certainty has been preserved. After all, that preservation is the defining feature of their logic.

Indeed, so defining is this feature of their logic, that one can “test for deductivism” by inquiring into how certain people are about their first or more general premise. Recalling

³⁰⁴ Tetlock 2005, 75.

³⁰⁵ Tetlock 2005, 73.

Schechter's summary way of distinguishing deductive and inductive logics, this test makes sense because deductivists tend to (1) start with the general, (2) start with what they are certain is *true*, and then (3) attempt to preserve that initial, general truth across the stages of their reasoning. Thus, in applying this test for deductivism, we might find for example that an interlocutor begins with a broad generalization about human nature (e.g., "All people act out of selfish motives."). Inquiring into how certain the interlocutor is about that opening generalization, we may then hear that the interlocutor is absolutely certain about that generalization. In such a case, this rough and ready test shows that we are dealing with a deductivist. Such a test would be useful because, as Tetlock writes, in identifying deductivism, we are also identifying the hedgehog style of reasoning: "hedgehogs wove tighter mental connections between their abstract theoretical beliefs and specific opinions about what was possible at particular times and places. Their trademark approach was deductive."³⁰⁶ To be a hedgehog in one's manner of forming political judgment is to take deduction as one's trademark approach. Furthermore, the test would also be useful because once it allows us to identify hedgehog, deductive styles of reasoning, we can be sensitive to the risk that style of reasoning faces in the context of political judgment. One of Tetlock's observations nicely summarizes the ways in which his research empirically connects our discussions of deductivism and political judgment. Even when he tries to finesse the data to make it as amenable to hedgehogs as possible, he nonetheless is forced to observe, "The results reinforce the notion that hedgehogs pay a steep price for their confident, deductive style of reasoning."³⁰⁷

For my purposes, one last, yet very important finding analyzed by Tetlock needs to be mentioned. This finding shows that the use of analogies was not relegated to either foxes or

³⁰⁶ Tetlock 2005, 212.

³⁰⁷ Tetlock 2005, 173.

hedgehogs. Rather, the important point about analogical reasoning is that it can be a source of excellence in political judgment, but only when people are “disposed to qualify tempting analogies by noting disconfirming evidence.”³⁰⁸ In the terminology I developed in the second chapter, the crucial point is not that analogies are good or bad, but rather that they must factor into an *entrenched, systematic* form of reasoning (CPAR.i), one that is concerned to check for “spuriousness” (CPAR.iii), rather than to simply extend an analogy in a “Millian,” “one-shot.” Any failure to appreciate the systematicity of analogical reasoning, as well as its ultimate need to check for spuriousness, I claimed, was tantamount to adopting a very primitive, simplistic, and unfortunate vision of analogy’s role in human reasoning. This unfortunate vision, I mentioned, has already been tied by Paul Thagard to the historical legacy of John Stuart Mill’s work on logic. Furthermore, I pointed out how that legacy remains alive and well in contemporary textbooks on critical reasoning. As a result, we can say that Tetlock’s results confirm not only the value of shifting away from deductivism, as I have proposed, but also the value of replacing it with a more *contemporary* perspective on analogical reasoning (CPAR being, after all, the *contemporary* perspective on analogical reasoning). Sensitive to this more contemporary perspective, we can join Tetlock in appreciating the fact that good political judgment is routinely analogical, but only in a “contemporary,” rather than “Millian,” way. Tetlock drives this point home succinctly, when he writes, “By now, we should have acquired the foxlike habit of being wary of the sound of one analogical hand clapping.”³⁰⁹

Analogy and the Logical Interpretation of Political Judgment

³⁰⁸ Tetlock 2005, 88.

³⁰⁹ Tetlock 2005, 98.

This connection between the logical interpretation of political judgment and analogy is worth substantiating with further empirical evidence, because the bias against analogical reasoning is so very pronounced in our intellectual culture (*especially* among philosophers trained with “Millian” logic textbooks).³¹⁰ In his study of “How Scientists Really Reason: Scientific Reasoning in Real-World Laboratories,” Kevin Dunbar tried to see how excellence in reasoning takes form in scientific laboratories.³¹¹ More specifically, he immersed himself in this setting, “spending extensive periods of time in real scientific laboratories,” where he “followed all aspects of particular scientific research projects, including planning the research, executing the experiments, evaluating the experimental results, attending laboratory staff meetings and public talks, planning further experiments, and writing journal articles.”³¹² What he discovered may surprise many deductivists, as those advocating deductivism have a common tendency to look to science as an exemplar for human affairs. In this “totally novel database,” Dunbar discovered that analogies proliferated.³¹³

However, his more specific findings about the use of these analogies is even more interesting. For instance, he found that scientists use analogies very commonly to “change their minds” about their research programs, hypotheses, etc. When a research program hits a hurdle and produces evidence that is inconsistent with a hypothesis, Dunbar observed:

Local analogies were very frequently used ... to map the unsuccessful problem with which they were working to another similar experiment that was successful. The scientist would then determine what the difference was between the successful and unsuccessful experiments and substitute the different components from the successful approach into the unsuccessful approach.³¹⁴

³¹⁰ For a nice, contemporary alternative, see Salmon, Wesley C. (1973). *Logic*. Englewood Cliffs, NJ: Prentice-Hall, section 26.

³¹¹ Dunbar, Kevin (1995). “How Scientists Really Reason: Scientific Reasoning in Real-World Laboratories,” in *The Nature of Insight*. ed. Robert J. Sternberg and Janet E. Davidson. Cambridge, MA: MIT Press, 365-395.

³¹² Dunbar 1995, 365.

³¹³ Dunbar 1995, 366.

³¹⁴ Dunbar 1995, 381.

In this passage, Dunbar describes a very straight-forward process of analogical reasoning. In this process, scientists reason their way towards a new plan by analogically substituting components from a similar experiment into their own research, changing it in the process and (ultimately) leading to success where the analogy holds up. In other words, scientists use analogies in a very “contemporary way,” (CPAR) insofar as they not only extend local analogies to deal with problems (CPAR.ii), but also then study the quality of that inference, assessing whether it “holds up” (CPAR.iii). In doing so, they use analogies in a contemporary way because they are concerned to not only draw inferences (CPAR.ii), but also to test for spuriousness (CPAR.iii).

While Dunbar concedes that this use of analogy to guide a way forward in the face of problems is not a “very sophisticated type of reasoning and certainly not the type of reasoning that has been the focus of much cognitive research” (much as we should expect in the wake of Mill’s legacy), he nonetheless adds, “However, the use of local analogies is one of the main mechanisms for driving research forward ... This type of reasoning occurred in virtually every meeting I observed, and often numerous times in a meeting.”³¹⁵ In other words, however biased we may be against analogical reasoning, his “novel” set of data demands that we set that bias aside and simply recognize that when it comes to change in the actions of scientists, analogy proliferates as the form of reasoning that actually drives that change in action. To borrow some of the terminology developed above, the point here involves the *dynamics* (or process of change) that occurs in the way scientists think, and therefore, in how they plan and execute their actions. Accordingly, the point made by Dunbar is that however biased we may be against the simplicity of analogical reasoning, we are nonetheless forced by his evidence to recognize that analogies drive the dynamism of rational action in science.

³¹⁵ Dunbar 1995, 382.

Furthermore, Dunbar often found that more expansive, *regional* analogies played a significant role when scientists “were working on elaborating their theory and planning new sets of experiments.”³¹⁶ With these regional analogies, researchers map “over an entire system of relations,” which “proved a very powerful tool” for planning future research because it capitalized on the fact that it was used “only after the scientists had already started to formulate a model of the entire process that they were investigating. Hence, the scientists had a system of relations and mechanisms in their own domain that they could then map to another domain.”³¹⁷ As with the first part of the contemporary perspective on analogical reasoning (CPAR.i), so too with regional analogies, an extremely rich *systematicity* is mapped, rather than a “Millian” set of superficial features. As Dunbar additionally points out, regional analogies that are massively systematic in this way are important because often scientists are studying a domain in which “little is known about many basic components,” (e.g., retroviruses).³¹⁸

Finally, a third, *long-distance* form of analogy was used among researchers, but not to solve problems or plan new research, but rather to *educate* new members of a research team or “bring home a point.”³¹⁹ By drawing an analogy from two highly disparate domains, researchers were able to make “the exact point clear” that was being discussed, so that new members of a research team could understand. This last form of analogy is especially interesting because it highlights the social function of analogies. As Dunbar later realized, “The social structure of the laboratory appears critical to whether analogies will be used.”³²⁰ When a research team has “highly similar backgrounds and consequently drew from a similar knowledge base,” analogies

³¹⁶ Dunbar 1995, 382.

³¹⁷ Dunbar 1995, 383.

³¹⁸ Dunbar 1995, 382.

³¹⁹ Dunbar 1995, 383.

³²⁰ Dunbar 1995, 385.

were less common.³²¹ However, where research team members were very different in their backgrounds, analogies proliferated. A “homogenous” group, Dunbar observes, has less need for analogies. Furthermore, not only does analogy use relate to the homogeneity of a group, it also relates to the social stature of a person in that group. As Dunbar learned (and against our “Millian” biases), the most senior and expert members of the research team were actually the most likely to use analogies!³²²

This last point returns our analysis to Tetlock’s study and the logical interpretation of judgment. As with Tetlock’s study, so too Dunbar finds that analogical reasoning that is “contemporary” in taking spuriousness seriously abounds in the real world. When it comes to actually making plans for future experiments, or figuring out a way past a problem, those very real, practical decisions are made into rational decisions by reference to analogies. Furthermore, “experts” are not distinguished by their use of deductive techniques, but very much the opposite: Analogies do the “foxlike” work of educating others, especially others with whom we do not share a similar background or level of domain-specific knowledge. In short, expertise in practical life and hedgehog-style deductivism make uneasy partners. The force of conceptual change, the force that drives the dynamics of *practical* reasoning (at least in science), is the force of analogical reasoning, not principled deliberation. In demonstrating the value of shifting away from deductive techniques and towards inductive, analogical ones, these studies thereby support Dummett’s contention that practical life is (*logically speaking*) better suited to the “commoner,” than to the deductivist. As a result, these studies combine with Dummett’s logical insight into practical reasoning to provide a double-edged (logical & empirical) motivation for shifting away from deductivism and towards (inductivist) analogical reasoning in matters concerning practical

³²¹ *ibid.*

³²² Dunbar 1995, 386.

life (i.e., the logical interpretation of political judgment).

Clarifying Implications

At this point, the shift towards the logical interpretation of political judgment enacted by my deliberative outlets proposal may seem well-motivated. On both logical and empirical grounds (the “double-edged” motivation mentioned above), deliberation seems to do better to shy away from the deductive techniques of hedgehogs and mathematical reasoners. However, I suspect that many a philosopher will still bristle at this suggestion on account of *three* remaining concerns, which I take up here to both further support my proposal and to clarify it.

The concerns are as follows. First, they may still bristle at my focus, clinging to the idea that deductive reasoning nonetheless seems capable of eluding the issues canvassed in the last section. If citizens stick to certain premises or truths in their reasoning, they may still declare, then the degeneration of probabilities can be avoided. Second, even if they do engage in probabilistic reasoning, it isn't clear why analogy deserves special treatment (or exaggerated focus) as it does in my deliberative outlets proposal. Third, some deliberative democrats will worry that without a deductive basis for all citizen reasoning, there will be no moral constraint on citizen deliberation. As a result, my proposal will be rejected for its failure to retain the moral foundation of deliberative democracy. Clarifying what my proposal really implies under each of these headings will hopefully prevent a set of related misunderstandings and potential rejoinders from arising unnecessarily.

1. The Persistence of Deductivism

Regarding the first of these concerns, I will offer two rejoinders. The first rejoinder is, in

a way, “apologetic” (to re-use the terminology developed in chapter one for the three different approaches to defending the determinacy of deliberative democracy). What my proposal suggests is *not* that deductive reasoning should be dropped, *wholesale*, from accounts of deliberative democracy. Instead, it recommends a shift away from framing democratic deliberation in terms of a process that proceeds from an initial set of principles (or other “general” considerations) and into the particularities of a decision. A “shift away” from deductivism need not take the form of a radical and total break. Thus, my first rejoinder is just an apologetic note, which states that those who still retain a prominent deductivist streak need not see my deliberative outlets proposal as a *total* departure from earlier work. The two approaches (deductivist and inductivist) can co-exist happily. All I am proposing is that we shift our nearly total focus away from principled deliberation when giving accounts of real citizen deliberation.

My second rejoinder is less apologetic. To the extent that some deliberative democrats retain deductivist sympathies, they may wonder how much of a difference my proposal really makes. What, they may contend, really is the *level of need* for alternative, analogical techniques in citizen deliberation? If citizens avoid merely probable premises in their reasoning, they can safely surpass the degeneration of probability. Here, I would return to the central theme of this project. My concern here is not with just any form of citizen reasoning, but rather with the kind that can circumvent the underdetermination posed by the indeterminacy worry. Deductive constraints are not effective at individuating actions, as Benhabib was seen to argue above. More importantly, though, I would contend, democratic deliberation cannot have a real world grip on citizen decision-making if it is not overwhelmingly caught up in probabilistic reasoning.

My reason for stating this contention is actually a simple one with a long history of

philosophical support. Recall the earlier example in which Betty enters the school, printed signs in hand, and changes her mind about the best strategy for acting on the principles she and Alf endorsed. In that case, she came to believe that (rationally speaking) Alf's plan for putting their principle into effect was not a reasonable one. The key terms here are "plan" and putting principle "into effect" in a way that is "reasonable." The phrase I used earlier for this amalgam of ideas was that of "rational planning." Alf and Betty decide what to do by choosing a strategy for putting their principle and other shared commitments into effect. This strategizing about putting abstract ideas into practical effect is the process of rational planning. Alf and Betty are reasoning about what to do by making a plan that will "carry out" or realize what they have reasoned about.

When Betty enters the school, much of what changes about this plan (rationally) is that she no longer believes its underlying strategy will be an "effective" one. She does not think, however, that this change is based on an absolute certainty. Rather, with memories of her time at the school flooding her mind, she comes to realize how *improbable* it is that the strategy will be effective. This improbability is tied up with the limited capacity she has to actually divine the future. The freshly printed signs, after all, are still in her hand. She has not put them up. Rather, it is what she sees around her in the hallways and remembers that makes her change her mind. In ways analogous to her own past, she comes to believe, those students most in need now will continue to suffer her same fate despite the volunteer resources her and Alf intend to offer. This change in probability is a change based on an analogy drawn between her own past and present circumstances. As Dunbar discovered in the laboratory, here too actual changes of mind are driven by analogy. Furthermore, the change initiated in this belief about the probability of their strategy succeeding is a change in prediction. Looking into the future, Betty reasons, it seems

improbable that the strategy will succeed. Where her and Alf predicted success during their collective deliberation, she now predicts abject failure.

Wesley C. Salmon describes these concerns with future success as “predictive aspects.”³²³ This phrase helpfully conveys the sense in which our reasoning may have greater, lesser, or no concern with predicting the future as it works its way towards a decisive conclusion. However, as Salmon points out, it seems very hard to believe that our reasoning can offer any “guide to life” without this predictive aspect.³²⁴ As he observes, “we sometimes find ourselves in situations in which some practical action is required, and the choice of an optimal decision depends upon predicting future occurrences.”³²⁵ In political life, I would contend, this “sometimes” described by Salmon is more like an “almost always.” How often, I would ask, do we engage in political deliberation with an aim towards optimal decisions that do *not* depend on predicting future occurrences? In many ways, these questions are meant to point to a commonality in our practical lives. Only very rarely do we seem to be involved in anything like a *non*-probabilistic form of deliberation. Such deliberation would require that no “predictive aspect” enter into our reasoning. We must be, strictly speaking, completely and narrowly focused on certainties.

The real problem for such narrow deliberation, though, is not just that it is uncommon ... perhaps even impossibly so. Rather, the real problem is (yet again) actually a *logical one*. As Hans Reichenbach observed, “the ideal of an absolute truth is a phantom, unrealizable; certainty is a privilege pertaining only to tautologies, namely those propositions which do not convey any knowledge.”³²⁶ The logical problem with restricting reasoning to certain beliefs, Reichenbach

³²³ Salmon 1988, 48.

³²⁴ Salmon 1967, 76.

³²⁵ Salmon 1988, 48.

³²⁶ Translation quoted in Galavotti, Maria Carla (2011). “On Hans Reichenbach’s Inductivism.” *Synthese* 181, 96.

declares, is that the conclusions of our reasoning will amount to little more than tautologies, which is to say, our conclusions will merely restate the content of our premises. This mere restatement, of course, is equivalent to the nonampliative inference patterns we identified with deductivism earlier. Thus, Reichenbach's point is to say that, logically speaking, we can only use truth when we want nonampliative results for our reasoning. Truth is the domain of nonampliative, which is to say, truth-preserving inference.

However, Reichenbach boldly declares, if our reasoning really does wish to “convey any knowledge” in arriving at its conclusive judgments, it cannot be nonampliative. It needs to do more than preserve truth for a number of reasons, one of which is especially significant. To the extent that we arrive at judgments we hope to test in experience, we allow a “predictive aspect” into our reasoning.³²⁷ Testability is only possible on the condition that we are dealing with the kind of reasoning that is capable of predictive success and failure. As Reichenbach once captured the gist of this point, “there is no logical compulsion” that drives predictions. Predictions contain a “surplus meaning” because the future is indeterminate in ways that “baffle” attempts to turn it into a nonampliative process of (quasi) tautological truth-preservation.³²⁸ Thus, testability cannot occur without predictions to test, and those predictions cannot be *determined* by the compulsion of nonampliative inference. Something about the *future*, in all of its indeterminacy, must be added into our inferences. This additional factor is its uncertainty, the sense in which it stands at a remove from anything guaranteed absolutely by our current state of belief.³²⁹ Inductive reasoning is just the response to this situation. We use the past to make

³²⁷ Galavotti 2011, 96.

³²⁸ Reichenbach, Hans (2006). *Experience and Prediction*. South Bend, IN: University of Notre Dame Press, 51

³²⁹ Of course, one can find much earlier champions of this perspective on human judgment, as work on Thucydides often shows, including Hans-Peter Stahl's classic, Stahl, Hans-Peter (2009). *Thucydides: Man's Place in History*. Swansea: The Classical Press of Wales, 75-80. Indeed, Thucydides is such a clear and ardent champion of this perspective that one might say that he serves the same role for the perspective I am advancing here that Euclid plays

predictions about the future by means of induction. To the extent that we make rational plans that aim to be judged successful or unsuccessful at a future time, we cannot settle on a narrowly deductivist approach to deliberation.

Accordingly, my rhetorical questions from earlier can now be rephrased. How often, I asked, do we deliberate without any “predictive aspect” to our reasoning? In light of these remarks from Reichenbach, we can now see that (logically speaking) we are really asking, how often do we deliberate in ways that aim for a conclusion that will be judged successful or unsuccessful at a future time? How often do we deliberate in ways we believe *ought* to be immune from testing? Is such narrowly deductivist deliberation much of any presence in “practical life” (to use Dummett’s phrase)?

Further reason to doubt that such narrowly deductivist deliberation is present in practical life emerges from Candace Vogler’s work in the philosophy of action. Vogler’s work offers a less logical, more “lived” response of these questions, one that comes out strongly against deductivism. Looking at the various considerations that factor into our deliberation, Vogler discovers two essential kinds. One kind is “interminable,” which is to say it does not terminate in a “natural stopping place.”³³⁰ Other considerations are, by contrast, “terminable,” insofar as they have a *means-end* or *part-whole* structure that can be *tracked* along the steps of its execution, with various “stopping places” along the way to the ultimate fulfillment of the process they identify.³³¹ Terminable considerations, she adds, are terminable because their executive unfolding allows us to make means-end or part-whole calculations about them. They have a “calculative form,” to use the phrase she adopts. In terms of the vocabulary developed in chapter two above, terminable considerations are those that deal with entrenched, systematic relations in

for the perspective I have associated with deductivism.

³³⁰ Vogler, Candace (2002). *Reasonably Vicious*. Cambridge, MA: Harvard University Press, 43, 124.

³³¹ *ibid.*

a domain (CPAR.i.IT-IL).

While Vogler makes many arguments that apply to the present discussion, one of her claims is especially important for appreciating the inescapability of probability in real deliberation. We do not deliberate “just because,” that is to say, in an arbitrary way. Rather, Vogler maintains, we deliberate because we believe it is or should be *a stage along the way* to action in a given context. A problem arises, and we respond to it by thinking that *part* of our response to the problem should be deliberation. We believe our deliberation is a means to a proper response to the problem’s solution (as an end or goal). In her words, we deliberate “because the process was a means to, or part of, deciding what to do.”³³²

Even more importantly for our purposes, Vogler believes that when we do engage in the kinds of narrowly deductivist considerations Reichenbach believes are so impossible in practical life, *even then*, we entertain those considerations precisely because we believe they too are an important step (part or means) in deciding what to do.³³³ Deductivist reasoning may concern certain, universal propositions and certain, nonampliative inferences with truth-preserving conclusions. Nonetheless, we engage in such reasoning in *practical* deliberation only when we believe it is a step, part, or means to action. In other words, the “interminable” and universal truths of deductive reasoning only concern practical deliberation insofar as they can be incorporated into a calculative form. Vogler captures this point well, when she writes,

This end, the end of figuring out what to do, must be in place to guide and constrain the operation of practical reason in a *bona fide* episode of practical deliberation. *This* end is what marks one’s attempt at a practical deliberation as a failure if one winds up with no idea what to do ... The antecedent specification of your end (namely, deciding what to do) is presupposed in our very description of your thought process as an episode of practical reasoning.³³⁴

³³² Vogler 2002, 166.

³³³ *ibid.*

³³⁴ Vogler 2002, 166-7.

Here, Vogler makes abundantly clear a deep point about the nature of practical deliberation. We must first presuppose that even our deductive reasoning is “an episode,” a part, means, or otherwise trackable segment in the execution of action, if we are to count it as practical in its import. Of course, we can presuppose a calculative form only because we expect (i.e., we predict) that this deductive episode will have a certain kind of effect. For instance, we may *predict* that engaging in deductive reasoning will secure a better outcome than any other form of reasoning. In doing so, however, we have already presupposed a “predictive aspect” in even our most narrowly deductive efforts. Accordingly, we only ever deliberate (even deductively) when we are already making predictions *about the future* (e.g., that this deliberation will actually impact our *future* behavior).³³⁵ Of course, any such “predictive aspect” necessitates a probabilistic form of reasoning.

If Vogler is right, practical deliberation is “practical” because it presupposes a predictive aspect. We engage in practical deliberation when we predict that it could make a mark on our ultimate behavior, for instance, by improving it (e.g., making it driven by deductive reasoning) one way or another. As a result, the idea that a deductivist approach might sidestep the degeneration of probabilities makes no *practical* sense in the context of democratic deliberation either. To the extent that democratic deliberation is concerned with what ought to be done, it is (necessarily) based on this same “predictive” presupposition. Sticking to certain truths and being Herculean in our reasoning offers no escape from the degeneration of probabilities, and therefore, no escape from the need to shift towards an inductive approach in our thinking about democratic deliberation.

In his work on “political judgment,” Raymond Geuss makes an analogous point, writing,

³³⁵ Vogler 2002, 167-8, see my above discussion of Brandom 2001 and his philosophy of action for a more detailed summary of his perspective on the relationship between reasoning and behavior.

“Understanding’ itself, however, is not usually an end in itself, but a means to something else, usually to some kind of action.”³³⁶ In this statement, Geuss suggests the same point about the calculative nature of judgment in politics: It is rarely “an end in itself,” being a means (that is, *part* of a “calculative form,” which is to say, CPAR.i) towards something else. Moreover, he adds, such political judgments are distinguished by a “prediction-aspect” that cannot be separated from their “evaluation-aspect,” because the two are so “interconnected.”³³⁷ Here, Geuss masterfully unifies the above discussion. His talk of a “prediction-aspect” is helpfully reminiscent of Salmon’s “predictive aspect,” while at the same time he stresses (like Vogler) the sense in which the evaluative force of practical reasoning cannot be teased apart from this predictive aspect.

In an interesting (and easy to remember) application of this idea, Geuss critiques the way much moral philosophy is done in terms what I will call *belief management*. Geuss writes:

Of course, no one would want to prevent human agents from trying to bring their own moral beliefs into some kind of order, and making of them a “system.” However, it is important not to confuse this rather narcissistic activity with anything that might be called trying to engage *cognitively* (in the widest possible meaning of the that term) with the real world.³³⁸

In this passage, Geuss offers a colorful application of his earlier idea. If we, like Vogler, agree that political judgment presupposes a “calculative form,” then we can see that Herculean efforts to bring our beliefs into some kind of systematic order are only *practically significant* when some kind of impact (better or worse) on our action is predicted. As a result, while systematicity is a perfectly fine goal for human reasoners when they treat it as an episode in the execution of action, such systematicity is not an end in itself that ought to occupy much concern among *practical philosophers*, let alone the “commoners” described by Dummett. As an end in itself,

³³⁶ Geuss, Raymond (2010). *Politics and the Imagination*. Princeton, NJ: Princeton University Press, 11.

³³⁷ *ibid.*

³³⁸ Geuss 2010, 59.

systematicity is a “narcissistic” activity, Geuss colorfully suggests, not a form of cognitive engagement “with the real world.” With this suggestion, he offers a colorful application of the above analysis. Like the idea of a narrowly deductivist deliberation, Geuss helps us to see, the idea of systematizing our beliefs has no “real world” bearing on practical life without a predictive aspect. Belief management without any predictive aspect is a narcissistic affair.

2. Why Really Fixate on Analogy?

At this point, the second question mentioned above arises, namely: Must the shift towards induction, prediction, and probabilistic reasoning developed above take the analogical form to which it is assigned in my deliberative outlets proposal (DOP.a-c)? What is so special about analogies, it may be contended, that we should prefer to focus on them in our democratic theory? My response to this question follows readily from shifting away from deductivism and towards the logical interpretation of political judgment. According to Dummett, a “commoner” does better (logically speaking) in the humble exercise of probabilistic reasoning than does a mathematical Hercules or deductivist. Given his terminology, though, a very pragmatic problem arises. Mere “commoners” only very rarely seem adept at quantifying the probability of their commitments. The average person can hardly say which numerical probabilities should be attached to each of the beliefs specified in their humble reasoning, let alone actually assess those probabilities! Worse yet, in a deliberative democracy in which citizens *share their reasons*, we can hardly expect mere “commoners” to be able to share their probabilistic reasoning, if they cannot be expected to have a quantitative facility with the contents of that reasoning.

Indeed, as Wesley Salmon observes with regard to political deliberation, the citizenry rarely has numerical values to assign to probabilities such as those relevant to atomic warfare’s

“fallout.”³³⁹ For instance, when citizens and their elected representatives debate unconventional forms of warfare like atomic weapons, antipersonnel land mines, and “cluster bombs,” the predictive aspect mentioned by Salmon and Geuss saturates their discourse. Key claims related to the acceptability of these weapons relate to predicted effects, including the radioactive aftermath of atomic weapons and the damage it is expected (or predicted) to “likely” produce. Similarly, when it comes to mines, much of what has motivated a shift away from their use among governments is non-governmental advocacy, which has focused on the *formerly unexpected*, and now (thanks to the citizenry!) *expected* loss of limbs among innocent children years, or even decades, after the conflict that motivated the use of those mines has subsided.³⁴⁰ Objections to cluster munitions are also dependent on predictions about more or less probable consequences of their use (e.g., poor precision in targeting and therefore higher risks of unexpected civilian casualties).³⁴¹ As these three examples show, many issues of widespread popular concern depend heavily upon a predictive aspect to reach an optimal decision. However, if Salmon is right, and the “commoner,” or average citizen, rarely has a quantitative grasp of this predictive aspect, the “pragmatic problem” I mentioned above does seem incredibly significant. How is the humble practical deliberation of Dummett’s “commoner” even possible?

Internal to these examples is a clue. When scholars and citizens alike advocate against atomic weapons, antipersonnel land mines, and cluster munitions, we often discover that they begin their advocacy by first mentioning vivid past examples of the effects of these unconventional weapons. More importantly, they begin with examples others would likely not

³³⁹ Salmon, Wesley C. (1988b). “Dynamic Rationality,” in *Probability and Causality*. ed. James H. Fetzer. Boston, MA: Kluwer Academic Publishers Group, 30-31.

³⁴⁰ Richard Price (1998). “Reversing the Gun Sights: Transnational Civil Society Targets Land Mines.” *International Organization* 52, 613-644.

³⁴¹ Docherty, Bonnie (2007). “The Time is Now: A Historical Argument for a Cluster Munitions Convention.” *Harvard Law School Human Rights Journal* 20:1, 53-99.

have expected, for example, that weapons used to target enemy combatants might still pose an active threat decades after a conflict; the enormous historical and geographical reach of radiation in the aftermath of atomic warfare; the unexpected loss of children's limbs decades after a war ended; the loss of limbs and lives among children who mistook an unexploded submunition from a cluster bomb for a toy, given its toylike shape and appearance.

How might advocates expect these examples to help others understand the predictive aspect of their arguments against the use of these unconventional weapons? Quite simply, they expect others to gain a *qualitative grasp of probabilities* by drawing analogies between these vivid examples and other experiences more familiar to their audiences (CPAR.ii). People are familiar with the relentless curiosity of children and how anything *like* the small, shiny, round appearance of a submunition is especially attractive to their curiosity. Furthermore, people are familiar with the ways in which radioactivity has unexpected risks, perhaps from past experiences with getting x-rays or hearing about the dangers of x-rays. Time spent working in the yard, on the farm, or as a child playing at an unused property will make the audience familiar with the ways in which objects deposited years, even decades earlier have a tendency (high probability) to still be around long after they initially had a purpose being deposited there.

In short, in being familiar with these past experiences, citizens are also familiar with their probabilities (CPAR.i). They may be unable to give a *quantitative* value to these probabilities, but they can nonetheless provide *qualitative* evaluations by drawing analogies (CPAR.ii). It seems probable, they would agree with these advocates, that anything *toy-like* in the manner of a submunition would pose a threat to children. It seems probable, they would agree with these advocates, that anything *like* the long-abandoned detritus in a field, yard, or long unused property will still be around long afterwards. It seems probable, they would also agree with these

advocates, that what they know to be probable about the risks of radioactive materials from public advocacy about old x-ray machines can be extended to the risks of atomic warfare's aftermath.

Just as importantly, not only do the “commoners” constituting the audience of such advocacy reason this way, but even the “expert” advocates do as well. Sometimes they do know quantitative assessments of probabilities, but very often they analogically extend what they know about the probability of cluster munitions risks in one conflict to another. A current conflict becomes the object of much outcry because the cluster munitions are used yet again, despite what is known to probably be true of their impact in light of the similarities between the present conflict and a past one. As others have documented in the domain of scientific inquiry, experts are masterful in making “reasonable qualitative assessments of the strengths of the various factors, classifying them as strong, moderate, weak or negligible.”³⁴² Indeed, given Dunbar's findings about the prevalence of analogical reasoning among experts in particular, we might draw the apparent connection and realize: Practical deliberation by “commoners” and experts alike needs to be carried out analogically, because analogies provide a much needed, *qualitative* alternative to quantitative measures of probability. Given the way ordinary people and experts alike excel at reasoning about physical probabilities related to things like ecosystems (things which are otherwise extremely difficult to analyze), we have good reason to pause whenever skeptics totally dismiss the ordinary citizen's reasoning abilities.³⁴³ Such information should provide only further support to Dunbar's findings against skeptics of qualitative probabilistic reasoning.

Paul Bartha has explored the idea that analogies provide a measure of probability along

³⁴² *ibid.*

³⁴³ Strevens, Michael (2013). *Tychomancy*. Cambridge, MA: Harvard University Press, 215-6.

these lines through a formal, Bayesian representation of the corresponding pattern of reasoning.³⁴⁴ For present purposes, the intricacies of his approach are perhaps best set aside. Whether inductive reasoning is best approached through Bayesian conditionalization is a subject of debate in and of itself, let alone as a method for understanding the analogical variety of inductive reasoning.³⁴⁵ Consequently, it is perhaps better to simply draw attention to some of the ideas advanced by Bartha that are particularly relevant to understanding how analogy allows us to assess probabilities in a qualitative manner.

One of these ideas connects back to Dummett's logical insight. Bartha sees the function of analogy to be an assessment of the "face value" plausibility of a hypothesis, which he believes can be construed (through a Bayesian approach) as a probabilistic form of assessment that occurs in two parts. First, analogy begins by taking up a hypothesis and "assigning it nonnegligible prior probability;" second, the analogical argument then seeks to justify that assignment of prior probability.³⁴⁶ Here, the idea (roughly) is that analogical reasoning begins by first extending an initial assignment of probability to a hypothesis, which it then (in the second stage) seeks to justify. In terms of the contemporary perspective on analogical reasoning developed above (CPAR), Bartha's idea is that we first inferentially extend (CPAR.ii) an assignment of prior probabilities to a claim about the systematicity (CPAR.i) of the target domain, based on our familiarity with the probabilities of the source domain. After this initial assignment, we then proceed to check for spuriousness (CPAR.iii).

³⁴⁴ Bartha 2010, 279-99.

³⁴⁵ Some have suggested that this topic of debate, as well as its relationship to analogical reasoning, is actually indicative of how far analogical reasoning and induction are from the formal approach of deductivism, being (as John D. Norton has argued) a material form of inference driven by empirical facts, rather than formal argument schemes or abstract forms of argument, see Norton, John D. (forthcoming). *The Material Theory of Induction*, chap. 4 on "Analogy," as well as Norton, John D. (2010). "There are No Universal Rules of Induction." *Philosophy of Science*. 77, 765-77, and Norton, John D. (2014). "A Material Dissolution of the Problem of Induction." *Synthese* 191, 671-690.

³⁴⁶ Bartha 2010, 279.

The result is a qualitative form of reasoning about probabilities in which we: (1) Inferentially extend some “nonnegligible” set of probabilities, and then (2) check that extension for spuriousness. Bartha’s use of the phrase “nonnegligible” helpfully connects the present discussion back to Dummett’s insight and my logical interpretation of political judgment. Dummett had insightfully pointed out that the degeneration of probability threatens every deductivist approach to practical deliberation, turning its proud, Euclidean efforts into results with a probability only negligibly greater than “0.” By contrast, Bartha’s idea here explains how analogical reasoning can get past that threat, namely, by (1) qualitatively assigning a greater (i.e., nonnegligible) probability than any deductivist is likely to achieve in the face of the degeneration of probability, and then (2) checking that assignment for spuriousness.

Bartha’s idea also helpfully sheds light on the examples of political advocacy above. Advocates for restricting the use of cluster munitions, for instance, begin by first assigning a prior probability to the idea that these munitions pose a danger to children in ways that were likely unexpected otherwise. In doing so, they hope to begin deliberation with a “nonnegligible” probability (something Dummett revealed to be well beyond the hopes of deductivists). By then examining the toylike features of submunitions from “cluster bombs,” including their shape and appearance, advocates then proceed to make this initial assignment of probability better justified. Furthermore, they may also cite quantitative statistics or provide more examples, case histories, or personal testimonies to lend this assignment of prior probabilities even more argumentative force. Of course, the idea is not to reveal a necessary, systematic relationship between the use of cluster munitions in warfare, the properties of their submunitions, and their serious threat to innocent children; rather, advocates aim to reveal the already familiar, high probability of this systematic relationship. In a word, advocates wish to extend the highly probable, systematic

relations in a source domain with which citizens and officials are familiar from other experiences (e.g., their own childhoods, teaching, childrearing, etc.) to a target domain where the probability of those systematic relations are not well-understood by “commoners” (CPAR.ii).

A second idea advanced by Bartha is that we can concisely capture this two-part process of (1) qualitative probability assignment, and (2) justification through the evaluation of its spuriousness, with the idea of extending expectations about the “*epistemic ballpark*” in which the target domain’s systematicity can be evaluated.³⁴⁷ The idea here is especially relevant because it ties in so well with our discussion of the “predictive aspect” and “calculative form” of practical deliberation developed above. According to Bartha, what happens when we extend prior probabilities to a systematic relation in the target domain is that we extend some expectations about it. More specifically, we extend the probabilities from the familiar, source domain, to analogous systematic relations in the unfamiliar, target domain. However (in keeping with CPAR.iii), we do so with an eye towards justifying that extension by exploring its potential spuriousness.

The eye we keep on that justification, though, is not completely devoid of structure. Part of what we extend is some expectation about what it would take for the target domain to ultimately retain/gain the prior probabilities extended to it. From the familiar source domain, we get some concrete expectations of what we should predict, as probable, when we turn to the process of evaluation and justification. If we recall Vogler’s discussion of practical reasoning and her claim that it is defined by its “calculative form,” Bartha’s idea becomes even more concrete. To have a calculative form is to have “trackable” expectations for how we can execute an action and rationally plan it. Connecting this claim to Bartha’s second idea, we can see that his point is a “calculative” one. When we use analogies to qualitatively extend prior

³⁴⁷ Bartha 2010, 294.

probabilities, what we do is extend the probabilities *along with a set of trackable predictions, or a “plan,” for how those probabilities will ultimately be justified.* We suggest a “ballpark” estimate of the probabilities that should be assumed in the target domain, as well as a plan for their evaluation in terms of some expected steps for evaluating the assignment of those prior probabilities.

Returning to our previous examples may help explain this last point. When an advocacy group opens with an analogy to suggest that cluster munitions are *usually* bad in unexpected ways, they simultaneously *set up expectations* (a plea) for how that suggestion might be justified (as non-spurious). For instance, if their opening analogy is a vivid series of photographs of maimed children, the expectation will be set up to explain why only children are systematically related to these horrific, unexpected and yet highly probable consequences. Setting up this explanatory expectation means they will make a plan, when organizing to present their advocacy work to an audience, to at some later point explain how the toylike nature of submunitions increases the probability of children being uniquely (even if accidentally) “targeted” by cluster munitions. The ballpark estimates of the probabilities assigned by their opening analogy are “nonnegligible,” but only with a trackable plan to justify them in tow. In short, in *practical* deliberation, the advocacy group is concerned to predict the effect of their opening analogies in terms of how they will impact the probabilities the audience assigns to children being hurt by cluster munitions, while at the same time predicting that this expected effect is conditional on justifying their initial assignment of prior probabilities at a later point in the presentation. The “ballpark” probabilities assigned and assessed are intrinsically tied to a plan, that is, a means for tracking the expected success of these deliberative considerations.

A well-developed body of computational research exists on the ways in which artificial

and human intelligences use analogies to assign prior probabilities along these lines, as well as those factors that make these assignments ultimately more or less justified. This research is worth mentioning here because it makes the above analysis not only more realistic, but also more intuitive. In an attempt to offer a synthesizing overview of this research, Douglas Hofstadter and Emmanuel Sander have highlighted the inescapability of these qualitative, analogical assessments, as well as the ridiculousness of trying to even suggest that in real life we might do anything but rely on analogies for this purpose.³⁴⁸ They write, for instance,

what usually matters in everyday life is how likely something is rather than how logically deducible it is ... To live one's life in this world, one has to trust one's own judgments about what is and what isn't likely, far more than worrying about fine points of logical validity.³⁴⁹

In this passage, they underscore the idea, developed in the analysis above, that “what usually matters in everyday life” is probability, not logical deduction. They add, though, that this focus on probability can be seen in the way we worry more about likelihood than we do the “fine points” of logical validity. In other words, people focus on assessments of probability more than they worry about adhering to the canons of deductive logic.

The reason they offer for this rejection of narrow deductivism is that “every thought that anyone has, no matter how tiny it is, no matter how spontaneous or mindless it might seem, is an outcome of this kind of mental activity that has no logical validity.”³⁵⁰ It would be “grossly pedantic,” they declare, if one were to hesitate to accept the analogical inferences about probabilities that pervade our daily affairs.³⁵¹ They offer a pithy example to this effect, writing,

If A. were to ask Z. a question as innocuous as “How are your fries?”, then Z., in order to be strictly logical, would have to reply, “Well, the six I’ve partaken of so far were most

³⁴⁸ Hofstadter, Douglas, and Sander, Emmanuel (2013). *Surfaces and Essences: Analogy as the Fuel and Fire of Thinking*. New York, NY: Basic Books, esp. 307-310.

³⁴⁹ Hofstadter and Sander 2013, 308.

³⁵⁰ *ibid.*

³⁵¹ *ibid.*

savory, but since I haven't tasted any of the others on my plate, I have no basis for commenting on how they are." In some theoretical sense, Z.'s answer may be defensible, but anyone sane would find it grotesquely pedantic ... The analogy between the already-savored fries and their yet-to-be-ingested cousins would seem too compelling to allow any other answer even the slightest chance of coming to mind.³⁵²

In this little example of deductivism at work, Hofstadter and Sander point out the absurd, "grotesquely pedantic" nature of anyone who would attempt to live a life of deductivism and not reason probabilistically through analogy. To not use the past fries to assign a prior probability to the other fries on one's plate is to oppose an inference that "would seem too compelling" not to be made. However, one implication of this quotation needs to be qualified, if not corrected. The idea that the narrow deductivist "Z.'s answer may be defensible" should be countered to prevent misunderstanding. If Z. only wishes to rely on certain conclusions when reasoning in some generic sense, it is justifiable to use the phrase "may be defensible."

However, if Z. is engaged in *practical deliberation* about what to do, the phrase is amiss. If Z. is trying to figure out whether to eat the other fries, or what it would be best to say to A., the "predictive aspect" of that deliberation will indeed mean that the narrow deductivist answer should not be given the "slightest chance of coming to mind." The reason here is a practical reason with a "calculative form." To offer the strict deductivist answer would *probably* have the effect of leading to a misunderstanding between Z. and A. So too, the narrow deductivist reasoning would *probably* lead to undesirable effects if it were allowed to "come to mind" when trying to figure out what to eat next. Z. might, for instance, be stuck between eating the remaining fries and eating anything else available on the table (e.g., the contents of a bread basket) if he let deductivist thoughts even come to mind. To treat the remaining fries as lacking any prior probabilities is to adopt a practical strategy that will predictably cause ourselves more

³⁵² *ibid.*

practical “headaches” in life than would otherwise be the case. The “calculative form” of practical reasoning precludes the practical reality of such narrow deductivism.

Some of the more detailed results of this computational research on analogy are especially effective windows onto the intuitiveness of my focus on analogy, as it has been explained and justified above. For example, specific factors have been identified that allow these researchers to evaluate the quality of different analogies and to predict how others will evaluate them as well.³⁵³ These factors include the number of previously observed cases that factor into the analogy, the diversity of the sample used to make the analogy, the diversity of the previously observed cases themselves, and the typicality of the members of the sample.³⁵⁴ For instance, analogies drawn on the basis of many past experiences are stronger than the same analogy that only selects one of those past experiences as its source domain. Furthermore, if among those past experiences, the systematic relations that interest us actually relate in each of those experiences to very different things (e.g., one to people, the other to dogs), the analogy will be weaker. Two sets of analogous lab results conducted on television viewers and internet users, for example, are less persuasive than the same number of lab results, with analogous

³⁵³ Here, I employ the concise summary available in Hofstadter and Sander 2013, 309-310, which draws on research from a number of sources, many which have been the subject of more extensive analysis elsewhere, most of which Hofstadter and Sander cite, e.g., Bach, Theodore (2012). “Analogical Cognition: Applications in Epistemology and the Philosophy of Mind and Language.” *Philosophy Compass* volume 7, issue 5, 348-360, Churchland, Paul (1992). *A Neurocomputational Perspective*. Cambridge, MA: MIT Press, 198-230, Churchland, Paul (2012). *Plato’s Camera*. Cambridge, MA: MIT Press, Oaksford, Mike and Hahn, Ulrike (2007). “Induction, Deduction, and Argument Strength in Human Reasoning and Argumentation,” in *Inductive Reasoning: Experimental, Developmental, and Computational Approaches*. ed. Aidan Feeney and Evan Heit. Cambridge, UK: Cambridge University Press, Holland, John H., Holyoak, Keith J., Nisbett, Richard E., Thagard, Paul R. (1986). *Induction: Processes of Inference, Learning and Discovery*. Cambridge, MA: MIT Press, Holyoak, Keith J. and Hummel, John E. (2001). “Toward an Understanding of Analogy within a Biological Symbol System,” *The Analogical Mind*. ed. Dedre Gentner, Keith Holyoak, and Boiko Kokinov. Cambridge, MA: Bradford Books, especially 158, Margolis, Howard (1987). *Patterns, Thinking, and Cognition*. Chicago: University of Chicago Press. Prinz, Jesse (2004). *Furnishing the Mind*. Cambridge, MA: MIT Press, Sloman, Steven (2009). *Causal Models*. Oxford, UK: Oxford University Press.

³⁵⁴ Hofstadter and Sander 2013, 309.

conclusions, that are both conducted on just one or the other of these samples. Or again, if those lab results are conducted using highly atypical “television viewers,” such as people who watch television by using binoculars to see what their neighbors are watching, we are likely to rate them below those same results discovered for a more typical sample of television viewers.

The value of mentioning some of these specific results is that they lend further credence to my proposal and the sense in which analogy does offer an opportunity for “commoners” to practice probabilistic reasoning in a plausible and intuitive way. One might be skeptical that analogies can provide anything as complex as a qualitative guise for highly complex quantitative thoughts related to all manner of complex statistics. However, I believe the strength of my position is that it actually manages to retain the possibility that people can be skilled at something without having an articulable grasp of its guiding expectations. More importantly, though, I believe this for the same reason that Richard Holton does with respect to human deliberation more generally, namely: “The psychology literature is full of examples.”³⁵⁵ In one example Holton cites, subjects played a computer game driven by a “fairly complicated algorithm,” which they learned to use “to predict,” with ever greater speed, where to expect an item to appear.³⁵⁶ In doing so, they came to react in ways that were “faster than their conscious processes could track,” and therefore constitutive of “predictive skills that worked in the absence of any conscious judgment.”³⁵⁷ If Holton is right in his interpretation of this experiment (as well as the many others with which psychology is “full”), Dummett’s “commoners” are indeed extremely capable of complex quantitative reasoning. However, that capacity is not innate, but rather something that comes with the accumulation of experiences, of trial and error, of past

³⁵⁵ Holton, Richard (2009). *Willing, Wanting, Waiting*. Oxford, UK: Oxford University Press, 61.

³⁵⁶ *ibid.*

³⁵⁷ *ibid.*

situations sufficiently analogous to present ones to offer prior probabilities for what to expect.³⁵⁸ Thus, this research goes a long way in making the probabilistic nature of analogical reasoning not only empirically realistic, but also intuitive as well. What we expect from the “commoner” is not only a predictive skill, but a skill that is difficult to articulate (“unconscious”) as well.

Finally, a last body of empirical research, though not computational, may also be worth mentioning to further underscore the practical plausibility and intuitiveness of my focus on analogy. In a rare study of the “Vietnam Decisions” made in the 1960’s about whether the United States of America should engage in military intervention in Vietnam, Yuen Foong Khong discovered that analogy was a constant force.³⁵⁹ Among the transcriptions of conversations related to those decisions, analogies to past historical events and experiences played a pivotal role in structuring deliberation about what to do and (ultimately) also played a role in determining what was actually done. Indeed, Khong is so persuaded by the contribution of specific analogies, that he argues that specific analogies provide a better explanation of the “final choices of American policymakers” than alternative explanations, including the famous “containment” explanation.³⁶⁰ For instance, he points out that a reference to “MacArthur’s mistake” in Korea repeatedly appears in the pages of the relevant documents, which was used to assess the comparative probability that China would enter the conflict in Vietnam upon executing each of the different strategies under discussion by policymakers.³⁶¹ For present

³⁵⁸ Some may object that this summary statement assumes too great a “frequentist” interpretation of the inductive logic of analogical reasoning. However, the point can be made without taking a stance on the interpretation of inductive logic. As Toby Handfield has observed, whatever sophisticated debates may occur with regard to the frequentist interpretation, the larger point it makes about the value of using frequency to guide induction can be appreciated without going “all in” on frequentism, see Handfield, Toby (2012). *A Philosophical Guide to Chance*. Cambridge, UK: Cambridge University Press, 106-110.

³⁵⁹ Khong, Yuen Foong (1992). *Analogies at War: Korea, Munich, Dien Bien Phu, and the Vietnam Decisions of 1965*. Princeton, NJ: Princeton University Press.

³⁶⁰ Khong 1992, 194.

³⁶¹ Khong 1992, 168, 204.

purposes, the interesting point here is simply that an analogy (“MacArthur’s mistake” in Korea) was used to assess probabilities in a case of practical deliberation in politics ... and with decisive, “real world” results.

3. Morality without Deductivism?

All of this talk of probability has hopefully rested many deductivist biases; however, another remaining worry may cause people to still bristle at my proposal. For many deliberative democrats, democracy rests on a moral basis. Principles come first because deliberative democracy envisions democracy as a fundamentally moral enterprise, one governed first and foremost by a principle of respect among persons for their equality as co-deliberators in the process of making decisions about laws that will mutually bind them.³⁶² Here, I would offer three points, one of which restates an earlier claim.

The first point (1) returns to Candace Vogler’s argument. According to Vogler, principles can only be “practical” determinants in our action when we expect (or predict) that they will be practically determinative. When we see principles as probably taking part in some larger process (i.e., a part-whole, means-end, calculative form), only then, are they “practical.” One can easily retain a “principles first” approach to the moral core of deliberative democracy while also accepting that when it comes to democratic *practice*, what does the determining of actual courses of action is past experience.

The second (2) point I would make is even more conciliatory, as I would say that this moral core of deliberative democracy is not expunged, *necessarily*, by my analogical focus. Rather, we must simply be explicit about the *predictive aspect of this moral core*. If deliberative

³⁶² Gutmann and Thompson 2004, 21-26.

democracy is thought to rest on respect among agents as co-deliberators, it is to some degree because we *expect* that it should *play a part* in a larger process of democratic governance. Accordingly, the moral core of deliberative democracy may itself best be understood as a prior probability, one based on our past experiences with the exercise of power as individuals and as a species. Through these past experiences, we have learned that it is very probably better to orient our collective decision-making around mutual recognition of one another as free, equal, and rational beings, than it is to ignore this rational equality.³⁶³

Some may object to the inductive nature of this claim. More specifically, some will object that past experience (which is thoroughly *empirical*) should have nothing to do with the moral core of deliberative democracy. After all, isn't it the legacy of Kant to ask that we bracket our individual experiences (the "empirical") when it comes to understanding any human practice with a "moral core"? In response to this question, it is worth returning to the first of the two points (1 above) I just made ... albeit with a focus on their relevance to Kant's practical philosophy and the Kantian legacy in political philosophy. In the case of Kant's own practical philosophy, closer attention to his works reveals a tremendous affinity between the first point I just made and related theses Kant himself advances. Kant shares with Vogler a similar conception of the "practical" part of *practical philosophy*. To the extent that principles are "practical" determinants of *actions*, rather than components in a process of mere *ratiocination* (to use Jennifer Uleman's richly illustrative distinction), Kant too believes that the lessons of past personal experience need to play a role.³⁶⁴

Kant does indeed keep the moral core of any human practice separated in a "sphere quite

³⁶³ For a moral philosophy that is unwavering in its adherence to this line of thought, see Churchland 2007, 53-57, 72-74.

³⁶⁴ Uleman, Jennifer K. (2010). *An Introduction to Kant's Moral Philosophy*. Cambridge, UK: Cambridge University Press, 85.

different from the empirical.”³⁶⁵ Empirical considerations about what has been and what we may (inductively) expect to come true in the future, based on past personal experience, cannot be the “determining ground” of what is *moral* in human practices for Kant. The reason they cannot play that moral role is that they offer an unreliable “measuring-rod” for making moral discriminations, as well as an unreliable motivational “mainspring” for actually pushing people to moral behavior.³⁶⁶

However, Kant also admits that even when decisions are made on the basis of a moral core that is in a “sphere quite different from the empirical,” it must be admitted that “it cannot possibly be a matter of indifference to reason how to answer the question, *What is then the result of this right conduct of ours?* Nor to what we are to direct our doings or nondoings, even granted this is not fully in our control, at least as something with which they are to harmonize.”³⁶⁷ In other words, like Vogler, Kant admits that a human practice with a moral core cannot have *practical* significance apart from its relationship to an empirically-realizable state of affairs.³⁶⁸ When envisioning “right conduct” and its pure moral core, we cannot be “indifferent” to what will empirically result from it in the world. The impossibility of such indifference resonates with my own analysis above. Alf could not help himself from envisioning the empirical effects of his “pure” reasoning with Betty about the “moral core” principles that ought to guide their collective reasoning; he could not help but think about the effect of their reasoning on the upcoming presentation he had already prepared and whether it would need to now be revised. Thinking

³⁶⁵ Kant, Immanuel (1996a). *Practical Philosophy*. trans. Mary J. Gregor. Cambridge, UK: Cambridge University Press, 167, (1968). *Kants Werke*. Band V. Berlin: Walter de Gruyter, 34.

³⁶⁶ Kant 1996, 167, 1986, 34, Guyer, Paul (1993). *Kant and the Experience of Freedom*. Cambridge, UK: Cambridge University Press, 339, notice that Kant’s argument is itself based on empirical observations which many would now contend no longer obtain, given post-“linguaformal” ways of providing an empirical “measuring-rod,” see for instance, Churchland 2012, 261-8.

³⁶⁷ Kant, Immanuel (1996b). *Religion and Rational Theology*. trans. Allen Wood and George di Giovanni. Cambridge, UK: Cambridge University Press, 58, (1968). *Kants Werke*. Band VI. Berlin: Walter de Gruyter, 5, Uleman 2010, 85.

³⁶⁸ Uleman 2010, 85.

about the pure moral core that ought to guide our action is *a part of* a larger process that has an empirical effect on the world (e.g., whether one has to revise one's presentation).

Similarly, Kant stresses that a non-empirical vision of the moral core of human practices is no reason to be indifferent to the empirical effects of right conduct. Right conduct is indeed practical and action-guiding to the extent that it is *part of* a larger process (CPAR.i.II-IT) that will (as Vogler argued) necessarily have an effect on the world. Recent work on Kant's extensive writing about virtue and character further attests to his sensitivity and awareness of the need to consider not only the non-empirical moral core of human practices, but also the empirical parts of those practices as well.³⁶⁹ Virtue, Kant allowed, is not innate and non-empirical, but rather an acquired disposition. As Anne Margaret Baxley expresses his view, "for Kant, virtue is a moral strength of will known only through the obstacles it is able to overcome."³⁷⁰ The formation of virtue requires not ratiocination, but learning what to expect from the world and how to overcome it ... the inductive use of past experiences to "strengthen" the morally dutiful will. Consequently, my proposed way of tying the moral core of deliberative democracy to learning from past experiences and prior probabilities is not actually so at odds with Kant's larger *practical philosophy*, as it might first appear.

The political philosophy of John Rawls may supply another way of framing a response to such a "Kantian" worry about my reliance on past personal experience. According to Hélène Landemore, a "subtle shift" occurred in Rawls' thinking. In his earlier work (e.g., *A Theory of Justice*), he pursued principles that could serve as "a foundation of any ideal just society," a pursuit that was "fraught with truth-like moral claims" and often seemed "to take for granted that

³⁶⁹ Baxley, Anne Margaret (2010). *Kant's Theory of Virtue*. Cambridge, UK: Cambridge University Press.

³⁷⁰ Baxley 2010, 51.

there were ‘right’ answers” to the questions he explored.³⁷¹ In his later work (e.g., *Political Liberalism*), Landemore believes that Rawls attempts to “transcend disagreement about the right and the wrong” in ethics and politics not by bracketing personal experience or championing truth-like moral claims about the foundation of *any* ideal society; rather, Rawls realizes that his theory must “renounce truth, replacing it with a metaphysically lighter notion: the reasonable.”³⁷² Furthermore, Landemore writes, “the later Rawls does not think that his theory of justice is the right one, let alone the true one, but merely the best for us – where ‘us’ is defined as the members of modern, constitutional democracies like the United States.”³⁷³

I cite Landemore’s reading of Rawls’ philosophical project because it helps to contextualize a fascinating distinction Rawls develops in his later work between the “order of deduction” and the “order of support” in public reasoning (incidentally, Rawls references “the axioms of geometry” to spell out this idea, which makes it especially relevant to the above discussion of deductivism).³⁷⁴ This distinction makes what Rawls declares to be “an important point,” namely, that the “order of support” is “another matter” from deductive argument. The order of deduction has to do with how statements are to be connected in an orderly manner that makes their connection “clear and perspicuous,” providing a “certain unity” that is “illuminating.” By contrast, the order of support has to do with the reasons that actually “justify” a normative conception and “make us confident that it is reasonable.”

The two orders may be “isomorphic,” Rawls allows, but he nonetheless maintains that they might be different. We might try to present a political vision in a clear, perspicuous, unified, and illuminating way by stressing the need to set aside personal experience as a concern

³⁷¹ Landemore 2013, 227-8.

³⁷² Landemore 2013, 228.

³⁷³ *ibid.*

³⁷⁴ Rawls 1996, 242, which is also the basis for the other quotations on this page.

and first focus on the “moral core” of the vision and its deductive arrangement into a theoretical system. Rawls’ early work might be said to offer just that kind of elegant exercise in the corresponding order of deduction. From two principles, he attempts to systematically arrange our intuitions about justice. In his later work, though, Rawls tries to transcend many threatening forms of disagreement and get at what would actually justify and make us confident in a political vision. This order of support eschews contentious talk of truth and other language associated with a “moral core.” Instead, it focuses on what could be politically efficacious ... that is, what could really determine politics through its deliberative significance. What has this potential? Not a purist’s *order of deduction* of the political vision from the principles of a “moral core,” but rather a foxes’ *order of support*, which uses past personal experience and associated “ballpark” prior probabilities to gain our confidence in its reasonableness.

Through this distinction, Rawls suggests another way to respond to the “Kantian” worry sketched above. Worries about how the “moral core” of deliberative democracy squares with my investigation can be set-aside as the legitimate concerns of the “order of deduction.” These concerns can still be debated between those who believe (like Kant) that what comes first in the order of deduction is non-empirical, and those who take a more thoroughly empirical approach to that moral core. However, that debate occurs in a different space from the discussion of how deliberative democracy is to be approached within the order of support. No matter how Kantian one may be in the order of deduction’s debates, when it comes to the “order of support” that actually determines what is reasonable in democratic deliberation, it can be accepted that democratic deliberation is analogical. It can be accepted that, from within the order of support, our need for probabilistic assignments and their availability to “commoners” in a qualitative form makes analogical reasoning the preferred mode of democratic deliberation. Accordingly,

“Kantian” deliberative democrats can retain their belief that in the *theoretical “order of deduction,”* a moral basis defined by principles comes first, while nonetheless embracing my proposed shift away from deductivism in the order of *“real world” support* identified with actual democratic deliberation.

Of course, not all deliberative democrats are “Kantians” when it comes to moral philosophy. Fortunately, two of the other major traditions in ethics – consequentialism and virtue ethics (to use labels some consider now to be quite outdated and unhelpful) – are equally, if not *more* consonant with my proposal. In the case of consequentialism, this consonance is especially evident in Douglas Portmore’s recent presentation of a “commonsense” consequentialist moral philosophy.³⁷⁵ Portmore acknowledges that classic utilitarian moral philosophies suffered from a glaring flaw related to their “utterly absurd implications.” Chief among these, he believes, is the implication that the choice of one action over another is morally required because of a miniscule difference in the amount of utility that would be maximized by one action in comparison to the other.³⁷⁶ As he writes, “the mildest of pleasures for the briefest of moments” makes for an absurd tipping point in moral evaluation.

Nonetheless, Portmore believes consequentialism can be saved and made highly attractive through a number of moves, several of which are highly consonant with the themes of this project. Perhaps chief among them is the idea that consequentialism selects the winner when ranking optional courses of action, not by comparing their outcomes, but rather by comparing their “prospects.”³⁷⁷ The prospect of an action, he explains, “is a probability distribution over the set of possible outcomes associated with that action.”³⁷⁸ For Portmore, the fate of

³⁷⁵ Portmore, Douglas W. (2011). *Commonsense Consequentialism*. Oxford, UK: Oxford University Press.

³⁷⁶ Portmore 2011, 4.

³⁷⁷ Portmore 2011, 23-4, 232.

³⁷⁸ Portmore 2011, 23.

consequentialism as a moral philosophy rests in part on changing its traditional focus on outcomes in favor of looking at how agents use probability distributions to make their moral evaluations. Clearly, Portmore's language resonates with the focus on probability in this project.

Furthermore, Portmore's "commonsense" consequentialism also reflects larger themes of this project, insofar as he stresses that moral evaluation occurs not with regard to discrete choices, but rather *whole sets of actions*. Notably, when Portmore talks about such "whole sets of actions" factoring into moral evaluation, he treats these sets as partially embodying Vogler's "calculative order." Among the discrete actions in a larger set of actions with which moral evaluation is concerned, Portmore maintains, some of those actions are commonly parts of other, larger action sequences.³⁷⁹ In this way, Portmore asks that consequentialist moral evaluation be recast in terms of the kinds of systematic relations that are a central concern in the contemporary perspective on analogical reasoning explored above (CPAR.i.IL). Moreover, he also allows that within these sets of actions, the actions not only relate systematically by occupying different levels (i.e., CPAR.i.IL), but also in their temporal ordering (i.e., CPAR.i.IT).³⁸⁰ Fittingly, Portmore stresses that the process of intending any given set of actions should not always be seen as the formation of a discrete intention for some preferred outcome over others. Additionally, it must sometimes take the form of a "*schedule of intentions*," which allows that moral actions unfold over time (IT) and at many levels (IL) as stages in a larger course of action, with our intentions tracking that unfolding process all along.³⁸¹

In the case of virtue ethics, the more "empiricist" readings of Aristotelian ethics recently

³⁷⁹ Portmore 2011, 165.

³⁸⁰ *ibid.*

³⁸¹ *ibid.*

on the rise are especially consonant with my proposal.³⁸² Paul Nieuwenburg offers one such “empiricist” reading of Aristotelian ethics.³⁸³ Nieuwenburg argues against “a fairly general consensus” about how to interpret ethical inquiry in Aristotle’s ethics, tracing its popularity to the legacy of specific translators and interpreters, and in doing so, illustrating its prevalence.³⁸⁴ According to this prominent reading, Aristotelian deliberation begins with a set of “phenomena” [*phainomena*], which are interpreted as merely reputable beliefs (*endoxa*).³⁸⁵ Ethical inquiry then proceeds to test them, because reputation is obviously no real ground for acceptability.

Against this consensus interpretation, Nieuwenburg carefully teases out the “observational thrust of the term *phainomena*” (“phenomenona”) ultimately arguing that the initial phenomena from which ethical inquiry sets out are actually familiar ones.³⁸⁶ Principles are always principles “of something,” some subject matter with which we are familiar.³⁸⁷ When philosophers like Parmenides present a familiar subject matter in an abstract way that is divorced from its familiar “facts,” the process “annihilates” (*anaireini*) the principle.³⁸⁸ If we begin with the perceptible, the *phainomena*, we can avoid the “weakness of thought” that plagues attempts to move from abstract metaphysical statements (i.e., what I have called *Stage 1* above) back into the domain of experience (i.e., *Stage 2*) that ultimately is responsible for making any idea “reasonable.” The facts of the matter related to any subject must come first, not abstract principles that need to later be applied back to the facts of the matter to which they are supposed to lend guidance. In short, it is our familiarity with a subject matter, the *phainomena*, that sets-up

³⁸² Railton, Peter (2011). “Two Cheers for Virtue: or, Might Virtue Be Habit Forming?” in *Oxford Studies in Normative Ethics. vol. 1.* ed. Mark Timmons. Oxford, UK: Oxford University Press, 295-329.

³⁸³ Nieuwenburg, Paul (1991). “Aristotle and the Appearances.” *Journal of the History of Philosophy.* 37:4, 551-573.

³⁸⁴ Nieuwenburg 1991, 553.

³⁸⁵ Nieuwenburg 1991, 554.

³⁸⁶ Nieuwenburg 1991, 559.

³⁸⁷ Nieuwenburg 1991, 564.

³⁸⁸ *ibid.*

the parameters for ethical inquiry, the “facts of the matter,” or standards for what inquiry should aim to achieve.³⁸⁹ In doing so, the *phainomena* allow us to use a common experiential backdrop to structure ethical inquiry. With such a backdrop, Nieuwenburg claims, numerous *aporia* and perplexities can be avoided, including confusions about weakness of the will to which philosophers like Socrates were seen to fall prey by Aristotle.³⁹⁰

The overlap between this “empirical” reading of Aristotle and the present proposal is relatively easy to see. Analogies allow us to use a familiar backdrop to establish prior probabilities *and* to create an expected, trackable plan for the assessment of a claim. Similarly, Nieuwenburg’s reading of Aristotelian ethical inquiry presents it as first beginning with observationally familiar *phainomena*, and only then assessing whether a claim “harmonizes” with the parameters implied by those *phainomena*. The facts of the subject matter are the key to successful inquiry, because without their predictions, we lack a trackable plan for assessing the success of anything ... including ethical deliberation about what to do!

The point here is already familiar, in many ways, from Vogler’s work on practical reasoning. Just as Vogler claims that principles only matter if they are a “part” of a larger calculative form (“whole”), so too this “empirical” reading of Aristotle presents a similar study in the need for principles to be “familiar” in parameter-setting ways, if they are to actually apply to the facts of the matter, i.e., life. The familiar resemblance between Vogler’s claim and Nieuwenburg’s reading of Aristotle is perhaps unsurprising, considering Vogler’s reliance on Aquinas and Aristotle to orient her own thinking about the subject matter of practical reasoning. Indeed, as she has written recently of a trend in moral philosophy she calls “analytic virtue

³⁸⁹ For an incredibly precise account of how virtue ethics can be done with a parameter oriented theoretical framework, see Curzer, Howard J. (2012). *Aristotle and the Virtues*. Oxford, UK: Oxford University Press.

³⁹⁰ Nieuwenburg 1991, 566.

ethics,” this way of orienting ethical inquiry around familiar types is a growing trend.³⁹¹ If Vogler is right, then a growing number of moral philosophers will find a resonance between their approach to the moral core of practical life and the approach to democratic deliberation pursued here, which further supports the fit between my proposal and expectations many might have for the moral core of democracy, broadly speaking.³⁹²

The third (3), final – *and decisive* – point, I would make here is less conciliatory and far more to the point. As Thomas Aquinas once argued, in moral life, principles are secondary.³⁹³ Conscience may indeed give us access to universal moral principles and an attending store of moral knowledge. We may not need experience to know the universal truths of morality or the moral core of deliberative democracy. Induction and probability may be separated from the “moral core” of these practices. However, contrary to what the Stoics have led generations to believe, moral life isn’t just a good faith effort to put the call of conscience into practice. Life is filled with obstacles rife with contingency and the random shifts of fortune. In a word, life is difficult. The task, then, is not to simply make a best effort “here and now” to put some abstract moral truths somehow into practice. Instead, the task is to convert the “somehow into practice” problem confronted by the principled moralist into an occasion for self-perfection. What is truly excellent in life, what is truly a source of happiness and human flourishing, is great and greatly difficult at one and the same time. A “good faith effort” is the wrong response to such great difficulty.

³⁹¹ Vogler, Candace (2013). “Aristotle, Aquinas, Anscombe and the New Virtue Ethics,” in *Aquinas and the Nichomachean Ethics*. ed. Tobias Hoffmann, Jörn Mueller, Matthias Perkams. Cambridge, UK: Cambridge University Press.

³⁹² For more analysis of this fit, see Gottlieb, Paula (2009). *The Virtue of Aristotle’s Ethics*. Cambridge, UK: Cambridge University Press, 203-207, as well as the below discussion in the fifth chapter of John Haugeland’s work to understand what it might mean to orient ethics around “types” (or the Thomistic *obiectum*).

³⁹³ The present and remaining remarks in this section are almost entirely indebted to Bowlin, John (2010). *Contingency and Fortune in Aquinas’s Ethics*. Cambridge, UK: Cambridge University Press.

The right response is to try to cultivate the skills, wisdom, know-how, predictive power – in short, the *habits* – that come with a perfection of our moral capacity. We need to learn how to cope with chance by making predictions, by comparing present circumstances with similar past lessons, and by tracking our pursuit of the good and avoidance of evil every step of the way. In doing so, we can really make a “good faith effort” worthy of the name, one that is honestly dedicated to refining the operation of our moral capacity into a perfected state.

Whatever guidance principles offer us in this process of self-perfection is secondary because the content of conscience, Aquinas argued, is inchoate.³⁹⁴ The very goods we encounter in life are themselves shaky and mutable. They therefore resist relevance to stark, universal principles of the kind associated with the moral conscience. Furthermore, these goods themselves are good because they are good for creatures like us.³⁹⁵ Our desires do not provide us with “efficacious representations,” as Kantians would have it, appearing in the theater of deliberation as clear plans needing only our stamp of approval. Instead, our desires present us with vague inclinations – inclinations that strive towards what is good and away from what is evil – but not in any particular manner. Consequently, our will is always inclined towards the good and away from evil, but particular decisions are demanding of us precisely because this pure will is too vague to guide concrete choice. The task of practical reasoning of the kind deliberative democracy places front and center in its account of politics is therefore the task not of applying principles to determinate desires, but rather of charting particular choices in the presence of vague moral principles and even vaguer natural desires.³⁹⁶

The major point here bears repeating. From a Thomistic perspective, the task of practical

³⁹⁴ Bowlin 2010, 50

³⁹⁵ For an updated version of this position, see Railton, Peter (2003). *Facts, Values, and Norms*. Cambridge, UK: Cambridge University Press, 106-26.

³⁹⁶ Perkams, Matthias (2013). “Aquinas on Choice, Will, and Voluntary Action,” in *Aquinas and the Nichomachean Ethics*. ed. Tobias Hoffmann, Jörn Mueller, Matthias Perkams. Cambridge, UK: Cambridge University Press, 84-7.

decision-making boils down to efforts to predict our goods and how they will relate to us during life's uncertain course so that we might ... just might ... skillfully master how to anticipate their appearance and cultivate their enduring presence in our lives. Principle tells us "nothing in particular" about which courses of action to take, how to track their unfolding success, and when to cut our losses.³⁹⁷ The goal of life is to be able "to choose the good with some constancy," not to exert raw willpower in applying moral principles that tell us nothing in particular about what to do here, now, in this uncertain form of existence. To fail the moral core of our lives, then, is not to follow temptation into fixating on experience over universal moral knowledge, but rather to abandon the perfection of our capacity to pursue the good in all its difficulty in favor of something easy. By "something easy," what is meant is not only instant gratification, but also the clever manipulation of others or the short-term satisfaction attained by the inhumane, oppressive, and brutish habits of some people. Such vice is a sign of taking the "easy way out," when we consider the difficulty of predicting and thereby living for the good with constancy.

From this Thomistic perspective, my initial claim that principles are secondary in deliberative democracy follows quite naturally from the nature of human morality itself. Any moral core to deliberative democracy can only play a secondary role in its contribution to the moral lives of the citizenry because task assigned to those lives is to live for the good consistently. Using analogies, I have argued, we can approach that task with a richer, more accurate grasp of what is likely to confront us in life's inconstant course. It is only too easy to ignore the great difficulty of this task and to fixate on some esoteric call of conscience and its moral epistemology that tells us "nothing in particular" in the face of manipulation and inhumanity. Far greater in difficulty as well as moral goodness is the task of cultivating reliable habits for getting things right, time and again, across life's uncertain course.

³⁹⁷ Bowlin 2010, 60

Thus, with Aquinas I would conclude my response to the current objection with a qualified rejection: I am happy to admit a principled moral core at the deepest levels of deliberative democracy; however, I am keen to stress that such a moral core tells us “nothing in particular” about deliberative democracy as a contribution to moral life. As Peter Railton has recently pointed out, something like what I am here attributing to a Thomistic perspective is implicit in the findings of recent work in the cognitive and social sciences.³⁹⁸ After some years of skepticism about the possibility of anything like moral habits playing a realistically consistent role in our lives, research has come full circle and revealed that such habits are not only consistent with rationality, but with morality as well. In this way, some of the latest and some of the oldest sources of wisdom seem to point in the same direction: Less focus on principle and more focus on techniques for dealing with life’s uncertainties is a step in the right direction not just politically, but morally as well.

³⁹⁸ Railton 2011, 322-5

Chapter Five: Tackling the Vagueness of Deliberative Democracy

Tying the Project Together Again

In the last chapter, I tried to show how my focus on analogy is, *logically speaking*, (1) superior to the deductivist's preferred mode of principled reasoning; and (2) *very* different from anything that has been said about deliberation under the heading of "judgment" by deliberative democratic theorists in the past. Additionally, I also (3) tried to deal with three remaining concerns that might lead people to still bristle at my proposal's heavy focus on analogy. As a result, I sought to go beyond merely deflating rival accounts of deliberative democracy by demonstrating the real advantages (1-3) of my deliberative outlets proposal (DOP.a-c) and its underlying logical interpretation of political judgment associated with analogical reasoning. Now that these advantages (1-3) have been identified and many potential background concerns have hopefully been addressed, the ground is finally sufficiently prepared to return to the central problem of this entire project, namely: the *indeterminacy worry*. The question to be dealt with at this point, then, is how my deliberative outlets proposal, with its heavy focus on analogy (DOP.c), might offer a response to Gaus's problem of underdetermination, as well as the other variations of the indeterminacy worry (1-3 above) with which it is closely bound as a set of variations on a theme. More specifically, how does analogical reasoning provide any better response to the problem of underdetermination in deliberation than the alternatives surveyed earlier?

After demonstrating how my deliberative outlets proposal and its focus on analogy

successfully addresses the indeterminacy worry, the next chapter will pick up on another “loose-end” from the first chapter, namely, my diagnostic approach. In the first chapter, I suggested that the key to unlocking the indeterminacy worry was to strike out on a different path. Instead of arguing that the indeterminacy worry is not as serious of a threat as it might seem (i.e., what I called the “apologetic” approach), or that the very debate about the indeterminacy of deliberative democracy presupposes a problematic methodology that makes addressing the indeterminacy worry unnecessary (i.e., what I called the “critical” approach), I argued that a *diagnostic* approach to the indeterminacy worry would be preferable. This approach, as I defined it, targets a foundational assumption behind the views of both proponents and critics of deliberative democracy alike ... an assumption that lends the indeterminacy worry its force. By tying up this loose end, I hope to do more than bring the narrative of this project to an end. Additionally, I hope to lend further appeal to my analysis by showing that it not only explains how the problem of the indeterminacy worry can be addressed, but also why other deliberative democrats have not already advanced similar proposals ... if the benefits of doing so are so great.

“The Larger Difference:” Framing My Response to the Indeterminacy Worry

Above, I have drawn on a number of insights and arguments to underscore a central point, namely: What makes deliberation *practical*, or action-guiding, is that it possesses a probabilistic dimension. To deliberate in a practical manner is to make plans as we reason. As I tried to show, though, it makes no sense to speak of planning without also talking about probabilities such as predictions about what is expected to happen. Even abstract, universal principles, like the principle of respect championed by deliberative democrats, gain *practical traction* in deliberation because of their predictive aspect. We champion principles like the

principle of respect because we predict that they will *change the probability* of specific effects (e.g., increase reciprocity in reasoning or decrease the use of brute coercion). In other words, even abstract principles factor into deliberation as a component in the process of rationally planning; they too are attractive to deliberators as reasons because of their predicted effects, rather than simply as reasons in abstraction from any assignment of probabilities. Here, the essential point is that deliberation is practical when it means not simply “to reason,” but rather to rationally *plan*.

I have tried to convey this probabilistic dimension of genuinely practical deliberation in various ways, often by appropriating terminology, distinctions, theses, and claims advanced by other philosophers from diverse sub-disciplines of philosophy. Some of the terms drawn from others and developed above include allusion to practical deliberation’s “predictive aspect” (Salmon, Geuss), “calculative form” (Vogler), assessment of “ballpark” “prior probabilities” (Bartha), “commoner” humility (Dummett), and inductive logic (Salmon). To be truly democratic, though, this probabilistic dimension needs to be accessible to “the people.” Ordinary reasoners lacking specialized training in statistical analysis need to be able to approach and engage with this probabilistic dimension. I will refer to this need as the “democratic accessibility requirement.” In my analysis, the democratic accessibility requirement was overcome by couching my central point in the language of analogy from the start. I did not begin with an account of the “predictive aspect” of dynamic democratic deliberation, but rather with observations about the prevalence of analogy in majority-rule driven democratic discourse. In doing so, I tried to show that it is realistic to attribute recognition of this probabilistic dimension to the *demos*, or ordinary citizens of modern democracies. Because analogies allow people to qualitatively assess and assign probabilities, they offer a uniquely qualitative means for

citizens to reason about the quantitative complexity that is probability. Consequently, analogical reasoning is uniquely capable of embodying this probabilistic dimension while also making it accessible to the “commoner.” These two points about the probabilistic dimension of practical deliberation and democratic accessibility flowed naturally from the logical interpretation of political judgment developed in chapter four.

In stark contrast to these two points about the probabilistic dimension of practical deliberation and democratic accessibility, the deductivist’s alternative vision of democratic deliberation lacks any significant probabilistic dimension, let alone connection to democratic accessibility. Dummett’s logical insight into the degeneration of probability was shown to pose a serious threat to deductivist approaches to deliberation precisely because they lacked a humble appreciation of the humility demanded by practical life. Accordingly, the “real problem” for earlier visions of deliberation is that at some point they must translate their certain or near certain principles into the context of practical life. That translation, however, involves a two step (*Stage 1 & 2*) process in which a move is made from the “Euclidean” domain of deductivism to the domain of practical life. This process involves translating our most idealized, Herculean commitments (χ^*) into the lived world represented by first-personal beliefs (e.g., α and β), which tend not to be Herculean at all. Because this latter, practical context is probabilistic, those Herculean commitments (χ^*) suffered from a degeneration of probability that rendered them practically irrelevant, or *im*-practical and logically inferior at the same time.

The contrast I am drawing here helps to frame the larger reason why my deliberative outlets proposal and its focus on analogy offer a better response to the indeterminacy worry than any developed elsewhere. My analogy-focused approach to deliberation escapes the problem of underdetermination because it never starts with (*Stage 1*) *im*-practical, idealized, Herculean

commitments (χ^*), which must then (*Stage 2*) somehow be made practical ($\chi^{*+?}$).³⁹⁹ As the discussion of Bartha's two ideas about the probabilistic dimension of analogical reasoning revealed, the analogical process is one that begins with an assignment of prior probabilities, and then reasons forward from there. Such were the two stages of probabilistic analogical reasoning. By contrast, the principled, deductivist judgments of other deliberative democrats and theorists of deliberation are condemned to tarry endlessly with an impossible translation problem. Deductivists cannot avoid reality; they must shift from the Herculean domain to the domain of prediction, probability, and analogy to be real world theorists at all. That translation is made especially difficult because they must figure out what it is about the practical domain that is significantly relevant, which requires figuring out how *all* of the private, first-personal beliefs of an Alf or Betty stand in relation to the Herculean domain. Figuring out that relevance is no small task.

By contrast, analogical reasoning excels at not only beginning with probabilistic matters always *already in hand*, but also in framing extremely sophisticated evaluations of those probabilities and their relative strength in the qualitative language of the "commoner." What does it mean to begin with "ballpark" prior probabilities "already in hand," rather than translating abstract principles into a particular decision context? An excellent illustration of what this difference amounts to is provided by Paul Churchland's examination of how a "neurocomputational perspective" on analogical reasoning differs from other views.⁴⁰⁰ According to Churchland, the key difference has a great deal to do with the recurrent structure of neurocomputational processing. When a matrix of synaptic connections processes a piece of

³⁹⁹ Indeed, inductive reasoning with analogies is not even necessarily (or ideally!) bound by some previously established, ideal principles or rules for reasoning, as I mentioned above with regard to John D. Norton's work, see footnote 298.

⁴⁰⁰ This discussion of Churchland's work is drawn from Churchland 1992, 217-219.

information, it not only “feeds forward” a result, but also “feeds back” that result to recalibrate the synaptic layers that were involved initially or earlier (i.e., prior to the actual emergence of a result from its unfolding information processing). For instance, when trying to solve a theoretical problem, we may reflectively approach the theoretical problem from many angles before an epiphanic “A ha!” moment occurs. When that moment occurs, the resulting theoretical solution to the problem will not only drive us to act accordingly, but will also be “fed back” into our memories so that the next time we approach a *similar problem*, the lesson of this epiphany will not be forgotten. Because of such “feedback,” we will *directly apprehend* the similar problem *in terms of* the earlier epiphany. What we learned from that earlier epiphany will always already have structured how we see the analogous theoretical problem.

By contrast, Churchland observes, the way people usually think about cognitive activities like theoretical problem-solving does not allow learning to factor into how we *directly apprehend* an analogous problem. Rather, people usually talk about the theoretical solutions devised in the past in terms of their formulation as linguistic or mathematical expressions. In this more usual way of framing theoretical problem-solving, when a similar problems comes along, we do not *directly see* the problem in terms of our past epiphany, but rather pull out the linguistic or mathematical formulation of the theory and see how well the new problem “falls under it” ... which is to say, whether this particular problem is *subsumed* by a general theory we devised in the past. Like so many ethical theories, the usual way of framing problem-solving proceeds by trying to subsume moral problems under theories to see if they fit. By contrast, Churchland’s “neurocomputational perspective” asks us to see ethical “theories” as the result of prior “feedback” into our memories such that we see moral problems certain ways.

Churchland’s examination of how his own “neurocomputational perspective” differs

from the more usual one vividly illustrates the larger difference I am trying to describe here between my own approach to democratic deliberation and that of deductivism. When analogical reasoning begins with “ballpark” priors, it begins by *directly apprehending* a problematic domain in terms of another, more familiar and systematically understood domain (CPAR.ii). By contrast, deductivism proceeds not by direct apprehension, but rather through subsumption. A general theory, which is linguistically formulated as a “principle” or two, is “applied” a particular context or “translated” into it. That process of translation, in which a deliberator tries to figure out how to take all of one’s linguistically formulable beliefs and deduce or at least “frame” a decision in a given context is an enormously challenging process. In many ways, it is a classic “frame” problem. By contrast, with the direct apprehension of a deliberative scenario in terms of an analogous one (CPAR.ii), this challenging translation process “simply evaporates” (to use Churchland’s provocative phrasing).⁴⁰¹ The use of analogy, Churchland claims, “will typically be activated within a second or so” to achieve direct apprehension in terms of past insight.⁴⁰²

Analogical reasoning thereby avoids the difficult task of “figuring out” from the conjunction of all of someone’s individual commitments, what is logically implied and how probable it may be (i.e., what Churchland calls the “access problem”).⁴⁰³ Likely to a great degree (the aforementioned empirical evidence has revealed), analogical reasoning eludes these difficulties because of its comparative cognitive architecture (a topic to which I turn again later in this chapter and explore in much greater detail). Notably, this cognitive architecture is often claimed to be wildly different from the architecture associated with the sentential psychology assumed in most discussions of deliberation among political philosophers like Gaus, as well as

⁴⁰¹ Churchland 1992, 217.

⁴⁰² Churchland 1992, 218.

⁴⁰³ Churchland 1992, 217-8.

nearly all deliberative democrats.⁴⁰⁴

As a result, it may be an empirical matter that actually explains why analogical reasoning is not faced with the “frame problem” that occurs when one has to sift through a massive array of first-personal considerations for the relevant ones.⁴⁰⁵ If this well-studied difference between the non-sentential cognitive architecture of analogical reasoning and the sentential psychology of principled, deductivist deliberation does explain this difference, the explanation is especially interesting because it resonates with the fact that (in Holton’s words) “psychology is full” of studies testifying to the remarkable capacity of non-expert human beings to engage in highly sophisticated probabilistic reasoning, without being able to put that reasoning into sentential form. If Tetlock’s hedgehog knows “one big thing,” and knows how to state it in a sentence as a general principle from which conclusions should be derived, we might say that the fox knows many probabilistic “tricks of the trade,” few of which the fox can sententially formulate. Furthermore, given John D. Norton’s claim that inductive reasoning has no general, formal “rules,” being instead “material,” this resistance to sentential formulation (Tetlock) and associated architecture (computational research) follows naturally from the very nature of inductive reasoning itself.

Stepping back from these details about cognitive architecture and its manifestation in real world prediction, one can frame the simple difference between my approach and others with regard to the problem of underdetermination by boiling it down to one surprising fact: I agree with Gaus! I agree with him that no matter how Herculean we are as reasoners, *translating* our general, principled certainties into practical deliberation is going to render those certainties practically irrelevant, or *im*-practical. Michael Dummett offered a more precise expression for

⁴⁰⁴ Churchland 2012, 270.

⁴⁰⁵ Churchland 2007, 18-36.

this point. No matter how Herculean we are, to the extent that we aim to be Herculean at all in our *practical* deliberation, we condemn ourselves to conclusions that are only “negligibly” better than “0” in their probability. By contrast, as Bartha claimed, analogy excels at “ballpark” estimates of probabilities, which allow us to qualitatively assign and assess *non-negligible* probabilities. Thus, I agree with Gaus. Even the deductivist’s most Herculean efforts will yield improbably determinate results for action. By contrast, focusing on analogy will allow us to determine what to do in a non-negligible way.

The reason is that analogical reasoning operates through direct apprehension in terms of past insights into what is probable, not through the subsumption of particular problems under general principles.⁴⁰⁶ In other words, analogical reasoning proceeds by (1) initially, *directly apprehending* a present problem in terms of past insights into prior probabilities, before (2) proceeding to assess that assignment of prior probabilities for spuriousness by attending to the many systematic relations that offer themselves up for evaluative correlation. This way of proceeding stands in stark contrast to the process of *subsumptive translation* in which we (1) first try to find a general principle, etc. with which to tackle a problem and then (2) see how well it squares with the particularities of our concrete situation. This contrast will become more vivid in the next section, as I take it up with regard to each variation of the indeterminacy worry.

Addressing the Indeterminacy Worry in Reverse Order

Having framed and “boiled down” the larger difference between my approach and the approach of other deliberative democrats, I turn now in each of the following sections to

⁴⁰⁶ For this larger point, I am indebted to an analogous discussion of a related “translation” problem in Goehr, Lydia (2007). *The Imaginary Museum of Musical Works*. Revised Edition. Oxford, UK: Oxford University Press, especially 99.

addressing the specific variations on the indeterminacy worry. I take up each variation in reverse order, since the current section has drawn so much on Gaus and therefore establishes a natural transition to the third, “first-personal” and very “Gaussian” variation of the indeterminacy worry.

1. The Third Variation of the Indeterminacy Worry

One may still push back against this simple point about the alignment of Gaus’s analysis and my proposal. What about the *divergent implications* among individuals, regarding the probabilities of a given analogical inference? Do these not still pose a problem? Isn’t it still possible that two people will differ on the prior probabilities assigned by an analog? For instance, take a debate between a refugee from a 20th century fascist regime and a young student of history. If an analogy is drawn between the threat posed by that fascist regime and a current government, will there not be some dramatic, phenomenologically divergent implications between the refugee and the student? In their investigation of Khong’s work on the similar analogies that defined American foreign policy decisions in the 1960’s, Hofstadter and Sander point out that analogies like the “domino theory” are “profoundly mixed.”⁴⁰⁷

This mixture, they observe, not only includes the mundane analog of a chain of dominos falling in a few seconds, but also the composite analogy identified by Khong with the fascist threats of “the 1930s,” which are constituted by such analogs as the invasion of Manchuria, the annexation of Ethiopia, the reoccupation of the Rhineland, and the invasion of Czechoslovakia, and also by analogy, political events in Asia including the Korean War.⁴⁰⁸ Furthermore, for the various policymakers involved in the Vietnam decisions of 1965, each of these analogs had varying degrees of personal resonance. Those with a history of military service in different

⁴⁰⁷ Hofstadter and Sander 2013, 334.

⁴⁰⁸ *ibid.*

conflicts found these analogs more or less personally resonant; while those with no such military service had something more akin to the student's perspective. Among the policymakers, their divergent personal histories suggested divergent analogs for framing the Vietnam decisions of the 1965.

However, as Khong's research reveals, this personal divergence posed no problem, but rather provided the basis for a composite historical analogy framed around the mundane analog of a chain of dominos. The familiar, mundane image of dominos offered a reference point for understanding the composite lessons of very concrete, personal, lived, and historically significant analogs. A kind of "mental blending of situations" was made possible, they observe, one that could be:

encoded at various levels of abstraction, which means it is perfectly possible for us to see as one and the same phenomenon the succumbing of a series of neighboring countries to an evil empire's domination and the successive toppling-over of many dominos neatly lined up in a chain. This universal fact of human high-level perception allows us to see far beyond the concrete details of situations and to connect events that superficially are enormously different from each other.⁴⁰⁹

In other words, analogical reasoning provides a "mental blending" of the personal and the abstractive in ways that make the meaning of the different analogs equally present to people, despite their different backgrounds, with reference to one and the same mundane analog. Analogy has a remarkable capacity to cross phenomenological divergence without any sacrifice to the concrete, lived backgrounds of individuals. In the language I developed earlier from Bartha, the point is that though our personal histories may be divergent, we can still extend the same "ballpark" prior probabilities from those prior experiences with the familiar, mundane source analogs we actually tend to mention when deliberating together. Since phenomenology involves human anticipation (as claimed above), this point might be rephrased as follows. Even

⁴⁰⁹ Hofstadter and Sander 2013, 335.

though people have different past experiences, the mental blending of those similar past experiences allows people to arrive at similar predictions about what is probable in the future.

This “mental blending” is not only the key to understanding the “concrete” dimension of politics, but is also no rare part of the human condition. Rather, to borrow the strong language employed by Hofstadter and Sander above, it is a “universal fact of human high-level perception.” Furthermore, not only do we universally engage in blending phenomenologically divergent analogs, but as Hofstadter and Sander maintain, the “crisscrossing” achieved in this blending is inevitable, for as they write, “The problem is that whatever abstract concept is under discussion (*dominos*, *containment*, etc.) in a military or political context, it will necessarily evoke, simply because of the words it involves, familiar everyday images.”⁴¹⁰ Analogy is not only capable of crisscrossing phenomenological divergence, but it also is inevitable (“will necessarily evoke”) that we will use analogy, just because political dialogue is populated with mundane terms to which we assign rich, concrete, lived, analogically-profound significance. Indeed, this thesis about “mental blending” is not a speculative remark; rather, the remark itself abstractly encodes lessons from the rich backgrounds both Hofstadter and Sander possess in relevant empirical and computational research, backgrounds which thereby play a major role in conferring a “ballpark” prior probability to the idea of “mental blending” for both of them.⁴¹¹ In other words, though their backgrounds are not identical, Hofstadter and Sander have sufficiently similar pasts to project similar anticipated futures for what would happen in their examples (e.g., the french fries example).

Similarly, in our example involving the refugee and the student, phenomenologically divergent implications pose no real threat. Whatever familiar terms are used by the refugee to

⁴¹⁰ *ibid.*

⁴¹¹ For a more detailed explanation of this idea about our cognitive capacities, see Churchland 2012, 251-273.

describe the current political situation (e.g., dominos) will inevitably be sufficiently familiar (e.g., “blending”) to encode “ballpark” prior probabilities in ways that effectively crisscross their divergent personal histories (unless, of course, the analogy is spurious). Notably, this point about “mental blending” follows naturally not only from empirical and computational research, but also from the logic of induction itself. In the philosophy of logic, it is hotly debated exactly to what extent induction is simply enumerative, which is to say, it involves enumerating past (and projected) instances of a specific kind so as to infer expectations that future events will be of this specific kind.⁴¹² However, even those who disagree that induction reduces completely to this enumerative reasoning about frequency, still agree that frequency is a reliable guide, a major factor in successful inductive reasoning.⁴¹³

As a result, the idea of “mental blending” makes logical sense. Insofar as it involves using our past experiences (let alone projected future ones) to assess frequencies, it means different people can come together and *all* contribute to the process of establishing the frequency of the specific kind of event under discussion. They can collate instances from their personal histories to assess the frequency of the specific kind of event under discussion.⁴¹⁴ Also, because induction is concerned with “full evidence” (unlike deduction), they will always be able to add more personal input to strengthen their assessment of the frequency.⁴¹⁵ Indeed, according to a major tradition in the logic of induction, its structure is “asymptotic,” which (non-formally) means the bar of success for induction is never actually met, but rather continually approached until, for pragmatic or formal purposes, its success is practically insured.⁴¹⁶ This success is often described as occurring “in the limit.” The reason for using this phrase is that we can understand

⁴¹² See Handfield 2012, 106-110.

⁴¹³ *ibid.*

⁴¹⁴ Geuss, Raymond (2014). *World Without Why*. Princeton, NJ: Princeton University Press, 234-6.

⁴¹⁵ Salmon, 1967, 77-82.

⁴¹⁶ Salmon 1967, 83-96, Galavotti 2011, 106.

there to be a limiting point to the enumeration of cases in which we study the frequency of the specific kind of event. This limit is the point at which the specification of additional cases would seem to contribute little additional understanding to the frequency.

For example, we may believe there is a practical limit to the number of case histories we have to do on the effects of childhood lead exposure before we are justified to believe that the probability of such effects is very high (i.e., very frequent). Similarly, advocates for limiting the use of cluster munitions will likely believe that the audience need only hear a rough number of personal testimonies, for practical purposes, to “get the point.” Beyond that number, little is contributed to their understanding of the associated probabilities. So too, with “mental blending,” our first-personal case histories can contribute to understanding the ballpark probabilities involved in something like the “domino theory” because they strengthen its assessment. In Khong’s research, for instance, we discover a composite analogy that was surely strengthened by the numerous historical analogs that contributed to it (e.g., Manchuria, Ethiopia, the Rhineland, Czechoslovakia). When our understanding of some probability is “in the limit,” whether one or another of these historical analogs is mentioned may make no practical difference. Thus, the student of history can understand the probabilities conferred by the refugee’s analogy, even if the two are not mutually aware of the same *exact* historical analogs.

2. The Second Variation on the Indeterminacy Worry

This last point not only helps explain the power of analogies to deal with Gaus’s “first-personal” exposition of the problem of underdetermination in deliberation. Additionally, it also explains how analogy overcomes the other two variations of the indeterminacy worry with which I framed this project in the first chapter. Having provided my response to the third, “first-

personal” variation in this chapter section, I will continue this reverse order of attack and next take up the second, “informational” variation. According to this variation, democratic deliberation founders in the face of what might be called “informational complexity,” meaning the contradictions and inconsistencies that run rife through the beliefs and desires of a large citizenry, or even every citizen taken as an individual. No one has a set of completely consistent and harmonious beliefs, let alone the members of a democratic society collectively. The pluralistic character of modern societies in which religious beliefs, fundamental principles, and core values stand in tension with one another makes this informational complexity even worse. In such societies, the beliefs and desires of the citizenry are too diverse for reasoning to ever get beyond debating the starting point of political decisions, let alone determining what ought to be done in a particular situation in light of those contested principles.

The last statement is worth stressing. If the diverse citizens of a pluralistic society cannot agree on what is most fundamental or basic, how can they ever get to the point of actually making decisions? This point resonates with Gaus’s own skepticism that Herculean reasoning would ever be feasible, because no people ever completely agree on the canons of good reasoning, let alone on how to apply those canons to a decision (even Socrates!). This point also resonates with another idea attributed to a different political philosopher above: John Rawls. In discussing Rawls’ work, I commented on the distinction he draws between the “order of deduction” and the “order of support.” Recalling that distinction, it can be seen that the dilemma posed here takes a very specific order of deliberation for granted, namely, the “order of deduction.” This dilemma depends on the assumption that deliberation must first settle on principles before any particular decisions can be made. It assumes that decisions are the kinds of things we derive from principles, which is to say, decisions are the kinds of things we deduce.

Furthermore, as we saw with Tetlock's hedgehogs, it also assumes that decisions start with "certain" truths whose level of commitment is then "preserved" from premise to conclusion. Fittingly, intractable disagreement erupts in our real and imagined democratic discourses because we try to be hedgehogs ... pursuing a first, initial "certainty" the truth of which we intend to preserve as we infer what to do from it.

If we adopt my proposal, though, and shift away from deductivism, this informational complexity and the attending dilemma disappear. To use an analogy, it does not matter whether what we believe is *generally and universally* true, valid, moral, ethical, or just. We do not move from the general to the particular. Moreover, we also need not be mutually aware of the *same exact* particulars, which we are mentally blending into a composite analogy under discussion. The "asymptotic" character of analogical reasoning means that *different distributions* of past (and projected) analogs are possible. People can have radically divergent personal histories while still sharing a similar appreciation of the "ballpark" probabilities associated with some systematic set of relations. Personal divergence poses no threat, because analogical reasoning deals with probability, which is to say, it deals with *statistical distributions* of properties, components, and other systematic relations which can *vary within the limit*. Fittingly, deliberation both real and imagined need not be intractable. Instead, it can take a foxlike line of approach and start not with certain truths that are to be preserved until the decision point, but rather with "ballpark" perspectives on a decision problem from which further inquiry can proceed. Thus, if we adopt my proposal, a major source of intractable disagreement disappears.

The question is how this distributive, statistical character can help deal with the pluralism in modern democracies. The answer is simple. As a probabilistic (or statistical) function, analogy is what logicians call *paraconsistent*, which is informally equivalent to meaning it

tolerates inconsistency. When propositions in a set of information are logically incompatible in the aggregate, the traditional logic associated with deductivism only tells us that our use of deductive inference is problematic until some of this incompatible information is abandoned.⁴¹⁷ Nicholas Rescher describes this situation, in which some information needs to be abandoned for us to proceed, as a case of “informational *overdetermination*.”⁴¹⁸ The problem behind this situation is that the “computational architecture” associated with deductivism breaks down in the presence of conflicting information.⁴¹⁹ After truth values are assigned to the propositions in a set of information, we are unable to calculate a result, where “calculation” involves inferring a result by applying rules to the information (e.g., principles of deductive logic, other principles).

By contrast, analogical reasoning utilizes a *comparative architecture*, one that is not governed by the application of general rules, but rather by retrieval of similar past cases to “grade” them along a comparative scale embodied in the structure of the past case.⁴²⁰ In other words, rather than calculate a conclusion with rules that cannot tolerate inconsistencies, we classify content as *more or less* similar according to a retrieved standard (e.g., past historical analogs or “specific types” inferred at the limit). Being comparative, rather than rule-governed, analogical reasoning does not use negation in assessment. It need not divide propositions into two camps, to which some universal principles are applied to determine a conclusion. Instead, it classifies content into grades of more or less similar, where the standard for grading is supplied by our mentally blended analogs.⁴²¹

Another way of stating this point, less technically, is in terms of binaries. When computing with rules, one is concerned with what is compatible, and what is incompatible with

⁴¹⁷ Rescher, Nicholas (1976). *Plausible Reasoning*. Amsterdam: Van Gorcum, 2.

⁴¹⁸ *ibid.*

⁴¹⁹ Rescher 1976, 59.

⁴²⁰ Rescher 1976, 59, Bach 2012, 350-1.

⁴²¹ Rescher 1976, 55.

them. Furthermore, where we take the deductivist approach, we are concerned with binaries like certain/uncertain, true/false, truth-preserving/ampliative, etc. Analogical reasoning can flourish without these “binary” categories (to employ Christian List’s description).⁴²² For instance, it can allow for gradations of belief (e.g., more or less probable, more or less the kind of consideration on which I would expect to act when voting) because it has more than “two camps” to which propositions can be assigned. These gradations can, in turn, be used to mark gradations of divergence among individuals on the probability of various systematic relations obtaining in a target domain. As Christian List has pointed out, the “move from a binary to a probabilistic setting” described here has many fascinating formal results for group decision-making, including a capacity to resist the degeneration of probabilities discussed above in reference to Michael Dummett’s work.⁴²³ Furthermore, the move from a binary to a comparative, probabilistic setting also opens up very interesting ways to calculate a collective perspective from individual perspectives that are divergent in the ways they assign probabilities.⁴²⁴ While the details of this formal work would take the present analysis too far astray, it is nonetheless worth noting that these results bear a striking affinity to the idea of “mental blending” described by Hofstadter and Sander. For present purposes, though, what matters is that citizens can assign the same “ballpark” probabilities, where that ballpark is defined “for practical purposes” at some asymptotic limit.

In short, analogical reasoning does not suffer the same fate in the presence of conflicting information as does principled, deductive reasoning because it uses a “graded,” comparative method of inquiry. Its hands are not tied by rules the way traditional modes of justification and testing tend to be. Accordingly, in the presence of information that is complex because conflict-

⁴²² List, Christian (2012). “The Theory of Judgment Aggregation: An Introductory Review.” *Synthese* 187: 204.

⁴²³ *ibid.*

⁴²⁴ *ibid.*

ridden, we would do better to shift away from the rule-governed, principled methods associated with deductivist deliberation and towards analogical reasoning and its associated logical interpretation of political judgment. Just as importantly, not only would we do better to enact this shift, but, every day, we enact this shift on a routine basis. In the face of complex information, we predict that a rule-governed, binary approach will encounter obstacles and instead engage in analogical reasoning when practical decisions actually need to be determined.

Dunbar's research on real life scientific reasoning illustrates this routine shift in everyday affairs. In the most diverse labs, where people shared the least amount of past research experience, analogy proliferated. By extension of the present discussion, we should expect analogy to flourish in the face of social diversity as well. When decisions have to be determined, real people understand that the probability of coming to a successful decision is far superior when analogy is employed. Thus, in a diverse democracy, political theorists should hope for exactly what the "commoner" would see as most probable: A heavy reliance on analogical reasoning is the best bet. Anything else, to paraphrase Geuss, would involve a "narcissistic" fixation on belief management, as opposed to "anything that might be called trying to engage *cognitively* (in the widest possible meaning of that term) with the real world."⁴²⁵ The charge may seem excessive, but the point is simply that to the extent that practical engagement is engagement with the real world, it is not concerned with the abstract quality of our individual sets of beliefs, but rather with their predicted impact on life.

⁴²⁵ Geuss 2010, 59, though notice that Geuss realizes how strong the resistance to this idea probably is, when he writes, "It is a fact I fully acknowledge that the general idea of a closed form of human life guided by fixed rules - by 'real rules' if at all possible, but certainly in any case subject to 'ideal moral rules' - holds an almost invincible dominion over the modern imagination, even though in many individual cases we show ourselves very well aware of the fact that this is a fantasy," *ibid.*

3. The First Variation on the Indeterminacy Worry

I now proceed to the last remaining variation of the indeterminacy worry. In many ways, this variation is the easiest to dissolve with reference to analogy. The very idea of having citizens deliberate together towards a decision seems to demand a dramatic (if not unrealistic) amount of time, energy, and other resources. Not only must citizens express their views, but they must also take the time to cite the relevant commitments that justify those views as the supporting reasons. Moreover, after citing those commitments, they must also spend even more time and energy actually assessing those justifications and revising their original positions accordingly. Since political decision-making is frequently (if not almost always) pursued under severe time pressures, it seems practically impossible to cover the three stages of this process of “conjunctive criticism,” by which I mean the process including (1) the expression of citizen positions, (2) the explication of the supporting conjunction of commitments that justify those positions, and (3) the critique of those justifying commitments. The deliberative determination of political decisions seems to set impossible practical demands, therefore making actual, *determinative*, political reasoning practically impossible.

Analogical reasoning quickly overcomes these sources of impracticality for a number of reasons. First, in being “asymptotic,” it allows us to set practical benchmarks for the assessment of probabilities. No logical ideal, no universal principle or standard, need be the case in every situation. Depending on the situation, we can set the asymptotic limit at different levels. When Z. is eating fries in the example supplied by Hofstadter and Sander, the limit is quite low: One good fry is enough to infer that the others are probably equally good and should be treated as such in predicting the considerations that ought to guide our decision-making about what to eat next. By contrast, in a Supreme Court decision, we expect a thorough review of past case

histories for analogical precedents with which to grade current opinions the judges may write.⁴²⁶

A still stronger response can be located by attending to the interesting systematicity of analogies (CPAR.i). As I mentioned in my account of the contemporary perspective on analogical reasoning, analogy tends to deal with inter-level (IL) systematic relations that operate across different time periods (inter-temporal, or IT). These “IL-IT relations” mirror the “calculative form” described by Vogler as well as the “predictive aspect” of practical deliberation, as mentioned above. With massive systematicity spread out across different time periods, analogical reasoning might seem to be condemned to an impossible cognitive task. However, the inter-temporal dimension of this systematicity means that some of those complex relations will be trackable to *earlier* time periods than others. For instance, when Betty goes into the school and changes her mind about the strategy that should be used to put principles into practice, she changes her mind *before* other *stages of their rational plan* occur. Similarly, we can assess the “ballpark” prior probabilities extended by an analogy in a very timely manner by simply (1) beginning to act on them and then (2) checking the *initial* stages of the resulting action to see if the probabilities line up with the reality. In doing so, we can circumvent all manner of complex evaluation by using feedback to guide action, rather than pre-decision reasoning.⁴²⁷ As Daniel Steel explains, such “comparative process tracing” offers a realistic and effective means for dealing with underdetermination and overwhelmingly complex analogical inferences.⁴²⁸ We can reduce the effort needed to assess an analogy by first checking the “upstream” stages of the rational plan it suggests (meaning the earlier systematic relations),

⁴²⁶ This contrast can be explained in terms of the different “kinds” of entities involved, as discussed in chapter five in my summary of John Haugeland’s work.

⁴²⁷ This “feedback” conception of systematicity has historically been associated with the legacy of G.W.F. Hegel, see Hegel, G.W.F. (2012). *Lectures on Natural Right and Political Science*. trans. and ed. by J. Michael Stewart and Peter C. Hodgson. Oxford, UK: Oxford University Press, 70-73, as well as Yeomans 2012, 15-23, Geuss 2014, 95-111 .

⁴²⁸ Steel, Daniel (2008). *Across the Boundaries*. Oxford, UK: Oxford University Press, 194.

while temporarily setting aside the complex, “downstream” stages for a later inquiry.⁴²⁹

Furthermore, as Michael Strevens has argued, we can often assess probabilities by focusing on what he calls “macrovariables,” which are systematic relations that can be assessed probabilistically independent from knowing the details of the smaller, microlevel parts of the system (e.g., temperature).⁴³⁰ With upstream macrovariables, we can quickly assess whether an analogy is at least temporarily acceptable. Pragmatic considerations can then determine how much more or how often to “check back” on the process as it unfolds. For example, a past analog may suggest that a tax cut is in order, which we may decide to act upon with the expectation that in five years we will check on its effectiveness and determine whether it is sufficiently successful to be kept around for another five years.

For empirical support to this reasoning, I will turn (yet again) to computational research on analogical reasoning. This research reveals that analogical reasoning is indeed wildly faster. As my discussion of the inter-temporal and inter-level systematicity (IT-IL) of analogies (CPAR.i) was meant to indicate, analogical reasoning traces the unfolding of a process at various levels and stages *in parallel*. Empirical research on this method of reasoning shows that it allows cognitive systems to “guess ahead” about what to expect.⁴³¹ When several inter-level relations are observed as a process unfolds, our memory allows us to “mentally blend” that partially unfolded process with analogous processes from the past, so as to anticipate what will happen among these and other systematic relations as time continues to unfold the process. Consequently, this “mental blending” allows the cognitive system to figure out what to anticipate and to consider how to respond to that anticipation *before* the process has been completed. Much as we often know what someone will say before they finish saying it, so too analogical

⁴²⁹ Steel 2008, 79.

⁴³⁰ Strevens, Michael (2003). *Bigger Than Chaos*. Cambridge, MA: Harvard University Press, 346-355.

⁴³¹ Clark, Andy (2013). “Expecting the World.” *The Journal of Philosophy*. 110:9, 469-496.

reasoning guesses and then checks for residual errors.

What makes this reasoning so efficient and yet so accurate, though, cannot really be appreciated without a firm grasp of the unthinkable massive number of systematic relations that are being computed in parallel in these instances. Literally hundreds if not *thousands of factors*, including (to name just a very, very small number of these factors) the speaker's tone of voice, body language, choice of pronouns, rhetorical questions, etc. are all being considered *simultaneously and in parallel* as the process unfolds. A few seconds of computing across so *very, very many factors* quickly reduces the viable guesses that might be extended (through "mental blending") to anticipate how to understand the present speaker. Such complex, multi-relational, parallel processing can come to an accurate guess with tremendous speed and efficiency, rarely needing to observe the unfolding of an entire process to recognize it. An illustrative analogy here would be the widespread ability among avid listeners of a genre of music to identify a performer, if not a particular performance, by as little as "one note." The idea here is that people are capable of processing the countless variables that can be weighted in as little time as the performance of "one note," using such considerations as timbre, vibrato, etc. to quickly identify a unique performer or performance from a seemingly unthinkable number of possible alternatives. Similarly, the massive systematicity and entrenchment with which analogical reasoning deals makes it equally capable of efficient "one note" information processing.

The Analogy Above

In the last three sections, I explored the many ways in which my deliberative outlets proposal (DOP.a-c) answers the indeterminacy worry. In doing so, the sense in which

deliberative democracy need not serve as a vague vision of real democratic politics was hopefully made especially clear in a summary way. The analysis of the last four chapters, however, has tried to answer the indeterminacy way in another, perhaps *less direct* way as well ... one that may come as a surprise given the apparent disjunction between the first two chapters and the last two chapters. However, despite that apparent disjunction, a profound and clarificatory connection between these discussions emerges if an analogy is drawn (CPAR.ii) between their respective conclusions. For ease of reference, I will refer to the conclusions of the first two chapters with the Roman numeral “I” and the last two chapters with the Roman numeral “II.” What are the respective conclusions of these two sets of chapters (i.e., I and II)? In the first domain (I) represented by the first two chapters, voting seemed like the space of strategic, individualistic behavior, *but was shown to be richly deliberative*. In the second domain (II) represented by the last two chapters, the inductive argument of the analogical reasoning associated with that richly deliberative voting (i.e., I) *was shown itself to be richly deliberative*, rather than psychologically manipulative or logically weak compared to alternatives.

At a higher level of systematicity (CPAR.i), these conclusions (I-II) not only share the same demand that a given human practice is under-appreciated for its deliberative significance, but a similar explanatory perspective as well. The reason voting is insufficiently appreciated for its deliberative richness, is that people too often fixate strictly on its day of use (i.e., election day), rather than the *anticipation* of its use that is the cause of campaign seasons. *Analogously*, the reason inductive argument by analogy is insufficiently appreciated for its deliberative richness is that people rarely pay attention to the way it too is caught up in anticipation. In the latter context, this anticipation takes the form of the “phenomenology of deliberation,” by which was meant the lived, first-personal dimension of decision-making.

This phenomenology involves anticipation because it is concerned with the future, in which more or less probable changes to other beliefs are expected. For some, like Alf, those changes may be (j) of little consequence for what else Alf believes. For others, like Betty, those changes may (k) call for heavy revision of what else matters to her. In either case, as Gerald Gaus argues, the key point is that deliberation has a phenomenological dimension. For Alf, that phenomenological dimension is the rich sense of anticipation that accompanies his deliberation with Betty (*Stage 1*) and which portends good things to come for his other commitments. Betty, on the other hand, finds herself tense with anticipation during the same process of deliberation with Alf (*Stage 1*). Her anticipation is tense because she is aware of the upheaval that is going to occur when she gets a chance to trace the consequences of this deliberation to what matters to her so dearly as a result of her high school experience (*Stage 2*).

In other words, deliberation is “phenomenological” insofar as it involves constant *anticipation* of the more or less probable effects of that process of deliberation. As the account of Gaus’s arguments above makes clear, some of these effects have a *psychological* bearing, as in the case of Alf and Betty. For the sake of argument, it may be worth noting that other effects are more *ontological*, having more to do with the world itself. For instance, deliberators may find themselves engaging in an imaginative rehearsal of what would actually happen, *over time*, if they were to act on a plan presently under consideration (IL-IT systematicity of CPAR.i). Other times, deliberators concern themselves with the effects that can be predicted when a course of action involves interacting with a *specific kind of entity* (e.g., an ecosystem, a marketplace, or a museum’s collection).⁴³² As John Haugeland has argued, such deliberation would occur at two levels.

⁴³² For a more precise account of “kinds” than the following discussion of Haugeland’s work provides, see Chakravartty, Anjan (2010). *A Metaphysics for Scientific Realism*. Cambridge, UK: Cambridge University Press.

First (1), deliberators would be thinking about how entities relevant to their rational planning instantiate “kinds,” a kind being a “consistent and reliable collocation of structures and properties and/or combinations thereof.”⁴³³ In other words, deliberators would consider what they could predict to reliably occur in the same location in time and space simultaneously, with regard to an object’s surface properties or deeper structures. For example, when deliberating about what to do with a museum's collection owned by a municipality entering bankruptcy proceedings, the citizenry may consider the museum and its contents to be reliably and predictably "fragile," "sensitive to environmental changes," "prone to damage when moved," etc. Understanding the kinds of entities in a museum in this way, the citizenry may therefore critically oppose any policy that would call for simply turning off the utilities at the museum to save money, since such a policy would subject the museum's collection to serious environmental changes.

Second (2), deliberators would take these predictions about the kinds of entities involved in their rational plans and then reflect on what those predictions should mean for each potential course of action. As Haugeland makes this point, “given that there are such kinds, there can be consistent and reliable kinds of interaction.”⁴³⁴ Thus, in the previous example, the citizenry would formulate plans and policies based on their understanding that the contents of the museum are (1) the kinds of things that have a certain fragility, environmental sensitivity, and susceptibility to damage when moved. Consequently, they would critically resist any policy that would involve citizens, municipal employees, or representative contractors from (2) interacting with the contents of the museum in ways that would create unnecessary environmental changes in temperature, or would force the contents of the museum to be moved from one location to

⁴³³ Haugeland, John (2013). *Dasein Disclosed*. Cambridge, MA: Harvard University Press, 255.

⁴³⁴ *ibid.*

another more times than might be absolutely necessary. This “kind-oriented” manifestation of the phenomenology of deliberation is worth stressing because it helpfully encapsulates the point I made above about the connection between this phenomenology and analogical reasoning. We use analogies in deliberation because they allow us to borrow our entrenched, systematic grasp of a familiar domain to better predict what can be reliably expected in another domain, often because the two domains involve (1) the same kinds of entities and therefore (2) call for the same kind of interaction.

For instance, when the Great Depression is used as an analog to understand the Great Recession, the idea is that both are *similar kinds* of economic events. To paraphrase Haugeland, they both involve massive numbers of very abstract systematic relations, which apply to specific kinds of properties and structures in reliable and consistent ways. This reliability and consistency is what makes them deliberatively significant. To the extent that citizens can (1) first understand the *kinds of entities* involved in each of these domains systematically (e.g., markets, central banks, housing policies), they can then (2) understand the *kinds of interaction* in those domains and among those kinds of entities and events that ought to be pursued (e.g., by enacting historically rare monetary policies). In doing so, they demonstrate that analogical reasoning is highly dependent on what is anticipated of the world and our interaction with it, in its extension of entrenched, systematic relations (CPAR.i) from one domain to another (CPAR.ii). Perhaps no phrase is more indicative of this idea than “course of action,” which implies by its reference to a *course* of action that what citizens deliberate about is not a singular behavior, but rather a sequence of behavior that occurs over time (IT) and at many levels (IL), all capable of being evaluated systematically (CPAR.i).

As this brief recap of the above analysis is meant to underscore, the contribution made by

analogical reasoning to politics cannot be adequately appreciated without attending to its relation to human anticipation ... just like voting. In other words, there really is a profound and clarificatory connection between (I) the analysis of majority rule procedures and their associated practices in the first two chapters of this project, and (II) the analysis of analogical reasoning and the probabilistic dimension of rational planning carried out in the last two chapters. Earlier, I referred to this connection as “profound,” in part, because it occurs at such a very high level of entrenched systematicity. Two seemingly rather disparate domains and discussions are shown to be systematically similar. The first domain (I) is eminently “realistic,” with its talk of campaign season politics, analogies that “go viral,” and other empirical details from ordinary politics. By contrast, the second domain (II) is highly abstruse, involving myriad details in the philosophy of logic, cognitive science, deliberative psychology, and the philosophy of action.

The connection is also “profound,” though, not only because it occurs at such a high level of systematic abstraction, but also because (to redeploy Haugeland’s distinction) it reveals (1) a remarkably consistent and reliable property of human deliberation, i.e., *anticipation*, and how it factors into (2) rational planning about kinds of interaction people ought to have with one another and environmental entities. For instance, we may use analogies to systematically assess relations that obtain *inter-temporally*, across times that include an anticipated future, so as to rationally plan what to do by way of predictions. Or we may use analogies to systematically frame a *future* election in ways that make it significant for democratic dialogue, rather than just our behavior in the voting booth. In either case, what is significant is that human deliberation is pervaded with anticipation of *other times*. Deliberation has a temporal reach beyond the immediate preferences people have for one course of action as opposed to another.

Larry Temkin describes this temporal reach as the very essence of being “a planner,”

saying that the planner:

looks ahead, he anticipates changes in circumstances, and he takes certain steps with the aim of affecting the future choices that will be available to him. Often, to do this is to engage in *strategic* planning involving others.⁴³⁵

In other words, Temkin believes it is the essence of the planner to look ahead and “anticipate changes in circumstances,” which is to say, how psychologically or ontologically, changes are (systematically) predictable. However, Temkin makes another, even more striking point about the nature of this anticipation. Not only do we anticipate psychological or ontological effects, but we also anticipate how a current decision will impact *later deliberation*. Because we can anticipate the future effects of deliberation now, we can also anticipate the effects of various plans, currently under discussion, on later stages of planning. We can, for instance, plan now to be “resolute” in the future and simply stick to whatever plan is made now, regardless of “what may come.” Or we may plan now to set aside planning on certain agenda items until a certain date or specific kinds of circumstances evolve. In any of these instances, the phenomenological dimension of deliberation allows us to deliberate in ways that train a steady eye on future deliberation at the same time that current considerations are evaluated.

This “meta”-observation about the scope of human anticipation in deliberation reveals why this profound connection between (I) my earlier account of majority rule procedures and (II) my more recent analysis of analogical reasoning is a clarificatory connection too. Recall that I described the first domain (I) above as more “realistic” in being more familiar from ordinary politics and its campaign season activities. After this description, I then described the second domain (II) as more “abstract,” or less familiar, insofar as it deals with the philosophy of logic,

⁴³⁵ Temkin, Larry (2012). *Rethinking the Good*. Oxford, UK: Oxford University Press, 189, an idea which receives an especially illuminating expression in McLennen, Edward (1990). *Rationality and Dynamic Choice*. Cambridge, UK: Cambridge University Press, 97-8.

cognitive science, deliberative psychology, and other areas of highly specialized inquiry. These two descriptions clearly differ in the familiarity people typically have with each of their respective domains. The first (I) domain of real democratic politics is familiar; the second (II) domain of highly specialized inquiry is typically unfamiliar.

Given these two descriptions, an additional, clarificatory connection can be drawn between these two discussions at a still higher level of systematicity. The first (I) discussion of majority rule procedures and “deliberative outlets” was meant to make more probable a clear understanding of the second (II) discussion of the way rational planning benefits from the use of analogical reasoning to assess complex probabilities in qualitative, “ordinary” terms. In other words, the claims made in the first domain (I), provided a familiar, source analog with which to understand the less familiar, target analog that was the second domain (II). In this way, by stressing the role of human anticipation in the more familiar domain of campaign politics (I), and then moving into the less familiar terrain of logic (II), the above analysis connects the chapters of this project in ways that exemplify the *very kind* of deliberative anticipation that I have been so keen to stress all along. The first two chapters anticipate what is to come in the second two chapters, and as a result, are cast in ways meant to make a clear grasp of that later, more abstract material more probable.

Furthermore, the above analysis also exemplifies the very kind of deliberative anticipation I have been so keen to stress by *reproducing* the methodological structure I have time and again underlined as essential to understanding analogical reasoning. Analogy begins with “ballpark” prior probability assessments and then explores the spuriousness of their extension to the present case. Similarly, I used our entrenched understanding of contemporary politics to assign some prior probability to my deliberative outlets proposal (DOP.a-c), in the

first two chapters (I), before then turning to the detailed discussion of the logical and empirical support for that probability assignment in later chapters (II). Indeed, time and again I have introduced ideas by using the richly suggestive phrasing quoted from others to initially provide a “ballpark” characterization of the idea, before analyzing it in greater detail for spuriousness. Thus, the two parts of this project (I and II) reflect the two stages of analogical reasoning as identified in the contemporary perspective on analogical reasoning (CPAR.ii and CPAR.iii).

Thus, the very structure of this work manifests Temkin’s point about how the definitive quality of a “planner” is a capacity to anticipate future deliberation during present decision-making. Temkin’s words not only help tie the two major analyses in this work together, though. At the end of the above quotation, Temkin refers to the fact that when it comes to anticipatory deliberation, in which future choices are kept in view, we find that, “Often, to do this is to engage in *strategic* planning involving others.”⁴³⁶ In this brief observation, Temkin stresses (with italics) that once we recognize the anticipatory or “phenomenological” dimension of deliberation, we can also recognize that “*strategic* planning” *with others* is one of its most common manifestations. To find people rationally planning courses of action with an eye on the future, we need only look to the way people collectively strategize with one another about the best plan for a course of action. Temkin does not squarely locate the efforts of deliberators in a space distinct from the space of strategy and planning, but rather safely within it.

However, if we follow so many other theorists and assume that democratic deliberation is best described in juxtaposition to majority rule procedures and the strategic behavior they occasion, then we cannot recognize this space in which the “planner’s” anticipatory deliberation commonly appears as an exemplary space of deliberation in general. In searching for common, familiar, realistic, and exemplary instances of citizen deliberation with which to convey the

⁴³⁶ *ibid.*

practicality of the deliberative vision of democracy, the case of the everyday "planner" is inadmissible as evidence and unavailable for illustrative purposes. Assuming such a juxtaposition, then, ties the hands of the proponent of deliberative democracy when it comes to rendering the deliberative vision of democracy practically appealing. In the next chapter, I will explore this "self-constraint" at greater length to gauge its impact on deliberative democratic theory. The results will bring this project "full circle," returning to the diagnostic approach I identified my project with in the first chapter.

Chapter Six: Where Deliberative Democracy Went Wrong

A Blinding Assumption

At the end of the last chapter, I observed an unfortunate consequence of assuming a juxtaposition between deliberation and the strategic activities of the “planner” traditionally associated not with deliberative democracy, but rather with rival visions of democratic politics. The unfortunate consequence was a blindness to the exemplary instance of the “planner.” Drawn from Larry Temkin’s work on decision theory, the “planner” is a person for whom deliberation is saturated with prior anticipations and who is also familiar from real world affairs. These two characteristics allow the “planner” to serve both as an exemplary instance of citizen deliberation and as a familiar analog for remembering that it is the probabilistic dimension in real politics that provides a foothold for deliberative democracy. To the extent that we are like the planner, making rational plans that involve predictions and prior probability assignments, we require analogical reasoning in political affairs to provide a means for assigning and assessing these probabilities in the qualitative terms to which both ordinary persons and “experts” alike typically find themselves bound (in accord with the “democratic accessibility requirement”).

What makes this blindness so unfortunate is that it prevents us from seeing the common, familiar, realistic, and exemplary instances of citizen deliberation that exist right before our eyes and with which we can convey the practicality of the deliberative vision of democracy. Assuming such a juxtaposition, then, ties the hands of the proponent of deliberative democracy when it comes to rendering the deliberative vision of democracy practically appealing. Of

course, this unfortunate consequence of this assumed juxtaposition leads quite naturally back to the point from which this project began: Why does deliberative democracy seem so impractical as a vision of democratic politics? This question gained greater urgency as the above investigation unfolded. The widespread use of analogies in real politics would seem to obviously suggest that citizens are engaged with more reasoning (of one particular and rarely recognized type, it must be admitted) than is often said to be the case by critics and proponents of deliberative democracy alike. In the face of such apparent obviousness, and given the force of the arguments and research championed above as a testament to the logical and practical value of analogical reasoning in democratic deliberation, the problem becomes more jarring still.

When I introduced my diagnosis of the root of the indeterminacy worry in the first chapter, though, I tied it not to a prejudice against analogical reasoning, but rather to a common assumption among critics and proponents of deliberative democracy alike. That assumption, Temkin's words help convey, is the assumed juxtaposition between deliberation and the strategic behavior associated with majority rule procedures that forces us to think of deliberation as distinct from one of its most common, real life forms: Planning. However, as the analysis of the last two chapters (II) has hopefully shown, the prospects for finding other evidence and illustrations of the practical determinacy and appeal of deliberative democracy is unlikely to be very promising, given the prevalence of this assumption. The reason is that in assuming that deliberation and planning are *distinct* activities, the assumption I have diagnosed as the source of the indeterminacy worry *tends to obscure other "common" cases of real deliberation as well*. Temkin's "planner" is just one example.

As has already been stressed, the juxtaposition between deliberation and voting is like the juxtaposition between deductivism and its rival. Both juxtapositions involve relegating the

anticipatory dimension of decision-making to the non-deliberative realm. In the former case, the anticipatory dimension is relegated to the side of strategizing about how to vote, as opposed to reasoning about what it is right for everyone to concede to as a decision. Similarly, in the latter case, the anticipatory dimension is relegated to decision-making that has a "calculative form," "predictive aspect," or probabilistic dimension. Principled deliberation and the opaque judgment it occasions do not anticipate the future, because they allow for decision to be made on the basis of universal, context-transcending considerations like principles of respect and reciprocity (which is preserved).

The striking similarity between these two juxtapositions sheds light on why other attempts to find illustrative cases and real life evidence of the practical determinacy of citizen "deliberation" will *tend* to come up short. Many of these attempts to banish the strategic realm of the "planner" and voter from the vision of citizen deliberation also adopt the same *kind of perspective* (to refer back to Haugeland's analysis) on citizen reasoning and decision-making that is occasioned by a commitment to deductivism. Reliably and consistently, one can expect to find in certain locations the same properties and structures that eschew the kinds of anticipatory, temporally-extended considerations that constitute the "predictive aspect" of real life democratic deliberation.

This last point raises an obvious question, though: *Does* one actually find such a reliable and consistent perspective in work that lends majority rule procedures and their associated practices a less central role in deliberative democracy? In this chapter, I turn to this question not only because it is an obvious "follow-up" to this last point, but also because it nicely brings this project full circle by returning to the way I described my approach in the first chapter. It is a diagnosis that attempts to move deliberative democracy towards a more "suggestive" method of

inquiry for assessing its practicality than has thus far been the case by looking at a pervasive assumption among deliberative democrats and their critics: Deductivism in its various varieties, including the classic juxtaposition become democratic deliberation and majority rule. Before I actually explore particular works by deliberative democrats for evidence of such a reliable and consistent, “deductivist” perspective, some work must first be done to set up a heuristic framework for “ferreting” it out. After all, as the final section of the previous chapter disclosed, the explanatory perspective of their project is one that moves from (I) “ballpark” (CPAR.ii) analogical reasoning to (II) more fine-grained analysis (CPAR.iii).

A Helpful Analogy for Ferreting Out Deductivism

In the first chapter of this project, I claimed to be developing an alternative approach to earlier work on the indeterminacy worry. Where others have adopted *apologetic* or *critical* approaches, my own approach was to be a *diagnostic* one. By this description, I meant to convey that my own approach seeks to challenge the terms of the debate not as a way to deflate its motivating concern about practical determinacy, but rather so as to suggest that the two sides of the debate rest on a faulty assumption. That assumption, I explained, is the assumed juxtaposition between citizen deliberation and majority rule procedures and their associated practices. Above, I have developed my “deliberative outlets proposal” as a way to demonstrate that once majority rule procedures and their associated practices are recognized for their real deliberative significance, the indeterminacy worry can be tackled with greater facility than ever before. Instead of suggesting that the indeterminacy is not as bad as it looks (i.e., the *apologetic* approach), or that political ideals should not be concerned with practicality, let alone worry about it (i.e., the *critical* approach), I instead tried to show how incorporating majority rule procedures

centrally into the vision of deliberative democracy overcomes the indeterminacy worry by achieving hitherto unrecognized levels of efficiency, paraconsistency, and “mental blending” in real political deliberation.

In the last section of the previous chapter, I brought together two of the major discussions pursued above regarding voting and probabilistic reasoning (referenced as “I” and “II,” respectively) by showing that these two discussions themselves make an analogous point. Both of these discussions were concerned to restore the anticipatory dimension of real life politics to the vision of deliberative democracy, where it often goes ignored. In drawing this analogy between these two major discussions (I-II), though, an obvious question has now arisen. Does this anticipatory dimension associated with voting and probabilistic reasoning actually go ignored by deliberative democrats? Is there actually a reliable, consistent tendency to ignore this dimension of political life among deliberative democrats? In short, is there really something like a “deductivist tendency” to ignore this dimension in its institutional (I) and logical (II) forms? Of course, to answer this question is to pick up a loose end from the first chapter’s elaboration of my diagnostic approach to the indeterminacy worry. Analogously, both questions aim at the same practical result: Can it be shown that indeterminacy arises in actual instances of democratic theorizing because of a faulty assumption now diagnosed under the name of the *deductivist tendency*?

To see a deductivist tendency at work in democratic theory broadly speaking, I would like to first explore an analogy (which only seems fitting) drawn from Hannes Leitgeb’s work in epistemology.⁴³⁷ In doing so, my intention is to set up a heuristic device with which to better ferret out the deductivist tendency in deliberative democratic theory. The analogy will provide, as it were, a helpful reminder in later sections for recalling the striking difference of explanatory

⁴³⁷ Leitgeb, Hannes (2014). “The Stability Theory of Belief.” *Philosophical Review*. Vol. 123: 2, 163.

perspective that is obtained when deductivism is held in check, as particular works of theory by deliberative democrats are assessed for their latent deductivism.

Like politics, science is filled with cases in which decision-makers are faced with the indeterminacy that arises in the face of inconsistent information that must be dealt with despite restricted amounts of time and energy. For instance, in one case study from the 19th century, the theoretical system of mechanics inaugurated by Isaac Newton's *Principia* came into conflict with a set of hypotheses and observational data relevant to the acceleration of the moon. If scientists were to believe what observational data about the moon made evident, they had to choose between abandoning their commitment to either Newtonian mechanics, or to a set of hypotheses with which it had become associated. As Hannes Leitgeb points out, this indeterminacy facing scientists of the day could easily be construed as a classical case of one particular kind of indeterminacy: The underdetermination of theory by evidence.⁴³⁸ When evidence forces a choice between two theoretical commitments, a kind of practical indeterminacy arises, best captured by questions such as the following: What is a scientist to do? How will future experimental work be planned? What position will shape practical and experimental efforts in the face of this informational complexity, let alone the limited time and energy scientists have to tackle it?

However, the real life scientists who actually faced this indeterminacy did not find themselves faced with an intractable problem. Before their very eyes stood not a collection of abstract considerations, each equally weighted, yet in conflict. Rather, no serious practical indeterminacy arose at all. How to practically plan "What a scientist is to do next" and "How to shape future practical and experimental efforts" was not practically indeterminate in real historical events. Why? Paraphrasing an earlier analysis of this historical moment of merely

⁴³⁸ Leitgeb 2014, 164.

apparent practical indeterminacy, Leitgeb writes, “this apparent instance of underdetermination vanishes as soon as one takes into account subjective probabilities,” or “what might be called the ‘ideal astrophysicist’s degrees of belief at the time.’”⁴³⁹ In other words, in this moment of apparent practical indeterminacy, a clear way to determine a practical course of action presented itself because these scientists brought into the context of deliberation a set of *prior probabilities*.

Before the deliberation itself began, these Newtonian scientists already had some prior set of expectations about the probability of any of the relevant considerations being worthy of commitment. In other words, these real life scientists began to deliberate in response to this apparent conflict between the associated hypotheses and Newtonian mechanics proper with a set of prior expectations about the *comparative* probabilities of each. In comparison with one another, Newtonian mechanics was expected, or anticipated (read: *phenomenology*) to be so much more probable than the set of attending hypotheses, that when observational data presented a conflict between the two, the scientists readily knew what to do. They simply updated their beliefs and stuck to what they already believed (prior to the moment of deliberation) to be more probable.

In a word, Newtonian mechanics was more worthy of belief than the set of hypotheses with which it *only now* came into conflict in light of new observations about the moon, because of prior probabilities. Practical indeterminacy never erupted and Newtonian mechanics never provided a vague vision of the physical world when these question-raising observations about the moon came in. The reason was simple. The context of deliberation here, which deals with how these scientists should respond to the new observations about the moon, possessed a phenomenological, anticipatory dimension. The scientists already believed that it was more probable that Newtonian mechanics should be believed than the conjunction of the set of

⁴³⁹ *ibid.*

auxiliary hypotheses. The problem was solved before it began by the phenomenology of deliberation. As Leitgeb suggests, one helpful way to express the moral of this story from the history of science is by conjoining together our talk of belief with talk of subjective probability assessments, or prior probabilities, in a “joint theory of belief and subjective probability” he calls the “stability theory of belief.”⁴⁴⁰

Leitgeb’s stability theory of belief offers a fascinating resource (read: analog), the details of which I cannot explore here. However, even with these details aside, Leitgeb’s theory is worth drawing on because it helps with the present purpose of setting up a heuristic analogy with which to locate exemplary instances of the deductivist tendency at work in democratic theory. In this story from the history of science, a way forward past practical indeterminacy was charted when the initial description of a conflict among beliefs was replaced with a more nuanced, phenomenologically-saturated description that included prior probabilities. As Leitgeb (analogically) describes the difference between these two descriptions, the former, initial description was “*coarse-grained*” in its focus on mere belief, while the second, phenomenologically-saturated description was a “*fine-grained*” version of that coarser description.⁴⁴¹ The implication of this language, Leitgeb explains, is that “a lot of information is being abstracted away” by the coarse-grained language of mere belief.⁴⁴² That “lot of information” is precisely the probabilistic dimension that solved the practical indeterminacy in this example from the history of science. To talk of mere belief is to talk in “coarse-grained” terms that abstracts away from the more precise, “fine-grained” terms in which real life decisions are made in a determinate way, despite apparent practical indeterminacy.

⁴⁴⁰ Leitgeb 2014, 165.

⁴⁴¹ Leitgeb 2014, 166.

⁴⁴² *ibid*, a related point is made from a neurophilosophical perspective in Churchland 2012, 262, and used to critique not only logical empiricism, but much contemporary philosophy as well, which remains fixated on the “low-dimension” level of human cognition.

It is not hard to see how Leitgeb's language and analysis sets up a helpful, heuristic analogy with which to probe democratic theory for a latent deductivist tendency. Any time we find ourselves facing an apparent practical indeterminacy in human affairs, we should ask whether we are either (1) Adopting a "coarse-grained" perspective on those human affairs, as we did when we first described the Newtonian scientists as confronting a problematic underdetermination among mere beliefs, *or* (2) Adopting a "fine-grained" perspective on those human affairs, as when we allowed the prior probabilities those scientists brought with them to supplement the underdetermination of their beliefs with a probabilistic dimension (i.e., the phenomenology of deliberation, or entrenched systematicity). More succinctly stated, Leitgeb's analysis provides an analogy with which to reveal whether an apparent case of practical indeterminacy is the result of a pre-probabilistic, pre-phenomenological perspective on the parts of those interpreting it, or not. In this sense, the analogy is "heuristic" because it helps shed light on whether we may be labeling a deliberative scenario as rife with practical indeterminacy simply because we have adopted too coarse-grained a perspective on it. The relevant analogy, in other words, discloses what our interpretation of indeterminacy often takes for granted, namely: An assumed pre-probabilistic description of the scenario. For sake of convenience, I will refer to this analogy as the *Newtonian scientists analogy*.

The Relevance of the Analogy to All Factors in Deliberation

While the analogy itself has to do with the indeterminacy that results from a pre-probabilistic, pre-phenomenological description of those *beliefs* that factor into deliberation, it is worth noting at this point that the same point can be made with regard to *any factor in deliberation*. For instance, we are able not only to demand a "joint theory," as Leitgeb does,

with regard to belief, but also with regard to other factors in deliberation, including preference, value, etc.⁴⁴³ Indeed, as Richard Jeffrey elaborated on this approach to human affairs, any factor in deliberation needs to be considered from a “joint” perspective that treats prior probabilities as part and parcel of the very factors themselves.⁴⁴⁴ Prior probabilities are not just more data to which a “unitary faculty of reason” is applied so as to produce “good judgment” as a “successful outcome.”⁴⁴⁵ To reiterate, they are not just more data to be lumped in with the other considerations that factor into judgment (e.g., beliefs, preferences, values, principles, observations, facts, sensory data, etc.). They are transformative considerations in decision-making that change the form and practical significance of the other factors in deliberation.

A view of deliberation that fails to recognize this transformative role for probability runs afoul of the fact that what I have been calling the “probabilistic dimension,” or phenomenology of deliberation, is a *dimension* in the most thorough and penetrating sense of the term. Just as the vertical dimension makes little sense without the horizontal dimension, and just as color makes little sense without vividness, so too these factors in deliberation make little sense as sources of decision-making in a practically real manner, without the dimension of prior probabilities. We make the kinds of decisions we do, about the kinds of things to which they relate, because we know how those kinds of things typically react when we interact with them in certain types of ways.⁴⁴⁶ As a result, we believe based on what we assign as prior probabilities to how (1) those kinds of things, will react to (2) kinds of interaction on our part with them. Similarly, we prefer and desire specific outcomes based on what we expect to typically be the case when certain kinds

⁴⁴³ This demand has a famous analog in the work of Richard Jeffrey, to which I am indebted, especially his work on the “art of judgment” and the role of expectation in preference, see Jeffrey, Richard (1992). *Probability and the Art of Judgment*. Cambridge, UK: Cambridge University Press, as well as (1983). *The Logic of Decision*. Second Edition. Chicago, IL: University of Chicago Press.

⁴⁴⁴ Jeffrey 1992, 10.

⁴⁴⁵ *ibid.*

⁴⁴⁶ See the discussion of Haugeland’s work in the fifth chapter.

of behavior ensue (e.g., it is less probable, and therefore much preferred to make a winning move in a professional league's championship game over the more probable event of making a winning move in a game on the local playground). Belief without "ballpark" priors, preference without prior expectedness, values without a sense of how they are predicted to influence our flourishing ... none of these is practically significant to us in a real, determinative sense, apart from the probabilistic dimension of life.

Another analogy may help clarify the thrust of the current point about the transformative role prior probability assignments play in lending all deliberative factors their significance. In related work on the phenomenological insights of Edmund Husserl, Nicholas de Warren has stressed that we often fail to see what I am here calling the probabilistic dimension, because of a misleading metaphor about experience the metaphor of a storehouse.⁴⁴⁷ As experience flows by, we often think of ourselves as transferring what we currently are experiencing into our memory, where it is stored. When we experience the traffic at a busy intersection at the moment before a traffic accident, we visualize it with an image that is then transferred into our memory. During the accident, we do the same. After the accident, we can then summon these visualized images from our memory. To help us think about this framework for understanding experience, we routinely talk about it as a flow of distinct experiences that are "stored," or transferred into a "storehouse" the way a current issue of a magazine might be transferred into storage for later use by a historian or collector.

On the one hand, the metaphor of the "storehouse" helps us understand that present experiences are not lost forever; they are retained in some sense. However, Warren points out that the "storehouse" metaphor is misleading. What is retained is not our experience of the

⁴⁴⁷ Warren, Nicolas de (2009). *Husserl and the Promise of Time*. Cambridge, UK: Cambridge University Press, 276-277, 284.

present *exactly as it is presently experienced*. Retention of the present is not like a current issue of a magazine that is simply transferred, exactly as it is, into storage. Instead, as Warren explains, retention works by “de-objectifying” the present, transforming it as it “stores” it in memory.⁴⁴⁸ To better express this point, I would suggest a competing metaphor to the storehouse, namely, the process of *transduction* or the use of *transducers*. Transduction refers to any process in which something is converted in form, i.e., trans-formed, during a larger sequence of activity.

For instance, to “send money” to a friend in a far and distant land with a different currency, my monetary units must undergo transduction as they are transformed both from one currency into another, and from the raw material I currently possess (e.g., paper U.S. dollars) to an electronic form that can be sent overseas rapidly to a different bank, where they may undergo further transduction by being turned into the paper version of that far and distant land’s own currency. Unlike the storehouse metaphor, the “transducer” metaphor makes it explicit that the transfer being made is carried out not by leaving the involved entities exactly as they are, but rather by transforming them along the way. Unlike a magazine simply sent into a storehouse for later recall, the transduction that happens during a money transfer *requires a change in form to make the involved entities practically useful*. Without being changed into an electronic form, my paper U.S. dollars are *practically useless* or of limited relevance to solving my friend’s crisis overseas. Sending the paper money in a paper form will be slow, prone to interference through theft, and very likely to confront obstacles when received and used to pay debts overseas (i.e., not accepted for payment). The transduction of my paper monetary units makes them practically significant.

These two competing metaphors – the “storehouse” versus the “transducer” – are helpful

⁴⁴⁸ Warren 2009, 284-5.

in driving home the point made in the previous paragraph about the transformative role of prior probability assignments in our use of any deliberative factor whatsoever. Regardless of which specific factor in deliberation we are dealing with (e.g., preferences, beliefs, values, principles, etc.), those factors are *practically useless* without transduction into a probabilistic form. In other words, unless one admits that these factors in deliberation are enriched along a probabilistic dimension, one fails to see how they are practically significant as drivers of decision-making and action. Above, I developed numerous arguments and insights to motivate this claim about the close association between practical significance in decision-making and probabilistic significance or the “predictive aspect” in deliberation. For instance, as Candace Vogler maintains, we only deliberate about what to *do* because we believe it ought to be a stage along the way to action in a given context; we believe our deliberation should be *part* of a larger process in which we formulate a response to a problem that we *predict* will be better thanks to our deliberative efforts, than it would be otherwise. Even our most radically deductivist deliberation presumes this sense of predicted impact on deliberation. If we adopt deductive, *non-ampliative* reasoning instead of inductive, ampliative reasoning, it may be on account of the logical rigor of deductive reasoning, *but it must also* be on account of the predicted effect deductive reasoning has on the action its inferential conclusion will ultimately initiate in the world. Deliberation without prediction is not practical, simply put.

The metaphors of the “storehouse” and the “transducer” are helpful because they make this point still more vivid. Take the “storehouse” metaphor and see what it would imply for democratic deliberation. We might assume each citizen is a “storehouse” of beliefs, principles, values, assumptions, preferences, etc. When citizens deliberate together, they “exchange reasons” (to use a popular phrase among democratic theorists) by taking some of their own

beliefs, etc. and transferring them into the “storehouse” of one another. Citizens then step back, recall their newly enriched “storehouses” of deliberative information (i.e., beliefs, values, etc.) and figure out what they ultimately believe ought to be done. For instance, citizens may recall what a commentator said about the current state of the national debt, but then recall another statement about the national debt learned from a government official, and decide to ignore the commentator’s input to their individual “storehouses” of deliberative content. The nexus of beliefs, values, principles, preferences, etc. in their individual “storehouses” of memory offer the decision point from which action will ultimately emerge in a rationally guided way.

By contrast, the “transducer” metaphor adds another plane to this nexus. Instead of simply piling up information in a “storehouse” that can be neatly set together to determine what stays and what goes as decisive considerations in our deliberation, the transducer metaphor suggests that prior to, during, and after deliberation, information is constantly being transformed into and out of various forms. When a commentator communicates to the citizenry some belief about the national debt, it does not simply enter a “storehouse” where it comes into confrontation with prior beliefs about the national debt. Instead, the commentator’s communicated belief meets a prior understanding of the national debt that is present in a different format ... or on a different *plane* or form, to use the language I drew upon earlier. For instance, some citizens might meet a politician informally and then find that the politician makes a statement about specific demographic trends in the local population. When they hear this statement, the citizens are not going to find it set into neat and tidy proximity with what they have heard earlier about local demographics.

Continuing with this example, let us assume that the citizens find the politician’s statement about demographic trends jarring. In doing so, they recoil at the politician’s statement

not because it conflicts with prior beliefs or statements about demographic trends. Rather, their response occurs because they understand what the politician is saying to be highly improbable based on “what they know” in a way that resists the tidy sentential formulation of a statement or belief. Though this “knowledge” is resistant to quick and tidy communication to the politician in the form of a sentential expression, they might nonetheless communicate it through qualitative means for describing the prior probabilities they bring to the conversation. For instance, one of the citizens may mention a famous piece of local news that – *as an analogy for what they all knew to be probable prior to the conversation* – conveys the force of that prior understanding, despite the fact that it exists on a different plane from the linguistic statement of the politician. If the politician’s statement expressed worry about the crippling effects of a change in the local birth rates, for example, one citizen may mention the well-publicized local fundraiser to expand the local hospital’s nursery capacity to analogically express why prior probability assignments make the politician’s statement so jarring. This prior understanding of probabilities is not *composed* out of knowledge about local affairs; rather, the local fundraiser offers a way to *present* that understanding.⁴⁴⁹

The metaphor of transduction is helpful here because it underlines yet again my claim that factors in deliberation (including even communicated statements themselves) gain their significance for deliberation through a transformative encounter with prior probability assignments. If citizens are seen as “transducers,” nothing presently expressed during citizen deliberation meets head on, or “collides” with anything of like kind that is understood by way of prior probability assignments. Expressed beliefs from one citizen *cannot* – except by way of

⁴⁴⁹ Here, I draw on language used to make a similar point in Drummond, John (1992). “An Abstract Consideration: De-Ontologizing the Noema,” in *The Phenomenology of the Noema*. ed. J.J. Drummond and L. Embree. Dordrecht: Kluwer, 151-2.

transduction – collide with the beliefs of other citizens that are understood to be practically significant prior to that communication. When some politicians “take a stand” and argue for the relevance of particular values or principles in a current crisis, the community does not find those values and principles transferred to a “storehouse” of prior values and principles with which they may or may not collide or resonate (or both). As “transducers,” the community has a complicated task ahead when they hear the argument from such politicians. Many may find that the politicians are espousing values and principles that *probably* play a counterproductive role in moments of crisis. This finding, though, requires taking prior probability assignments that can often only be expressed qualitatively by analogy and using them to process the argument from the politicians.

With the “storehouse” and “transduction” metaphors in hand, we can gain a better grasp on the reach of Leitgeb’s analysis and his Newtonian scientists analogy. From a coarse-grained perspective, the scientists in his analogy seem to confront a collision among considerations that ought to factor into what they do in the laboratory or what they write in articles or books. They must choose between two sets of information that are squarely placed beside one another in their considerations, much like the “pros and cons” one would draw up in a list to decide what to do. This information has collided in the field of deliberation. If each scientist’s memory is a “storehouse,” upon learning of the recent observations about the moon, those observations would be transferred into a storage space along with what they already believed about Newtonian mechanics and its associated hypotheses in ways that would produce a conflict among the contents of the storehouse. Like transferring water for storage in a space with highly water-soluble materials, something therefore has to give ... but the question is, “What?” How will they figure out what to abandon given limited time, the conflict in the storehouse, and the varying

personal histories of each scientist? In short, what will they do in the face of practical indeterminacy?

However, from the fine-grained perspective of a “joint theory,” each scientist is a “*transducer*,” and as a result, prior probability assignments have always already lent to Newtonian mechanics a practical significance in planning experiments and writing articles and books, which stands in marked contrast to how the associated hypotheses are understood. Much as the citizens find a politician’s statement about demographics “jarring” because they already have prior ballpark probabilities with which to understand demographic trends in the local area, so too the same occurs with the Newtonian scientists. New information is not simply on an equal footing with old information; which is to say, new information is not simply transferred into a “storehouse” where it is set on the same plane of existence or significance as old information. A dimension of probability fills-out any consideration that has practical importance and makes it truly practical in doing so. Consequently, when the observations about the moon become available, the Newtonian scientists are not at a loss about how to proceed. As “transducers,” the way forward in planning experiments and writing up research is practically determinate. Newtonian mechanics is overwhelmingly preferred on account of long-accumulated (i.e., entrenched) prior probability assignments.

A Note on the Systematicity of this Analogy

As I mentioned earlier, I have explored Leitgeb’s analysis of the Newtonian scientists analogy because I believe it can serve a heuristic purpose, namely: To help ferret out evidence that the deductivist tendency runs rife in deliberative democratic theory, which in turn causes the deliberative vision of democracy to seem practically indeterminate. In presenting Leitgeb’s

analysis of the Newtonian scientists analogy, I have used a number of further analogies to clarify its underlying insights. The “coarse vs. fine grained perspectives” mentioned above draw on familiar prior experience to better understand the unfamiliar point Leitgeb tries to make with both his stability theory of belief and his own presentation of the Newtonian scientists analogy. The “storehouse vs. transducer” metaphors are still another set of contrasting analogs with which to further entrench an understanding of Leitgeb’s work. To the extent that these metaphors summon prior experience to further understanding of the unfamiliar point Leitgeb tries to make, they are yet another contribution to deepening our understanding of deliberation. However, as I have tried to stress throughout this project, when we use analogies this way, we do so because they capture an incredibly rich, systematic grasp of a domain that would otherwise elude easy sentential formulation or casual description. Before I turn to actually drawing on Leitgeb’s analysis and these related analogs to shed light on the deductivist tendency in deliberative democratic theory, I would therefore like to briefly reiterate this point by commenting on how this vision of analogy is operative even in this last case of the Newtonian scientists. In doing so, the ground will be even better prepared for investigating the deductivist tendency in deliberative democratic theories.

Brian Skyrms has developed a “theory of dynamic deliberation” that is dedicated to making and formally proving an analogous point to the one made by Leitgeb’s analysis and the analogs with which I have tried to clarify its meaning.⁴⁵⁰ According to Skyrms, deliberation is “dynamic” when it uses a process of *informational feedback* to move from the state of indecision to the time of decision, which is defined as the moment when the “probability of doing the selected act becomes virtually one.”⁴⁵¹ Here, informational feedback occurs when instead of

⁴⁵⁰ Skyrms, Brian (1990). *The Dynamics of Rational Deliberation*. Cambridge, MA: Harvard University Press, 28.

⁴⁵¹ *ibid*

moving *completely* from an evaluation of our options during deliberation, *directly* to action itself, we take an alternative and roundabout approach. Instead of simply evaluating our options and acting on the one with the greatest weight in our considerations (i.e., most desirable, the duty-bound option, etc.), we feed that evaluation back into the set of prior probabilities with which we first entered deliberation. When the probabilities meet the initial evaluation, how we ranked the options may change dramatically. More importantly, even if the change is not enough to identify a single best outcome, *we can repeat* this process in which stages of evaluation are updated with regard to prior probabilities over and over until a single decisive outcome is identified and action can follow.

For example, I may prefer a good espresso with whipped cream to a cup of tea on the menu at a new local establishment. However, instead of moving completely from that preference directly to ordering the espresso, I may reflect on what I already understand to be the probability of getting a good espresso with whipped cream at a new establishment. The cream *tends* (probabilistic) to be of disappointing richness, I may admit. Tea, on the other hand, is also highly variable because it is so often over steeped. Still, I may realize, the risk of over steeped tea is far less than the risk of encountering disappointingly thin and watery whipped cream. In light of these expectations about the relative probability of getting good whipped cream versus over steeped tea at an unknown establishment, my initial preference for ordering the espresso drink rapidly shrinks in desirability and a cup of tea becomes the single, indeed obvious choice.

Moreover, as I mentioned in the last paragraph, this process in which expectations are used to update preferences can often occur across multiple iterations. From a larger number of desirable beverages on a menu, for example, updating our preferences once with our expectations may not be enough to determine an outcome. We may get a rough sense of what is

preferred and then update those preferences based on prior probabilities of actually getting what is preferred at the local establishment. Three or four beverages may still seem to be close contenders. We may think that the tea, the espresso with whipped cream, the lemonade, and the mineral water all appeal. The expectations of getting any of these may reshape our preferences for ordering them at that given time into a clear lead for the lemonade and the tea. From among these two options, we may then carefully weigh them up against each other, considering the relative advantages and set-backs each has to offer across a vast number of variables, including hydration, energizing vigor, calories, sensitivity to current temperatures, etc. After this second round of evaluation, we can, *yet again*, “feed back” the new preference among these two options into our expectations to generate yet another updated perspective on what is to be done ... repeating this process over and over until the probability of us acting becomes “virtually one” as a determinate outcome emerges.

As these examples are meant to reveal, when Skyrms allies deliberation with information feedback processes, he means to highlight the *systematic* role played by *repetition* in the way prior probability assignments can factor into deliberation. Recall the way I cast systematicity in terms not only of relations among properties in a domain, but also relations among relations (meta-relations), and relations among those meta-relations (meta-meta-relations), and on and on to the degree of n , with which we can refer to a large number of such meta-meta-*etc.*-relations as n -relational. Recall also that I cast this n -relational systematicity in terms not only of inter-*level* systematicity (IL), but also inter-*temporal* (IT) systematicity as well. A meta-relation can obtain not only because there is a relation among the relations in a domain at any given time t (i.e., as a synchronous relation), but also among relations that obtain across a number of different times, such as t' , t'' , t''' , etc. (i.e., as diachronic relations). Finally, recall as well the use of the term

“entrenchment” above. Similarly, what Skyrms is observing is that *over time* (i.e., inter-temporally, or IT), meta-relations obtain among the stages of deliberation in which evaluation and updating with prior probabilities alternate to eventually arrive at a determinate outcome about what is to be done, with entrenched relations often leading the way. As Skyrms observes, “the very process of deliberation may generate information that is relevant to the evaluation” of the options under consideration, because that process is systematically related by a repetitious feedback loop that stretches across time (IT) and eventually entrenches an outcome.⁴⁵²

In his formal models of real deliberative scenarios and artificial ones alike, Skyrms has shown a number of fascinating results that occur when we pay attention to the power of this inter-temporal, entrenched systematicity. Deliberative scenarios that decision theorists famously assume to be indeterminate or to be suggestive of one outcome, actually yield different outcomes when deliberation updates itself with prior probabilities *repeatedly*. Indeed, otherwise unintuitive decisive states of equilibrium can be achieved when we temporally extend deliberative episodes. Borrowing a phrase from the theorist David Axelrod, Skyrms describes such a perspective on deliberation as one that invokes the “shadow of the future,” which is to say, what happens when a deliberative episode is “indefinitely repeated.”⁴⁵³ Seen from this perspective, classic deliberative scenarios in political theory, such as the infamous “Prisoner’s Dilemma” are transformed into different kinds of problems, with very different results.⁴⁵⁴

While it may be interesting to survey some of these formal results and how they upset conventional perspectives on these deliberative scenarios, for present purposes what is more important is to note the way Skyrms’ work highlights the astonishing changes in the very nature

⁴⁵² *ibid.*

⁴⁵³ Skyrms, Brian (2004). *The Stag Hunt and the Evolution of Social Structure*. Cambridge, UK: Cambridge University Press, 5.

⁴⁵⁴ Skyrms 2004, 6.

of the problems that occupy the attention of political philosophers, when the “shadow of the future” is allowed to hover over their investigations. When an episode of deliberation is repeated “indefinitely,” or even until the probability of action approaches “1,” either way ... space is provided for recognizing that an inter-temporal relation that extends across episodes of deliberation not only exists, but also plays a role in selecting the decisive outcome.

Thus, to return to Leitgeb’s analysis of the Newtonian scientists analogy, what that analogy vividly captures is just this inter-temporal dimension and its practical significance. The Newtonian scientists avoid practical indeterminacy in planning their experiments and writing up their research findings because their deliberation about what to do in the face of the new observations about the moon is part of a sequence of related episodes of deliberation, which are *inter-temporally entrenched and systematically bound together by the “shadow of the future.”* The scientists are at no loss for what to do because they have prior probability assignments with which to confront the problem and from which – through repeated updating with those assignments in the past as well as in the present course of deliberation – an obvious and decisive response to the new observations follows. In this way, Leitgeb’s analysis of the Newtonian scientists analogy offers a helpful heuristic device for vividly and effectively communicating a highly sophisticated, inter-temporally systematic relation that plays a crucial role in human deliberation and decision-making (i.e., the entrenched systematicity identified in my account of analogical reasoning with CPAR.i).

Deductivism Run Amok

The task of diagnosing a deductivist tendency in deliberative democratic theory can now be stated more vividly, systematically, and concisely, thanks to Leitgeb’s analysis: To what

extent have deliberative democrats encountered problematic practical indeterminacy in their theories because they have failed to recognize the “shadow of the future,” unlike the Newtonian scientists in Leitgeb’s analysis? Below, I will organize responses to this question according to the three variations on the indeterminacy worry with which I have continually structured this project.

1. Pragmatic Indeterminacy

Deliberative democrats themselves often acknowledge the pragmatic indeterminacy that faces their vision of democratic politics. The act of deliberation is typically seen to be extremely demanding when it comes to time and energy. The problem is that the citizenry seems to be overtaxed as it is, therefore making the prospects for democratic deliberation appear unrealistic and implausible. As Thomas Christiano writes, “Few have the time and energy for putting a great deal of effort into political discussion and reflection.”⁴⁵⁵ The problem is exacerbated by “The intricacies of law and policy and the empirical research necessary to justify policy as well as the reflection necessary to put together packages of law and policy,” which “are significantly too complex and extensive for most citizens to have a good grasp of them.”⁴⁵⁶ Democratic theorists frequently say as much themselves. The complexity and amount of relevant information in modern political deliberation is such that the hope for “the people” ever uniformly drawing upon it seems quaint and out of date. The issue for deliberative democracy, Christiano stresses, is not that citizens are lazy or inept, but rather that they have full-time jobs and households to maintain, after which “they have some entitlement to some time off from hard

⁴⁵⁵ Christiano, Thomas (2012). “Deliberation Among Experts and Citizens,” in *Deliberative Systems*. ed. John Parkinson and Jane Mansbridge. Cambridge, UK: Cambridge University Press, 30.

⁴⁵⁶ Christiano 2012, 30-31.

work. And politics and political issues are hard work.”⁴⁵⁷ Each day only has so many hours, Christiano observes, and after working hard at work and at home, what little is left is deservedly reserved by and large for “time off.” Recognizing this reality, Christiano maintains, “Even someone who is morally committed to good politics would experience serious limits to their capacity to read up on and reflect on the many difficult and complex issues that arise in a democratic society.”⁴⁵⁸

Earlier, I described the motivation behind this problem as the pragmatic variation on the indeterminacy worry. It just seems unrealistic to expect the hard-working citizens of contemporary societies to have much in the way of time and energy left over for the hard work that is politics. The answer to this problem, Christiano can be seen to stress above, is not moral exhortation to push citizens to invest more of these precious resources into political life. Instead, Christiano observes, the result is a “division of labor” in society, roughly between the “experts” and the non-expert “ordinary citizens.”⁴⁵⁹ As Christiano points out, “The evaluation of policy includes many different elements such as expert knowledge in the sciences, expertise in the current state of play in law and policy, expertise in how to achieve the compromises necessary to make legislation, the local knowledge of those who are especially affected by legislation and the participation of ordinary citizens in the choice of the aims of policy.”⁴⁶⁰ For any given option on the agenda of deliberation, expertise seems crucial along a number of dimensions and in ways that not even a single expert, let alone the ordinary citizen, is likely to comprehensively grasp.

However, if the evaluation of political decisions includes so many different points of expertise, a problem is created for deliberative democracy: How can the citizens be in the

⁴⁵⁷ Christiano 2012, 31.

⁴⁵⁸ *ibid.*

⁴⁵⁹ Christiano 2012, 28.

⁴⁶⁰ *ibid.*

“driver’s seat in society”?⁴⁶¹ The greater the shift towards acknowledging the importance of expertise in political deliberation, the greater the shift away from a democratic politics in which “the people” actually play a role in shaping the laws under which they must live. Democracy can only become “deliberative” by decreasing the role of the people in politics. Well aware of this challenge, Christiano proposes two responses. First, he suggests a division of inquiry with which to categorize the respective roles of the ordinary citizens and experts. This division of inquiry contains two categories under which deliberation occurs: (1) “Basic aims,” which are the non-instrumental values that establish what society is to pursue; and (2) The “translation” of basic aims into practice, which is to say, the task of figuring out the means for “best achieving” the basic aims established under the first category of deliberation.⁴⁶² With these categories in place, Christiano explains how the pragmatic indeterminacy posed by the need for expert knowledge in modern politics can be dealt with. The citizenry is to focus on the first category of deliberation, or “basic aims,” while various classes of experts focus on the second category of deliberation, namely, the selection of means for translating those aims into practice.

What does this proposal look like? According to Christiano, expertise is less essential to selecting the basic aims of society. Whether these aims work as constraints on what may be pursued (e.g., the aim to not live in an intolerant society), or whether they function as goals to be pursued (e.g., no citizens should go without food), either way they are the topic of the ordinary citizen’s deliberation. Citizens deliberate about these basic aims largely by assessing how they should be “packaged together.”⁴⁶³ For instance, should a constraint on intolerance be packaged with an absolute requirement for freedom of speech? As Christiano understands this category of deliberation, it is less dependent on specialized knowledge from the social sciences, “Citizens are

⁴⁶¹ Christiano 2012, 33.

⁴⁶² Christiano 2012, 33-34.

⁴⁶³ Christiano 2012, 33.

capable in their everyday lives of understanding and cultivating deep understandings of values and of their interests.”⁴⁶⁴

Though they retain this capacity, more specialized groups in the division of labor in society play a role in this category of deliberation nonetheless, as political parties, interest groups and activist groups, as well as opinion leaders all work together to help craft the packages of aims the society holds dear. In this way, “Citizen deliberation about aims takes place through these processes over many years and culminates in elections in which citizens choose candidates or parties that represent the packages of aims they want the political system to pursue.”⁴⁶⁵ Furthermore, legislators and politicians work hard to negotiate these packages of aims, through compromise and bargaining, “to form workable majorities in the legislature.”⁴⁶⁶

Under the second category of deliberation, various groups of experts work to figure out the best means for any given package of aims. Some of these experts are actually the legislators, who along with the administrative officials in the government, work to develop laws and turn abstract law into “actual policy.”⁴⁶⁷ An additional “network of intellectual labourers,” which “spans the universities, political parties, political staffers, interest group associations, and parts of the administration” contains experts in “economics, sociology, law, political science, and the natural sciences” who influence both the crafting and evaluation of laws and policy as well as the process by which policy-making and execution are monitored.⁴⁶⁸ These experts play an essential role in democracy, Christiano maintains, because they “discuss the extent to which the various aims of citizens can be met and what kinds of trade-offs are necessary and how to achieve the

⁴⁶⁴ Christiano 2012, 34.

⁴⁶⁵ Christiano 2012, 33.

⁴⁶⁶ Christiano 2012, 33-34.

⁴⁶⁷ *ibid.*

⁴⁶⁸ Christiano 2012, 35.

aims.”⁴⁶⁹ Here, questions of “means to ends” and “trade-offs” are the main concern. As Christiano concedes, though, “The difficult question here is how does all this sophisticated expert knowledge influence the process of decision-making when the decision-makers themselves are not experts?”⁴⁷⁰

Christiano adopts a stance that other deliberative democrats have similarly advocated: “The basic process of influence has to be essentially a kind of filter that separates out theories that have some substantial support within the expert community from those that do not.”⁴⁷¹ Through a variety of “mechanisms and institutions,” Christiano believes that the expert knowledge necessary to making democracy truly deliberative plays the role of *eliminating options*. Citizen politicians and ordinary citizens alike find that this network of experts often “rules out certain theories as possible bases of policy-making and permits choice among a certain small subset of theories for policy-making” in the process by which they supply advice about the best means for achieving the basic aims over which the citizenry deliberates separately.⁴⁷²

Christiano’s second response is to identify how citizens can influence this network of experts. He cites three principal forms of influence along these lines. The first is that in deliberating about basic aims of the society, citizens can “play some important role in determining what the aims of scientific research are.”⁴⁷³ Interest groups and activist organizations often provide support for (e.g., funding) and attraction to experts in different fields, and in doing so, play a role in determining research agendas. The second form of influence is that the advocacy and expressive efforts of citizen groups can often bring to the attention of

⁴⁶⁹ *ibid.*

⁴⁷⁰ Christiano 2012, 36.

⁴⁷¹ *ibid.*

⁴⁷² Christiano 2012, 42-3.

⁴⁷³ Christiano 2012, 47.

experts “distinct hypotheses to articulate and test.”⁴⁷⁴ Third, citizens can influence the network of experts by “checking on the defensibility of expert knowledge,” looking for “anomalies in theories” based on “long experience with certain kinds of social structures.”⁴⁷⁵

In these ways, the scientific pursuits carried out within the network of experts are not only influenced by the citizenry, but even benefit from its influence as well. The “parochialism, group-think, and cognitive bias” that often “distort the process of the production of knowledge” are reduced when the larger citizenry articulates the conditions under which they live and to which social science in particular must be sensitive to maintain its commitment to the use of “a lot of different sources of evidence.”⁴⁷⁶ Through these two responses, Christiano believes the political system can be reliant on expertise without becoming incompatible with democratic ideals.⁴⁷⁷

In light of Christiano’s two responses to pragmatic indeterminacy of this particular variety, it is now worth asking the following question: In what sense can deductivism be observed in Christiano’s account, and to what extent does it yield an unsatisfyingly indeterminate vision of deliberative democracy? Christiano’s choice of terms likely raised several immediate red flags in light of the above investigation. First, the description of the political system as one that “translates” general, context-transcending “basic aims” into particular contexts of policy and practice clearly mirrors the principled model of deliberation with which I identified deductivism earlier. A discussion of generalities comes first, with politics aimed at the process of making the general then fit the particular. This order is reminiscent of the order of deductive reasoning, which moves from the general to the particular as well. Furthermore, the fact that Christiano

⁴⁷⁴ Christiano 2012, 48.

⁴⁷⁵ *ibid.*

⁴⁷⁶ Christiano 2012, 29.

⁴⁷⁷ Christiano 2012, 35.

separates these two categories of deliberation is important here. He writes, “The subjects of these kinds of deliberations are distinct from the central subject of citizen deliberations.”⁴⁷⁸ To the extent that these two categories are so distinct in their subject matter, Christiano seems to suggest that these basic aims do not emerge from prior experiences with the nitty gritty details, exemplars, shameful examples, and other analogs of political deliberation. Furthermore, in describing the basic aims as “constraints” on what the experts do in the study, selection, implementation, and revision of means, he further underlines the sense in which they are generalities that exist prior to the specifics of deliberation.

This language of constraint not only refers back to his use of the popular suggestion among deliberative democrats that specialized parts of the political system work as a “filter” to eliminate problematic options from citizen deliberation. More importantly, it also reflects the way in which this deductivist approach to pragmatic indeterminacy ends up replicating the very practical indeterminacy it originally meant to overcome. Like other deliberative democrats for whom the purpose of deliberation is to use abstract general considerations (e.g., principles, values, etc.) to eliminate the options on the table during deliberation, Christiano also finds himself forced to admit that his responses to pragmatic indeterminacy ultimately lead to *underdetermination*. This admission follows a summary description of the filtering role of expertise in his vision of democratic deliberation:

All that is necessary is an external connection between a theory being among the best available ones and its adoption by a policy-maker. So the policy-maker’s decision may be truth sensitive in an external sense and there may be a large amount of arbitrariness in the choice of policy. The policy-maker’s decision is not completely unjustified because they have reason to think that the theory on which they are operating is well thought of in the expert community.⁴⁷⁹

Being only a filter on the considerations that factor into non-expert deliberation, the specialized

⁴⁷⁸ *ibid.*

⁴⁷⁹ Christiano 2012, 45.

efforts of experts do eliminate some options on the basis of their lack of a “truth sensitive” property, which is to say, their unjustifiability among experts. However, as he admits, such elimination means that no single option will emerge as best, but only a range of options that are not eliminated for total lack of justifiability among experts. The result is that non-expert deliberators have latitude among these options that is not governed by epistemic factors (i.e., truth sensitivity), but rather by “a large amount of arbitrariness in the choice of policy.” This description amounts to a classic case of underdetermination. The *deliberative* side of democracy can constrain the choices made by the people, eliminating some of them. Nonetheless, the final stage of decision-making is not driven by deliberative considerations, really, but rather by arbitrary ones.

This concession to underdetermination in his response to pragmatic indeterminacy shows up in other aspects of Christiano’s account. Take for instance his description of the process in which experts “translate” the basic aims of the citizenry into political decision-making. In his description, he states, “they discuss whether and to what extent the legislation and policy in place and in prospect are likely to further the aims of the citizens.”⁴⁸⁰ This language of “to what extent” calls to mind the same indeterminate language that was identified in the accounts of other deliberative democrats and to which they themselves often conceded an ultimate form of underdetermination in their theories. For instance, it is reminiscent of Joshua Cohen’s claim that democratic deliberation ultimately concludes at an opaque stage of judgment during which questions of what is “too far” a divergence from principle and “too deep” an infringement of principle are gauged. As in Cohen’s work (as analyzed in chapter four above), so too here Christiano also concedes space to the underdetermination of deliberation by invoking these phrases; vague phrases of “too far” and “too deep” and “to what extent” are simply labels for the

⁴⁸⁰ Christiano 2012, 35.

variety of practical indeterminacy known as underdetermination. They are not, however, contributions to an understanding of how deliberation really effects outcomes.

Furthermore, in allocating these kinds of “judgment” questions to the second, expert-oriented category of deliberation, Christiano also takes ordinary citizens out of the “driver’s seat” precisely where the other deliberative democrats surveyed above have identified the point of practical indeterminacy in their theory. In this way, rather than really tackle pragmatic indeterminacy, he has used the categories of “basic aims” and “means” to simply outsource worries about indeterminacy to the world of expertise. Far from a contribution to making the deliberative view of democracy more practically determinate, then, Christiano’s contribution may seem to simply shift the burden to another field of inquiry, namely, the study of expertise and inquiry among experts. Such a characterization would be unfair, though. Christiano not only concedes the ultimately arbitrary nature and underdetermination in which policy choices are made, he also makes it explicit that he realizes the problem of pragmatic indeterminacy does not dissolve when shifted into the world of experts. Among experts themselves, he states,

There is a lot of disagreement on the best theories as well as on the implications of the best theories in social science. And there is a lot of disagreement on how to apply the best theories to the social phenomena they apply to. And there is disagreement about the empirical support for these theories. These disagreements make for a great deal of complexity in the application of social science to policy. And they create indeterminacy.⁴⁸¹

In this passage, Christiano states very clearly his recognition of the indeterminacy that exists in the community of experts itself. Disagreement among experts obtains in such a way that a best theory, let alone a best application of that theory to figuring out the best means to a “basic aim,” is ultimately underdetermined. Expertise can filter out some of the theories and applications of

⁴⁸¹ Christiano 2012, 45.

theories that are available. However, as he concludes, “it is indeterminate from the standpoint of the community which view is the best view and whether a political decision-making process is really using the best means to its ends when applying one theory rather than another.”⁴⁸² From the standpoint of a community of experts as well, indeterminacy obtains with regard to the best means for translating the abstract “basic aims” of the citizenry into practical decisions about policy.

To further underscore the sense in which a deductivist tendency is responsible for this relentless indeterminacy, consider what was said about expertise in chapter four above. When it comes to *political* judgment, research by Philip Tetlock was shown to reveal that the usual markers of “expertise” do not track any greater understanding than non-expert dilettantes and computer algorithms. The class of “so-called experts” is worthy of suspicion and should not be relied upon as a tracker of improved capacity in making political judgments. The reason is that two styles of reasoning both popular within expert communities obtain, one of which is quite good at political judgment, one of which is very bad. As a result of this divergence, the community of experts taken as a whole will – when averaged out – be no better than a dilettante or flip of the coin, and indeed much worse than a statistical algorithm. For sake of clarification, it should be recalled that these two styles of reasoning were associated with two analogs, namely, the fox and the hedgehog. The fox used “tricks of the trade,” a wily intelligence about the limits of deductive approaches to explanation and prediction, and a humility about the fox’s own knowledge when deliberating. By contrast, the hedgehog was a card-carrying deductivist, drawing on “big ideas” and general principles about which the hedgehog was certain and from which – by way of non-ampliative inference one might suppose – decisions could be derived with the same level of certainty.

⁴⁸² *ibid.*

Christiano's definition of expertise shows that a deductivist tendency even informs his definition of experts. Drawing on Alvin Goldman's understanding of expertise, Christiano defines them (in part) as people who have "an amount of true beliefs that is significantly greater than ordinary people."⁴⁸³ Surely, here is a definition of the expert as a hedgehog! To talk about "true beliefs" as part of the measure of expertise is to firmly oppose the fox's humble uncertainty with regard to what is known about a domain of expert knowledge in favor of the hedgehog's certainty. A foxlike expert would never even go so far as to say that what the expert knows about the domain *should* be described as *true* beliefs; the fox is too humble and uncertain to associate "truth" with what is understood about the domain. Only a hedgehog would ever use those terms to describe expertise. By contrast, we might instead expect the foxlike expert – being the expert who is actually successful in political judgment against the non-expert dilettante – to talk less in terms of true beliefs, and more in terms of an *ad hoc* array of probabilities. Set into contrast with Christiano's deductivist definition of expertise (largely borrowed from Goldman), Christiano's characterization of expertise reveals that his attempt to address the problem of pragmatic indeterminacy is ultimately a deductivist one.

Further evidence for this claim is revealed by the other part of his definition of expertise, which states that experts are defined by "a set of skills that enable them to test the ideas and arguments as well as extend the ideas and arguments of the community to new problems and objects within the domain."⁴⁸⁴ Since the "ideas and arguments" referred to here are defined by reference to "the community of persons who have a lot of true primary beliefs concerning the subject matter in the domain," the kinds of reasons that a fox would extend are eliminated – by fiat – from the kinds of reasons experts apply to "new problems and objects" in their domain of

⁴⁸³ Christiano 2012, 36, the other parts of the definition are also deductivist, but for sake of space I leave them aside here.

⁴⁸⁴ Christiano 2012, 37.

expertise. It then comes as no surprise that disagreement – and subsequent indeterminacy – abounds even in the second category of deliberation within Christiano’s account. He has, by fiat, excluded the kinds of reasons empirically associated with successful political judgment (i.e., the fox’s reasons). As a result, we can only expect that experts would fail to generate much in the way of decisive judgments, as their hedgehog approach to political judgment is only going to do worse than the ordinary citizen, not better. Of course, such an expectation is born out by Christiano’s own admission that indeterminacy plagues the community of experts too.

The role of the deductivist tendency in forcing this indeterminacy is further clarified by referring back to Leitgeb’s analysis of the Newtonian scientists analogy. Recall how Leitgeb’s analysis reframes indeterminacy in terms of a fine-grained picture in which a probabilistic dimension plays a crucial role. Confronted with apparent indeterminacy, the Newtonian scientists simply refer back to their prior probabilities to quickly and easily find a way forward – just as they did in real life. Their prior experience plays a role in determining courses of action. This last phrase reflects a point I stressed above. When we use analogies to deliberate, we draw on prior probabilities gained from familiarity with one domain to better understand another, less familiar domain (CPAR.ii). In doing so, we extend our prior understanding of objects and how we understand ourselves to interact with them to the objects and forms of interaction that are *of the same kind in the second domain*.

For instance, familiarity with environmental challenges at work may help people understand the same kinds of environmental challenges when they are present not only at home, but also in politics. Having seen how easy and cost-saving programs dedicated to recycling and waste reduction are at work, the discussion of similar programs at a town meeting will be better understood by analogy to what is familiar from the workplace than it would be otherwise. Like

the Newtonian scientists in Leitgeb's analogy, so too ordinary citizens extend their prior understanding of what is probable in one domain to contexts of deliberation to figure out what to do in a quick, time-saving, and determinate way.

This last point stands in marked contrast to Christiano's account. He assumes that because ordinary citizens lead energy and time consuming lives as workers and household members, their engagement with politics should be defined in terms of what is "left over" after the demands of these roles are subtracted from their lives. Not surprisingly, little is indeed "left over" and the demands of political problems – which stream in anew and afresh each and every day – seem to challenge the possibility of ordinary citizens doing much in the way of deliberating. Furthermore, with the possibility of deliberation in this meager left over space so constrained, the value of experts as guides seems to immediately become appealing. By contrast, the analogical approach I have advocated here draws no such line between work and domestic life, on the one hand, and political deliberation on the other. Each space learns from the other by analogical extension. Thus, if someone works a lot, familiarity with objects and kinds of interaction in that time and energy consuming domain can be seen to provide a rich set of prior probabilities with which to process the day's political problems.

Moreover, here "experts" will not be those who know better because they have specialized knowledge, but rather those who (like the real experts studied by Dunbar and discussed above) have a knack for using analogies to convey an understanding of the prior probabilities and systematic structure of a complex kind of object or interaction in vivid, familiar terms to audiences ... *especially* audiences with very different backgrounds. In this way, both the problem to which Christiano dedicates his account and the expert/non-expert distinction with which he frames it, both become obsolete when an analogical focus is used to understand the

meaning of real, practical, and determinate democratic deliberation.⁴⁸⁵

2. Informational Indeterminacy

As with pragmatic indeterminacy, so too the second variation on the indeterminacy worry is often dealt with by deliberative democrats in a way that is “deductivist” and therefore less satisfying as a response to the underlying indeterminacy to which their theoretical efforts are directed. The account of deliberative democracy developed by Amy Gutmann and Dennis Thompson is an illustrative case study in this regard. Their approach to deliberative democracy takes its bearings from what they take to be the most “formidable” challenge facing American democracy: Moral disagreement.⁴⁸⁶ It is easy to see how this topic relates to informational indeterminacy. In modern societies like the one they take as their object of focus, pluralism reigns insofar as people approach morally relevant political decisions with highly divergent moral perspectives. Gutmann and Thompson follow many others in describing this divergence in terms of “conflicts about fundamental values.”⁴⁸⁷ One source of such conflict, they claim, is “incompatible values” among people.⁴⁸⁸ This language of incompatibility demonstrates a connection with my description of informational indeterminacy, stressing as it does that deliberation often seems to face an unbridgeable chasm when it has to deal with commitments among citizens that are incompatible.

This connection is further strengthened when they claim that such informational complexity obtains not only at the *inter*-personal level, but also at the *intra*-personal as well. As

⁴⁸⁵ Oddly, though Christiano is a “deliberative systems” theorist who draws inspiration from Habermas’s work, this distinction between experts and non-experts is clearly rejected by Habermas as insufficient to the ways in which citizens are caught up in administrative systems today, see Habermas 1996, 320.

⁴⁸⁶ Gutmann and Thompson 1998, 1.

⁴⁸⁷ *ibid.*

⁴⁸⁸ Gutmann and Thompson 1998, 18.

they observe, “moral conflicts can be understood and experienced by *one* person appreciating the competing claims of more than one fundamental value, and therefore struggling internally to resolve the conflict.”⁴⁸⁹ This statement calls to mind the idea that even a single and solitary individual can experience the informational complexity that occurs when the individual’s own values conflict in calling for different responses to a conflict.

Clearly, Gutmann and Thompson are aware of the informational complexity that is often said to plague modern democracies. Notably, they also tie this complexity to *indeterminacy* as well. An outcome for citizen deliberation seems impractical in such a society, they admit, because “Finding the right resolution becomes more difficult when moral values conflict, and a conflict among values readily turns into a conflict among persons, as citizens come to different conclusions about the same decisions and policies.”⁴⁹⁰ Here, Gutmann and Thompson draw a line from the informational complexity they associate with incompatibility among citizen values and an indeterminacy in democratic deliberation. Citizens “come to different conclusions about the same decisions and policies,” they explain, because a conflict among their values makes a right resolution more difficult to identify. They write:

Persistent moral disagreement comes in various forms. In some cases citizens hold conflicting reasonable beliefs (about the status of the fetus, for example), which their best efforts at moral understanding cannot resolve. In other cases different citizens balance competing moral considerations in different ways ... in both kinds of cases our best efforts at moral reasoning in the spirit of mutuality produce no uniquely correct solution.⁴⁹¹

Like the intra-personal conflict of values that makes it difficult to deal with a potential decision, the collective, inter-personal process of deliberation is likely to generate no “right resolution” in the face of conflict among values and other forms of difference in moral reasoning. Here the

⁴⁸⁹ Gutmann and Thompson 1998, 24.

⁴⁹⁰ Gutmann and Thompson 1998, 24.

⁴⁹¹ Gutmann and Thompson 1998, 60.

worry about informational indeterminacy I introduced in the first chapter raises its head. In the face of such differences, “no uniquely correct solution” will emerge and a decision is underdetermined as a result. Consequently, deliberative democracy may seem like a problematic ideal if modern societies (and even individual citizens) contain values conflicts that make resolutions to moral dilemmas unlikely. How can a decision be made about what is to be done if people have divergent values with which to rank and eliminate the options on the table?

Gutmann and Thompson believe the cure to this worry about deliberative democracy is not to abandon citizen deliberation, but to call for more of it. Frequently, they claim, a conflict among values is accompanied by an “imperfect understanding” of the context in which the conflict occurs.⁴⁹² This observation is important because it provides the basis by which Gutmann and Thompson believe deliberation can advance beyond an apparent roadblock comprised of informational complexity. If citizens can allow that in a given moral disagreement, everyone lacks a perfect understanding of the subject matter in such a way that a uniquely correct resolution to the problem could be determined, then deliberation can proceed by bifurcating the considerations that enter into it into two groups.⁴⁹³ In the first group (1), are those values and related moral reasons that could *not* be accepted as principles and policies by other citizens in keeping with the principle of reciprocity.⁴⁹⁴ In the second group (2) are those values and considerations that are consistent with the principle of reciprocity.

Agreement on imperfect understanding is essential to the efficacy of the principle of reciprocity as a method for sorting conflicting moral values into these two groups. More specifically, agreement on imperfect understanding pushes citizens to identify which of their moral values are – in the current condition of imperfect understanding – (1) amenable to entrance

⁴⁹² Gutmann and Thompson 1998, 25.

⁴⁹³ Gutmann and Thompson 1998, 25, 93.

⁴⁹⁴ Gutmann and Thompson 1998, 93.

into the public space of citizen deliberation, and (2) those which are not. Such a line of questioning, Gutmann and Thompson argue, will “encourage them to discover what aspects of those beliefs could be accepted as principles and policies by other citizens with whom they fundamentally disagree.”⁴⁹⁵ In short, deliberation can move forward with moral learning when citizens (1) admit that everyone currently has a state of imperfect understanding, and then (2) engage in collective reasoning with one another strictly on the basis of those values, beliefs, and other relevant considerations that they believe are mutually appreciable in this state of imperfect understanding.

They believe this two-step process of deliberation will advance moral learning because it will leave at least some of the conflicting values that currently create moral disagreement out of deliberation. Furthermore, because the current state of affairs is admittedly an imperfect one, citizens need not feel like they “have to trade off their personal moral views against public values.”⁴⁹⁶ People can move on with deliberation because they are aware that the current state of affairs is a problematic one that does not permit them to disclose all of their personal views, though in doing so it does not demand that they abandon them.

Above, I already devoted considerable space to locating the deductivist tendency in this account of deliberative democracy, which orients deliberation around reciprocity as its “first principle.” Here, it is again easy to see. Moral choices are approached in terms of abstract generalities like “values” and “principles,” even when those choices are supposed to be moving past ordinary forms of moral disagreement by taking their lead from the “principle” of reciprocity. In putting the general before the particular, they demonstrate a deductivist orientation. Even more telling is the way they try to deal with the admitted indeterminacy of

⁴⁹⁵ *ibid.*

⁴⁹⁶ *ibid.*

principles as a guide to democratic deliberation.⁴⁹⁷ They recognize this indeterminacy throughout their account, writing statements such as, “Even if we cannot philosophically establish principles specific enough to determine justifiable policies,” and “But abstraction purchases agreement on principles at the price of disagreement about their interpretation.”⁴⁹⁸ It comes as no surprise then that they believe the abstract agreement they may purchase with their principle of reciprocity must be accompanied by the admission that “The best way to prove the value of this kind of reasoning is to show its role in arguments about specific principles and policies, and its contribution to actual political debates.”⁴⁹⁹ In other words, they believe their account can best offset the indeterminacy that admittedly attends their principled approach to deliberation by applying it to real concrete cases of deliberation.

When we turn to the concrete cases in which they attempt to deal with indeterminacy, though, their deductivist tendency becomes still more apparent. For instance, in describing the concrete case of debates about abortion, they frame it in deductivist terms. More specifically, they present it as a disagreement issuing from divergent abstract principles, which is most evident when their description of this concrete case is quoted at length:

The public controversy over legalizing abortion is the paradigm of deliberative disagreement. Both pro-life and pro-choice advocates argue from fundamentally different but plausible premises to conflicting public policies. Both make generalizable claims that are also recognizably reciprocal in their moral and empirical content. Pro-life advocates believe the fetus to be a human being – a person in the generic sense, with rights that should be constitutionally protected. The strongest general reason on which they base their opposition is the principle that innocent persons should not be killed. Pro-choice advocates believe the fetus to be only a potential constitutional person. The principle they invoke for defending legalized abortion is that women should have the liberty to decide whether to bear a child.⁵⁰⁰

⁴⁹⁷ Gutmann and Thompson 1998, 38-9.

⁴⁹⁸ Gutmann and Thompson 1998, 35, 39.

⁴⁹⁹ Gutmann and Thompson 1998, 2, see also Gutmann and Thompson 1998, 41.

⁵⁰⁰ Gutmann and Thompson 1998, 74.

As this passage demonstrates, the concrete case Gutmann and Thompson believe to be “the paradigm of deliberative disagreement” is one in which conflicting public policy recommendations issue not only from “generalizable claims,” but more fundamentally, from two divergent “principles.” For one side, a principle related to killing innocent persons is cited; for the other side, a principle related to the liberty women should have to make decisions about the children they will bear is cited. Such a description is deductivist insofar as it paints the origins of citizen decisions about what should be done in politics in terms of “generalizable claims” and “principles.”

Having tried to indicate the sense in which Gutmann and Thompson demonstrate a deductivist tendency in their account of deliberative democracy, as well as how it relates to a problematic indeterminacy in that account as well, I now turn to what I take to be of striking importance for supporting my diagnosis of contemporary deliberative democratic theory. As I mentioned above, Gutmann and Thompson believe their account can best offset the indeterminacy generated by its focus on principles like reciprocity by turning to “actual political debates” like this “paradigmatic” one about abortion. However, what one finds in the way of “moral learning” in their turn to this paradigmatic case is not an instance in which admissions to imperfect understandings and reference to second-order principles moves deliberation forward.

Instead, one finds the triumph of analogical reasoning! In supporting their case that “convergence” towards agreement in moral dilemmas like abortion is a real world possibility, they cite Judith Jarvis Thomson’s “well-known philosophical analysis of the abortion controversy” as a contribution to deliberation that “narrows the range of reasonable disagreement between pro-life and pro-choice advocates.”⁵⁰¹ In the face of this well-known philosophical analysis, they claim, “The example should convince even people who perceive the fetus to be a

⁵⁰¹ Gutmann and Thompson 1998, 85.

full-fledged person that to permit abortion is not obviously wrong in the case of a woman who becomes pregnant through no fault of her own (for example, by rape).”⁵⁰² For present purposes, what is significant in this quotation is that the “example” employed in Judith Jarvis Thomson’s well-known philosophical analysis is no example from real life, but rather an analogy that engages the reader in a thought experiment about an unconscious violinist. The expansive literature on this well-known philosophical analysis bears out this way of labeling her “example,” as it is routinely referred to as an “analogy.”⁵⁰³ Furthermore, not only do Gutmann and Thompson believe analogy can lead the public towards a more pro-choice stance in this particular context, but pro-life advocates have also claimed that progress on this paradigmatic moral dilemma will only come when new analogies are found to lead a way past the current impasse. Similarly, some moral philosophers have argued along not unrelated lines by suggesting that progress on the topic of abortion will come with a richer description of the relevant complexities, not more attention to the underlying principles.⁵⁰⁴

If in their paradigmatic case of moral disagreement, Gutmann and Thompson try to justify the practical determinacy of their principled account by citing the impact of Judith Jarvis Thomson’s analogical reasoning, then their own analysis seems to bear out the point I have been trying to stress throughout this project. In real life political affairs, decisions are made in a determinate way when analogical reasoning, rather than abstract principles and values, plays the leading role in democratic deliberation. Consequently, the account of deliberative democracy

⁵⁰² *ibid.*

⁵⁰³ e.g., Deckers, J. (2007). “Why Two Arguments from Probability Fail and One Argument from Thomson’s Analogy of the Violinist Succeeds in Justifying Embryo Destruction in Some Situations.” *Journal of Medical Ethics*. 33:3, 160-4.

⁵⁰⁴ For an example of such a pro-life approach that stresses analogies as the hope for progress, see, Bracken, Joseph A. (2014). “Personhood in Classical and Process-Oriented Metaphysics.” *Horizons* 41: 1, 96-115. For an instance in which a moral philosopher has claimed that progress in these moral disagreements will come from greater attention to complexities of the topic, rather than talk of “rights” or other simplifying language, see Moody-Adams, Michele M. (1993). *Fieldwork in Familiar Places*. Cambridge, MA: Harvard University Press.

developed by Amy Gutmann and Dennis Thompson illustrates with remarkable clarity how a deductivist tendency can generate indeterminacy in deliberative democratic theory as well as how analogical reasoning can offer a more practically determinate alternative ... even in the eyes of deductivists.

3. First-Personal Indeterminacy

The last variation on the indeterminacy worry has by far received the most extensive treatment already in earlier chapters. The extensive exploration of Gerald Gaus's work, and the numerous quotations from deliberative democratic theory with which it was brought into contact, have both gone some distance towards showing the relationship between deductivism and indeterminacy. Furthermore, the presentation of Gutmann and Thompson's account of deliberative democracy in the last section further underscores those points. There, they were said to believe that deliberation can make progress amidst disagreement by getting citizens to set aside some of their divisive values by (1) admitting that the current state of understanding in a given area of deliberation is imperfect, and (2) thereby focusing on values that others could reasonably be expected to accept in this state of imperfect understanding as well.

Gaus's analysis calls into question the efficacy of this vision of real democratic deliberation. If, as Gaus suggests, we tend to think of our beliefs, values, etc. as "epistemic assets," allowing that they may be set aside because of the current state of imperfect understanding implies that we must think they are lesser *epistemic* assets than we really believe. Many people will hesitate to endorse a vision of deliberation that asks them to ignore such accomplishments in understanding. Furthermore, even if they *could* set those epistemic assets aside as "not so epistemic after all," during deliberation they would be anticipating all the while

how the options on the table would impact these epistemic assets. Will they find themselves endorsing publicly a position that demands extensive reconsideration of the epistemic assets they have left off the table? This question will be on the minds of everyone engaged in democratic deliberation because (as was shown above) its significance is far reaching for these people from a first-personal perspective. As a result, Gutmann and Thompson's account of deliberation will be highly indeterminate from a first-personal perspective. When it comes to actually acting on the outcome of collective deliberation about a serious moral disagreement, would we really predict that people will take action though they have set some of the dearest epistemic assets aside in the face of the current state of imperfect understanding? The likelihood of such activity in the case of genuinely serious moral disagreements seems low, as critics of their account of deliberative democracy have frequently said.⁵⁰⁵

Not everyone who has critiqued deliberative democratic theory along these lines is necessarily a critic of the very idea of deliberative democracy, though. Robert Talisse, a deliberative democrat, lends some concrete details to this critique of much of the principled work done in deliberative democracy in his own account of deliberative politics. Turning to the work of Habermas in particular, Talisse asks to what extent the principles he selects as the guides to real political action could actually generate a decisive outcome when people have remarkably divergent first-personal evaluative perspectives.⁵⁰⁶ In the case of Habermas, the relevant principles are specified by the "conditions under which it becomes possible to engage in speech acts," or "proper communication" aimed at "reasoned consensus."⁵⁰⁷

Talisse asks, though, what weight do these principles carry in leading people to act who have radically "anti-democratic" first-personal perspectives? For instance, how might people

⁵⁰⁵ Shapiro 2003, 24-5.

⁵⁰⁶ Talisse 2011, 130.

⁵⁰⁷ *ibid.*

whose life histories have led them to become “racists, sexists, and tyrants” be pushed to embrace the outcome of deliberation that is constrained to exclude their anti-democratic considerations from the outset?⁵⁰⁸ Talisse suggests that Habermas’s position vacillates between two unattractive responses. In the first case, these anti-democratic citizens are pushed to adopt the decisions of democratic deliberation on the pain of having their “membership in the community of beings who argue” revoked.⁵⁰⁹ Talisse wonders how much weight this threat would carry in persuading a racist or sexist to act in a democratic way. He asks, “we should wonder whether this rejoinder has any hope of moving, or even addressing, the anti-democrat.”⁵¹⁰ In a word, the principles assumed as “inescapable presuppositions” of democratic deliberation seem like a weak impetus for anti-democrats to actually act on the decisions implied by those principles.

Habermas’s other response is similarly weak, Talisse argues. If, as Habermas suggests at other times, escape from a “community of those who communicate democratically” is an impossibility for anyone who is “not mentally ill or suicidal,” then “Habermas’s point now seems grossly overstated.”⁵¹¹ The problem posed by those whose first-personal perspectives are radically anti-democratic is simply dissolved by the operative definition of what it means to be a person involved in politics. In other words, if the pervasiveness of communication in the real world means that no one can escape the use of deliberative democratic principles, then anti-democrats like sexists and racists are simply excluded from being persons with whom the political theorist need be concerned in crafting a vision of deliberative democracy. Like the previous response Talisse locates in Habermas’s work, this one offers little rejoinder to the first-personal indeterminacy with which deliberative democracy has often been charged. Both

⁵⁰⁸ *ibid.*

⁵⁰⁹ *ibid.*

⁵¹⁰ *ibid.*

⁵¹¹ *ibid.*

responses do little to explain why it is that people with divergent first-personal perspectives should actually act upon the results of democratic deliberation.⁵¹²

Moreover, this failure to actually address first-personal indeterminacy is not relegated to Habermas's work. Gutmann and Thompson, for instance, concede that:

a deliberative perspective does not address people who reject the aim of finding fair terms of social cooperation; it cannot reach those who refuse to press their public claims in terms accessible to their fellow citizens. No moral perspective in politics can reach such people, except one that replicates their own comprehensive set of beliefs. And since that perspective would entail rejecting entirely the comprehensive beliefs of their rivals, it would not help reduce, let alone resolve, moral disagreements.⁵¹³

In this passage, Gutmann and Thompson follow Habermas in dealing with first-personal indeterminacy by defining it away. Where people do not adopt a prior commitment to the principle of reciprocity and thereby aim to articulate their evaluative perspective with public, rather than private reasons, they are beyond the reach of deliberation. Deliberative democracy is for people who are willing to endorse its principles and to side-line their evaluative perspectives in favor of a more public presentation of their reasoning ... not anti-democratic "hold-outs" in modern society.

In each of these examples from deliberative democratic theory, the problem of squaring principled deliberation of a deductivist variety and the first-personal perspectives of people who hold dear radically opposed "epistemic assets" is notably left untouched. To see how a deductivist tendency might be responsible for this weak response to first-personal indeterminacy, it may be helpful to consider the results of an analogical approach instead. As I mentioned above, part of what analogical approaches do is provide average people with a qualitative means for engaging in complex, systematic reasoning about probabilities. Furthermore, as the

⁵¹² Talisse's criticisms of Habermas may seem unfair, but they do resonate with a point Habermas himself allows as a weakness in his position, see Habermas 1996, 284-6.

⁵¹³ Gutmann and Thompson 1998, 55.

discussion of Brian Skyrms' work in decision-theory was meant to show, one aspect of that systematicity is that it deals with the inter-temporal relations that obtain when a deliberative episode is repeated and prior probabilities are updated *across a multi-episode process of deliberation*. To employ the provocative phrase Skyrms himself borrowed, this kind of systematicity involves the contribution made by the "shadow of the future."

What changes in the practical appeal of deliberative democracy when the shadow of the future confronts first-personal indeterminacy? For one, citizens who aim at non-cooperation suffer for their lack of cooperation in ways that push them towards cooperation simply to achieve the kinds of advantages that may have led them to reject cooperation in the first place. While such convergence on cooperation may only occur "in the ultra long run" when anti-democrats play non-cooperative strategies to take advantage of others randomly encountered in an otherwise democratic society, the convergence is "remarkably rapid" when their encounters with others are not *randomized*, but rather by and large confined to "neighbors," or people with whom they come into regular contact.⁵¹⁴ When people are clustered together into localized forms of interaction, a rapid shift among non-cooperative neighbors is an "unavoidable consequence of the dynamics of local interaction," such that "justice becomes contagious," according to Skyrms' formal results from the application of the shadow of the future to decision theory.⁵¹⁵ While I lack the space to cover these formal results, the details of these results may seem irrelevant not only in light of limitations of space, but also because they are so formal. How can such results offer insight into real politics, if they are only the results of formal modeling?

The answer is not only that the systematicity behind these dynamics is widely on view in the biological world, but also that this systematicity is familiar to us from our own every day

⁵¹⁴ Skyrms, Brian (2004). *The Stag Hunt and the Evolution of Social Structure*. Cambridge, UK: Cambridge University Press, 28.

⁵¹⁵ *ibid.*

lives. By analogy, we can easily relate to the formal results of Skyrms' research because we ourselves are well aware that a truly randomized interaction with fellow citizens is quite different from the interaction that occurs among "neighbors." Indeed, the very term Skyrms employs, "neighbors," provides a quick and ready analogical map to the highly sophisticated, formal dynamic his work deals with. Our neighbors are people we are "condemned" to interact with repeatedly, not just once during a randomized interaction from among the millions of people in our modern democratic societies. From this angle, we can readily see that our interaction with neighbors is covered with the "shadow of the future." How we respond to these people is very much shaped by our expectation – our prediction, if you will – that we will have to interact with them repeatedly in the future.

If we retain a focus on this analogy with neighbors, we can understand why an analogical approach, with its focus on prior probabilities and the repeatability of deliberative episodes, might offer a *totally different response to first-personal indeterminacy*. Yes, anti-democrats may have radically divergent evaluative perspectives and associated personal histories, which put them at odds with our typical way of imagining democratic deliberators. However, this difference need not imply that we should simply reject them from the democratic process, or at least our theory thereof. To be a proponent of deliberative democracy is to have faith in the process of democratic deliberation to tackle complex differences among people... just as Gutmann and Thompson declared. From an analogical perspective, though, that process is worthy of so much respect not only because of its predicted contribution to the lives of cooperative citizens, but also because – through repeated *and* localized interaction with neighbors – even non-cooperative, anti-democrats are likely to *eventually* switch over to the democratic side.

The problem of first-personal indeterminacy may strike us as intractable and only surmountable by defining it away as Habermas, Gutmann, and Thompson seem to do. In light of this last point, though, and the shadow of the future as well, the problem dissolves. From the kind of inter-temporal perspective assumed when we reason with analogies, even the radical first-personal divergence that obtains when anti-democrats engage fellow citizens is not really problematic. Determinate outcomes are possible in even this extreme case, but only when we trade a deductivist tendency for a focus on analogical reasoning among localized agents and across repeated episodes.

Indeed, this extreme case is just one version of first-personal indeterminacy that can be formally and analogically shown to dissolve in the shadow of the future. While I lack the space to survey those other versions, I would like to just briefly note the impact of the shadow of the future on what is probably the most influential version of first-personal indeterminacy ... what John Dryzek calls the “social choice critique of voting in a deliberative context.”⁵¹⁶ According to Dryzek, deliberative democrats should shy away from even the begrudging acceptance of voting as a practical concession that many advocate, and instead envision deliberation as the contestation of discourses, even if that vision must – like so many other accounts – admit that underdetermination is part and parcel to it.⁵¹⁷ The reason Dryzek believes deliberative democrats should shy away from voting is that collective choice mechanisms like voting can formally be shown to “exacerbate instability and arbitrariness in collective choice” when people bring very different preferences to bear on the ranking of options in the process of deliberation leading up to the vote.⁵¹⁸

This statement is based in part on Kenneth Arrow’s famous work in game theory, which

⁵¹⁶ Dryzek, John S. (2000). *Deliberative Democracy and Beyond*. Oxford, UK: Oxford University Press, 38, 80

⁵¹⁷ Dryzek 2000, 39.

⁵¹⁸ *ibid.*

makes a point that Dryzek believes is appreciable more broadly speaking. As he writes, when “several evaluative dimensions are combined in a single vote or choice,” the options can be ranked in ways such that A is preferred to B, and B is preferred to C, but C is preferred to A. For instance, a first vote may opt for A over B, a second vote for B over C, and yet a third vote might conclude that A is preferred over C. Violating transitivity, such a result seems to show that voting is prone to arbitrariness and instability ... or even irrational outcomes.⁵¹⁹ In the shadow of the future, though, this social choice critique founders. When decisions are not treated as *de novo*, immediate and discrete choices, but rather in terms of prior probability assignments that are systematically related over time (CPAR.i.IL-IT), the agent will not have “blinders on” with regard to the violation of transitivity identified by the social choice critique.⁵²⁰

As Edward McLennen has argued, instead, the spreading of the set of choices over time means that citizens can learn to increase the probability of another later decision by using some sort of causal process in the world.⁵²¹ They can “pre-commitment” themselves, for instance, perhaps by writing up a constant reminder to avoid transitivity in their preference rankings *during later decisions*. In this way, the social choice critique associated with voting among people with very different evaluative perspectives can be overcome by simply allowing the inter-temporal systematicity, or repeatability, in democratic deliberation to be recognized and dealt with via prior probability assignments. Consequently, deliberative democracy can escape what is perhaps the most famous variation on the indeterminacy worry’s third variation by embracing a vision of citizens as rational “planners” (to return to the analogical phrase Temkin borrowed from Elster). In this capacity, the citizenry knows full-well that what gives deliberative democracy its practical realism is the anticipatory, phenomenological dimension of deliberation,

⁵¹⁹ Dryzek 2000, 35.

⁵²⁰ McLennen 1990, 97.

⁵²¹ McLennen 1990, 231.

not the abstract generalities from which each discrete episode of decision-making is too often said to begin. As in the previous cases of indeterminacy plaguing the potential political realism of deliberative democracy, here yet again the problem is that deductivism has run amok.

CONCLUSION

Across six chapters, I have tried to show that deliberative democracy is not a vague vision of political life, but rather one that resonates with many current practices that are too rarely seen for what they are: Instances of citizen deliberation. Among these current practices, the use of majority rule procedures and their associated practices play a key role. Where others have seen in these procedures a rival to deliberative democracy that commands far more political realism, I instead adopted a diagnostic approach that challenged this classic juxtaposition that pervades so much deliberative democratic theory. As my diagnosis evolved, it revealed that these procedures are “deliberative” because they are catalysts for an analogical form of reasoning, rather than the principled reasoning and process of judgment which deliberative democrats usually draw upon when developing their theoretical accounts.

Further development of my own account stressed that many major differences follow from orienting democratic deliberation around analogical reasoning, instead of the more traditional ideal. Chief among these differences is a focus on the inter-temporal form of systematicity with which probabilistic reasoning has long been associated. In drawing that connection, I concluded, insights from a diverse set of philosophical investigations could be harnessed to show the surprising practical appeal and relevance of the deliberative view of democracy.

While many deliberative democrats abide by the classic juxtaposition that pits their theoretical model against vote-driven alternatives, others have also diagnosed this juxtaposition as a source of practical indeterminacy for deliberative democracy. In these concluding remarks,

I would like say a word about how my project stands in relation to these other diagnostic efforts, particularly on account of how my project connects back to the efforts of the very first expositor of the diagnostic approach: Joseph Bessette.

Bessette is usually identified as the person who invented the term “deliberative democracy.”⁵²² However, just as often he is set at a distance from contemporary deliberative democratic theory because he saw so very much deliberation in the real political contexts he studied. John Dryzek, for instance, distances his work from that of Bessette by writing of Bessette’s description of democratic deliberation as a “mild voice of reason,” that should “start alarm bells ringing among those who think that mild reason is necessarily conservative, such that we should seek more unruly alternatives to it.”⁵²³ Incidentally, those for whom it does indeed set off alarm bells include Dryzek himself, who dedicates a large portion of his work to stressing the dramatic rhetoric that plays a role in his vision of real deliberation.⁵²⁴ Similarly, Gutmann and Thompson abstain from taking a stance on whether Bessette is correct to see “more deliberation in Congress than most political scientists assume.”⁵²⁵ They nonetheless distance their own account from his by declaring that “we do not presume that the present state of deliberation in Congress and American politics generally is adequate, and in any case we do not focus, as he does, only on the need for deliberation among political elites and their role in preventing spontaneous or passionate judgments by the masses,” before they proceed to identify a number of differences between their account and the points Bessette makes.⁵²⁶

Unlike these democratic theorists, I find far greater continuity between my work and his major contribution to the deliberative turn in democratic theory. For instance, Bessette makes a

⁵²² Dryzek 2000, 2, 12.

⁵²³ Dryzek 2000, 13.

⁵²⁴ Dryzek 2000, 52.

⁵²⁵ Gutmann and Thompson 1998, 364, footnote 7.

⁵²⁶ *ibid.*

point similar to my “deliberative outlets proposal” when he comments:

Elections, like hangings, concentrate the mind. They force the electorate to review an incumbent president’s record, to reflect upon his policies and character, and to make considered judgments about whether he or his opponent will better serve the nation. The result is likely to be a more deliberative assessment of a leader’s performance than one normally finds between elections.⁵²⁷

In this passage, he allows that election day is not a discrete episode of deliberation, but rather a catalyst for deliberation because it is *anticipated* in ways that stimulate “more deliberative assessment ... than one normally finds between elections.” Or again, Bessette diagnostically notices how the “shadow of the future” weighs in on deliberation’s practical reality. Once Congressional representatives recognize that the President is willing to bargain in not just one, but multiple deliberative episodes, Bessette observes, “even those who generally support the president’s position will want to ‘get theirs’ once trading beings.”⁵²⁸ The shadow of the future means that the repeatability of a deliberative episode plays a role in shaping its quality.

Furthermore, he also recognizes that a principled approach to democratic decision-making has a tendency towards indeterminacy. For example, on the basis of another case of Congressional behavior, he offers the following generalization: “In many, and perhaps most, cases preexisting policy preferences are too general and imprecise to stipulate specific decisions within Congress.”⁵²⁹ Though he concedes that principled deliberation must face such indeterminacy, he also recognizes that real politics presents “a very different picture of Congress from the one painted by bargaining theorists. Instead of the wholesale trading of votes, we observe legislators reasoning about the merits of a new policy initiative and seeking to persuade

⁵²⁷ Bessette, Joseph M. (1994). *The Mild Voice of Reason*. Chicago, IL: University of Chicago Press, 235.

⁵²⁸ Bessette 1994, 200.

⁵²⁹ Bessette 1994, 99.

their colleagues for or against the measure at hand with pertinent information and arguments.”⁵³⁰ Furthermore, he also stresses the decisive role that considerations of analogous, prior experiences can play in stimulating and driving deliberation towards a determinate conclusion. For instance, in the same case study, he observes that references to a pilot food stamp program proved decisive to yielding a “true deliberative process in Congress” by detailing evidence that could be analogically extended to a similarly structured piece of legislation to assess its impact on citizen consumption patterns.⁵³¹

In these and other ways, the approach to deliberative democracy pursued in the previous chapters carries on the line of inquiry initiated by Bessette. Where it differs is more a matter of analytical perspective than substantive difference of perspective on the reality of citizen deliberation. Bessette’s focus on locating instances of deliberation by carefully reviewing the detailed records from real political decision-making stands in stark contrast from the more philosophical approach pursued here, which takes up questions related to logic, information processing, controlled studies of political judgment, and other resources at some distance from Bessette’s concerns to articulate an analogous vision of deliberative democracy at work. Being analogous with Bessette’s work, though, means being at odds with much of the work on deliberative democracy that has followed it. In this regard, the present project sets itself apart from earlier work on deliberative democracy by returning to what some might call the earliest work on the subject.⁵³²

This same difference in analytical perspective also characterizes the differences between the investigations pursued above and the work by another proponent of the diagnostic approach:

⁵³⁰ Bessette 1994, 99-100.

⁵³¹ Bessette 1994, 95-6.

⁵³² Of course, others might cite much earlier figures like John Dewey, see for instance, Dewey, John (1954). *The Public and Its Problems*. Athens, OH: Swallow Press, if not even earlier figures.

Elizabeth Anderson. As discussed in the first chapter, Anderson has allowed voting to play a role in her account of deliberative democracy by assigning to it the role of a feedback process. The difference in analytical perspective between Bessette and myself returns here too. I have also stressed that the feedback of information plays a key role in citizen deliberation. However, in casting the point in analytical terms borrowed from a disparate number of more philosophically wide-ranging fields, my account differs from Anderson's in the way it characterizes this feedback in terms of the probabilistic dimension along which truly determinate deliberation must reside. In doing so, I believe my work offers an advantage insofar as it provides an explanatory perspective from which to reject the criticism of Anderson's work surveyed in the first chapter, namely: The objection offered by Joshua Cohen and Charles Sabel with regard to any focus on feedback in democratic theory. The objection goes as follows:

actual deliberation is, by its nature, a form of information pooling: when people take seriously the task of providing one another with reasons and information about circumstances and outlooks, what is relevant to improved policy is then brought to bear by those in possession of it. No similar effects on preferences or on information are likely to issue from non-deliberative processes subject to subsequent review. Indeed, understanding the process of review as the natural forum of principle may well encourage strategic, as distinct from deliberative, conduct.⁵³³

As mentioned before, this objection to assigning feedback a role in deliberation is based on two arguments. First, Cohen and Sabel claim that people are less likely to take seriously the task of pooling their reasons and information if they know that a later chance will obtain for "feedback" to play a decisive role.⁵³⁴ Second, deliberation is turned into a mere "audit" on the exercise of political power, thereby taking the citizenry out of the "driver's seat" (to use Christiano's phrase).

The first argument can readily be seen to topple from the analytical perspective I have

⁵³³ Cohen and Sabel 2009, 204.

⁵³⁴ Cohen and Sabel 2009, 204.

adopted above. To say that feedback will have these effects is to make a prediction based on a number of assumptions that have been shown to be problematic in previous chapters. Chief among them, is the idea that deliberation works by means of information pooling.⁵³⁵ As the Newtonian scientists analogy is meant to vividly convey, deliberation proceeds to actually make determinate decisions not by way of a discrete, one-time processes of information pooling. In particular, when indeterminacy threatens as it is often thought to do in modern pluralistic societies in which time and energy are limited resources, information is not “pooled” so much as it is “transduced” time and again across the inter-temporally related process by which deliberative factors are updated by prior probabilities. Furthermore, Dummett’s logical insight and Tetlock’s work on excellence in political judgment both attest to the fact that instead of pooling information, what citizens would do best to engage in is a more foxlike, piece-meal process of humble reasoning with “short and sweet” sets of considerations – not expansive pools of information.

The second argument also crumbles when viewed from the analytical perspective adopted above. Rather than saying that deliberation is reduced in significance by being framed in terms of feedback processes, we should instead happily embrace the idea that deliberation is well-captured by the idea of a feedback loop. Far from being a reduction, this idea analogically conveys the rich, systematic complexity that feedback driven information-processing conveys to real practices of citizen deliberation. This complexity, as Skyrms’ work shows, is especially effective at putting to rest the prediction with which Cohen and Sabel conclude this passage. In this prediction, they suggest that processes of review “may well” encourage a shift away from deliberation and towards strategic action. However, as Skyrms’ work makes abundantly clear, the shadow of the future associated with feedback processes actually can be shown to offer the

⁵³⁵ Shapiro 2003, 27.

opposite prediction. In a way, by describing deliberation as the “forum of principle,” rather than analogy or even majority-rule driven discourse, we should only expect such deductivist errors to follow.

One last account of deliberative democracy illustrative of a diagnostic approach requires attention, though, before I conclude this investigation. James Fishkin’s approach to deliberative democracy stands in a complicated relationship to what I am referring to as the diagnostic approach. On the one hand, Fishkin offers a scathing critique of contemporary politics in modern democracies and the practices associated with majority rule procedures therein. If we want to know what deliberative democracy entails, we should not be satisfied with the image we find in contemporary political affairs, he maintains. The reason is that citizens are currently living under conditions that are *not good* for the formation of mass opinion in a deliberative manner.⁵³⁶ Their opinions do not seem to count, being one of millions in national elections. The opinions citizens do have tend to be arbitrary and malleable. Also, citizens tend only to discuss politics around people like themselves. Finally, citizens are surrounded by efforts to manipulate their opinion, including efforts that use the techniques of “Madison Avenue” to voice public dialogue in the terms of the advertising industry, rather than the more deliberative terms he prefers. Fishkin adds, “The picture of the mass public just sketched is widely accepted.”⁵³⁷

If these poor conditions for deliberation exist, then Fishkin argues we should not simply accept the present state of democratic politics as the final verdict on how citizens might deliberate. Instead, we should orient our vision of deliberative democracy and actual engagement in it by taking into account a “Counterfactual Question: what would the public think

⁵³⁶ Fishkin, James S. (2009). *When the People Speak: Deliberative Democracy and Public Consultation*. Oxford, UK: Oxford University Press, 2.

⁵³⁷ Fishkin 2009, 7.

if it were consulted by a democratic process embodying” deliberation under good conditions?⁵³⁸

Fishkin expertly leaves the normative significance of this question open to multiple lines of interpretation. For instance, he allows that it might both inform “democratic reformers,” those engaged in “experimentation with the possible design of democratic institutions,” as well as ordinary citizens deliberating about real political issues.⁵³⁹ What would it mean to provide a way to actually answer the Counterfactual Question, though? In response to this last query, Fishkin has developed a method called “Deliberative Polling.”⁵⁴⁰ Modeled on the opinion polls with which many people are familiar from everyday political life, a “Deliberative Poll” also aggregates votes among a subset of the citizenry, however, these votes are not treated as “a snapshot of what the entire public is currently thinking,” but rather as “a representation of what the public would think under good conditions for thinking about it.”⁵⁴¹

What does this mean? According to Fishkin, it means that the bad conditions in modern democratic politics are reversed before and when the poll is conducted. As he writes, “Deliberative Polling begins with a concern about the defects likely to be found in ordinary public opinion.”⁵⁴² The likely defects canvassed above comprise the same poor conditions he identifies as “The picture of the mass public just sketched” above. Citizens are not motivated, their opinions are malleable and off the top of their heads, they tend to deliberate largely with people like themselves, and finally they tend to be surrounded by manipulative influences on their opinion formation. His deliberative polling uses these predicted defects to create a scenario

⁵³⁸ Fishkin, James S. (2010). “Consulting the Public Thoughtfully: Prospects for Deliberative Democracy,” in *Deliberative Democracy in Practice*. ed. David Kahane, Daniel Weinstock, Dominique Leydet, and Melissa Williams. Vancouver: University of British Columbia Press, 195.

⁵³⁹ Fishkin 2010, 194-5.

⁵⁴⁰ Fishkin 2010, 196, Fishkin 2009, 11-5.

⁵⁴¹ Fishkin 2010, 196.

⁵⁴² Fishkin, James S. (2010). “Consulting the Public Thoughtfully: Prospects for Deliberative Democracy,” in *Deliberative Democracy in Practice*. ed. David Kahane, Daniel Weinstock, Dominique Leydet, and Melissa Williams. Vancouver: University of British Columbia Press, 203.

in which real citizens deliberate about real political issues, but with the defects fixed so that good conditions for deliberation obtain. Where their votes seem meaningless in national elections, the good conditions he pursues involve a small enough number of voters that their selections would seem to count. Where they are usually surrounded by manipulative influences, he surrounds them with other citizens, experts, and politicians. Where their preferences are usually stated off the tops of their heads, he provides the time and space for citizens to explore those preferences prior to expressing them to a pollster. Finally, where citizens tend to mostly just deliberate with people like themselves, he selects participants in his polls in a randomized way. Thus, from his skeptical view of the quality of real political deliberation's conditions today, he proceeds to frame deliberative democracy by answering the Counterfactual Question with a real world experiment: A poll that is conducted after citizens deliberate in "good conditions."

Many of the details of deliberative polling are quite subtle and its normative significance for deliberative democratic theory is often misunderstood.⁵⁴³ Details aside, though, Fishkin's approach clearly resonates with my own diagnostic approach. He too believes that when citizens anticipate participation in an election (albeit only those that are small enough in numbers to make their votes seem to "count"), deliberation is catalyzed. Furthermore, as he puts the results of his deliberative polls to use, they offer a guide to democratic reformers, theorists, and ordinary citizens alike by offering an image from which the considered preferences and other deliberative factors of the democratic people can better be understood ... *by analogy*. Looking at the results of a deliberative poll, citizens may consider to what extent they themselves need to further their study of a topic or issue because their opinion stands at odds with the most popular vote on an issue after a deliberative poll. Are the poll's results similar to what the citizenry might wish to aspire to, being a kind of analog for good deliberation? Furthermore, in simply putting majority

⁵⁴³ Fishkin 2010, 195-8.

rule procedures to good deliberative use, Fishkin clearly abides by the diagnostic approach.

However, a few points of difference from our respective orientations are notable enough to put some distance between our respective versions of the diagnostic approach. For instance, Fishkin uses the “expert/non-expert” distinction unproblematically. While his methods for selecting experts vary across different polls, his use of the distinction to structure citizen deliberation is problematic from my perspective, implying as it does that the class of experts (rather than the sub-classes of foxes and hedgehogs studied by Tetlock) should play some advisory role in “good conditions” of deliberation.⁵⁴⁴ Furthermore, while it is easy to understand that as a social scientist, Fishkin is concerned to employ randomization in structuring the deliberation at the polls, in doing so he creates such a large gap between the domain of deliberative polls and real democratic politics as to question the value of drawing an analogy between the two in any way. Given the results of Skyrms’ research and its philosophical significance, it is clear that fixing the interaction structure among citizens to a randomized format has a massive impact on the results of deliberation ... one that makes it far from realistic in many ways that my theory is open towards.

Finally, there is a question of how far deliberative polls go towards creating a space for the feedback processes of good deliberation. For instance, Fishkin divides the deliberation associated with his polls into different sessions, some with experts or politicians, some without, etc. One might question the extent to which these divisions make the poll results suitable source domains for extending to the target domain of real life democratic deliberative politics in which the interaction structure is so very different and the temporal relations among episodes of deliberation stand in marked difference as well. Taken together, this set of differences

⁵⁴⁴ For more on such a critique of the structure of deliberative polling and its use of experts, see Shapiro, Ian (2011). *The Real World of Democratic Theory*. Princeton: Princeton University Press, 268-70.

problematizes the extent to which Fishkin's work mirrors the diagnostic approach developed above, despite some of the obvious similarities.

These expositions of some further consequences of my analytical perspective on deliberative democracy are meant to convey, hopefully, that some progress has been made towards the goal I announced in my initial presentation of the diagnostic approach. My purpose, I said, was “not to find the method already in existence that has the least number of sustainable objections” to it, “but rather to locate a method of inquiry that is most suggestive of an overlooked line of response to the indeterminacy worry in its various formulations.” I hope the analytical perspective on democratic deliberation explored above resonates with this goal, being just the kind of “suggestive” method of inquiry I initially set out to identify in chapter one. By this statement, I mean to highlight my continuous effort throughout the preceding chapters to strike a *precarious balance* in philosophical theorizing. This precarious balance is one that David T. Hansen has tied to a healthy, “cosmopolitan” tension all philosophical theorizing should pursue.⁵⁴⁵ This tension stands between the need to retain a reflective loyalty to what is known, while also remaining reflectively open to what is new ... all in the face of “permanent uncertainty” about what from the past will remain, and what from the future will come to be adopted.⁵⁴⁶ Through this combination of reflective loyalty and openness, we can proceed philosophically without being uncritical towards both the lessons of the past as well as anything that may come along in the future.

What makes my efforts to strike such a precarious balance in the preceding chapters a step towards a “suggestive” method of inquiry, though? Lydia Goehr's exploration of “suggestiveness” opens up a response to this question. According to Goehr, when we talk about

⁵⁴⁵ Hansen, David T. (2011). *The Teacher and the World*. New York, NY: Routledge, 56-7.

⁵⁴⁶ Hansen 2011, 32, 123.

“suggestiveness” with regard to a philosophical theory, something quite complex is involved ... something akin to what happens when ordinary language is used to show what is “between the lines” of philosophical theory.⁵⁴⁷ In this capacity, ordinary language connects to what is *not said*, because it occupies the “fringes” that surround what we ordinarily mean by the terms employed in a philosophical theory.⁵⁴⁸ In a related way, the above inquiry into deliberative democracy has been written so as to be as “suggestive” ... as caught up “between the lines” of its own terminology ... as any theoretical treatment should be for which analogy plays a crucial, indeed *decisive* role. I have constantly turned to others for analogous ways of making my points.

By reference to their phrases, distinctions, metaphors, terms, examples, and ideas, I have tried to show how they make a point in an analogous way that intuitively lends a “ballpark,” prior plausibility to my own claims. In the process of drawing these analogical connections, I have put their phrases, distinctions, etc. in quotation marks to not only show that they are borrowed, but also to signal that I am especially interested in what is “between the lines” or at the “fringes” of what they help us to see, namely: Prior probability assignments which, though *quantitative* in nature, are best dealt with in the *qualitative* terms of “suggestive” phrases, distinctions, terms, examples, etc. *Without* the quotation marks and the borrowed ideas they contain, my own inquiry would simply consist of a “coarse-grained” inquiry into what we do believe and ought to believe about democratic deliberation.

With the aid of these “suggestive” resources from others, though, my own inquiry has instead emerged as a “fine-grained,” “joint theory of belief and subjective probability” with regard to what not only to “believe,” but also to take to be probable with regard to democratic deliberation, namely: its practical reality. Deliberative democracy is not a vague vision for

⁵⁴⁷ Goehr, Lydia (1994). *The Quest for Voice*. Oxford, UK: Oxford University Press, 206.

⁵⁴⁸ *ibid.*

guiding political life, as the liberal lawyer might lament when reading more deductivist accounts of it. Rather, deliberative democracy has a real practical appeal or “subjective probability,” although that subjective probability (like most probability assessments by “commoners” and experts alike) demands the use of analogy to be made rigorous and relevant to our practical lives. As a patchwork of parallels, democratic deliberation is rigorous and relevant; by contrast, as an exercise in elegant deduction from first principles, it may be rigorous in theory, but it is neither rigorous nor relevant to practical life. For that reason, democracy and analogy are more deeply connected than is usually recognized ... much to the detriment of deliberative democracy’s wider practical appeal.

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