

## Making truth safe for democracy

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One of the longest-standing objections to democracy alleges the ignorance of the masses.<sup>1</sup> Sometimes the insult is aimed at a specific group or class of citizens, such as the *demos* of ancient Athens, but that is not the core of the objection. Class distinctions aside, since some people are likely to be wiser or more skilled than others on political matters, it can seem absurd to base political decisions on the sheer number of citizens that favor or oppose them, without regard to their relative abilities to make such decisions well. Democrats will want to challenge the inference from the (difficult to deny) unequal distribution of political wisdom to the superiority of authoritarian political institutions.

One way to deny it would be to resort to skepticism, to deny either that there is normative political truth or that anyone knows it (better than anyone else). Another way would be to emphasize the valuable effects of democratic institutions on the character of the citizens, and argue that these decisively favor democracy, however superior the social decisions of more authoritarian arrangements. Instead, I will recommend, as a superior objection, an epistemic difficulty with authoritarianism, one that can be successfully pressed without resorting to skepticism. Roughly, the problem is, Who will know the knowers? No knower is knowable enough to be accepted by all reasonable citizens. While the concept of reasonableness here makes the point partly a moral one, it is still epistemological in an important way.

It may seem that the more serious problem with the idea of rulers as moral experts is that even if they did know what ought to be done, they may yet not try to do it. For example, there are pressures from special interests, temptations to favor oneself, and mechanisms of self-deception that serve to rationalize what is (otherwise) known to be wrong. Since the self-deception point is still about the leaders' cognitive credentials, it may be regarded as incompatible with one's having superior normative political wisdom. Outside pressures, and selfish temptations, are surely obstacles in the way of the conscientious exercise of

power. They are not, however, always insurmountable. The right combination of circumstances, institutional arrangements, and personal character apparently can often minimize the ill effects. These pressures and temptations are serious concerns if leaders are to be justified as moral experts, but they do not undermine that conception at as deep a level as I believe can be done.

The broader question that drives this inquiry is how far anti-authoritarian and other objections to the possibility of objective normative political truth should be thought to undermine the possibility of an epistemic conception of democracy, of democratic institutions as capable of ascertaining such political truths. No full theory of normative truth is developed, nor is an account of democracy's epistemic properties provided. Truth is not here *made* safe for democracy; this is only a step in that direction.

### I. Normative Epistemic Authoritarianism

There is a natural association between the ideas of *truth* and *knowledge* on the one hand, and on the other hand the ideas of *expertise* and *authority*, and in turn *elite* and *power*. Socrates even argued, in an explicitly political context, that knowledge *is* power.<sup>2</sup> He also held the distinct view that knowledge justifies power – that the wise have a special claim to rule.<sup>3</sup> Socrates was no authoritarian, because he denied that anyone was wise in the requisite way.<sup>4</sup> Consider, though, the authoritarian position that is barely kept at bay. Call it *Normative Epistemic Authoritarianism* (sometimes I shall use the simpler name, “authoritarianism”). It includes the following three tenets:

1. *The Cognitivist Tenet*: Normative political claims (at least often) are true or false.
2. *The Elitist Epistemic Tenet*: Some (relatively few) people know the normative political truth significantly better than others.
3. *The Authoritarian Tenet*: The normative political knowledge of those who know is a strong moral reason for their holding political power.

Socrates avoids authoritarianism by denying the second tenet, but it would be avoided as well by denying either of the other tenets. I propose to criticize these three strategies, in order to call attention to a fourth tenet, which is, I believe, a more adequate place to criticize Normative Epistemic Authoritarianism.

### II. No truth

It is not surprising to see democratic culture adopt nonobjective views, especially in the context of value. Such views as that the truth is constituted by rational consensus, that the good is constituted by rational individual desire, and that the common good is constituted by expression of a majority preference, might hope to deny authoritarianism's elitist epistemic tenet, that some few have special access to the truth. Similar motives may be at work in many current theories of democratic voting, and may partly explain the fact that a certain very natural conception of voting is not the standard one. Democratic voting could naturally be thought to be the culmination of a process of rational discussion about what is best for the community, with votes understood as opinions on the common good, having been potentially shaped and altered in response to reasoning employed in public discussion. That view of voting, however, is not typical. Votes are usually thought to be without cognitive content altogether. The received view of voting is that it is an expression of preference, the manifestation of a disposition to favor or choose one policy over another.<sup>5</sup> Why this noncognitive interpretation, despite the naturalness of a cognitive interpretation of voting as the culmination of public discussion?

Noncognitivism is a well-known position in moral philosophy, asserting that moral judgments are neither true nor false but, rather, express emotions, or recommend or prescribe actions, or have significance of some other nondescriptive kind. One reason for taking such a position is that the idea of a ground for cognitive moral judgments seems more problematic than for cognitive judgments of other kinds, such as those about easily verified matters of empirical fact. Similar reasons could be offered for noncognitivism about voting, since what society ought to do, or what is in the common interest, seems problematic in the same ways. A cognitive interpretation of voting must deal with this issue at some point.

There are, however, further reasons that might help explain noncognitivism in the case of voting, and I shall concentrate on these. Distinctively political worries are raised by the possibility of objective grounds for judgments about the common good, or about what society ought to do. If such judgments can be objectively correct or incorrect, then some might have better knowledge than others of these matters, and that would seem to give some people a special claim to political authority. Even though it would not be a conclusive claim, since moral issues other than expertise might be relevant, it would be a claim of some importance. If some know what we ought collectively to do, then there is a

strong reason for thinking they ought to be given the power to see that we do it.

If, on the other hand, the idea of rule by an expert elite seems morally absurd, as it does to many today, the mistake might be taken to lie in the premise that there is any common good or other objective ground to be known for such political judgment. If there is none, then votes must not be opinions about what the common good is, or any other cognitive matter. They must be (like moral judgments generally, the view might go) noncognitive expressions of preference.

The no-truth view would be damaging to authoritarianism, even though its tendency to support democracy is so far an open question. As with the "no knowledge" option to be discussed below, it simply would preclude epistemic justifications of political arrangements. Whether democracy would prevail on other grounds would remain to be seen.

There is more about normative political truth and its denial in the next section. Here, the point is not that political truth must be admitted, but rather that denying political truth is deep and exotic business, and to that extent is not a robust case against authoritarianism. This will be especially significant if the strategy recommended below is agreed to depend on less deep and exotic premises. The objection here, then, is not to political noncognitivism as a philosophical position (although that will also be considered later), but to the strategy of resting the case against authoritarianism on that exotic and eternally controversial view.

### III. Political truth and its democratic critics

The idea of an independent normative political truth has long been associated with the classical view that there are prescriptive laws in nature that are permanent and universal to which human-made laws are subordinate. The natural-law tradition has often conjoined with theological doctrines that place the authority of any law in the will of god(s).<sup>6</sup> There is, then, a historical association between the idea of truth as an independent standard of political choices, and the idea of our being constrained by the authority of a boss. It is possible to see much of the opposition to normative political truth as, at root, anti-authoritarian.

Anti-authoritarian conviction can be generalized beyond the resistance to personal authorities such as gods and kings, to oppose the very idea of entities external to the judgment and will of moral agents, which are nonetheless morally authoritative for them. John Rawls, in his doctoral dissertation, objects to the appeal to "exalted entities" such as God, the state, the course of nature, ethical realism, essential human nature, and the real self, as sources of moral authority. He characterizes

any such theory as "authoritarian."<sup>7</sup> This is a morally or politically based resistance to the idea of independent moral or political truth.

One form of reaction to the idea of exalted entities, which informs a wide range of political positions from left-wing to right-wing, is to posit a morally based conception of freedom, often called "autonomy." On this view, the very existence of independent moral or political truths would violate freedom or sovereignty even if they are in no way constraints on what a person or polity is *able* to do.

Pushing this moral conviction in a right-wing direction, political libertarianism often holds that since there is no independent higher law that earthly law could be in the service of, only very limited state power could be legitimate. Political libertarianism has had considerable influence in the fields of economics and political science, especially under the methodological umbrella of "public choice theory." Public choice theorists have rejected the idea of normative political truth in different ways. One of the founders of "social choice theory" (an important precursor to public choice theory), Duncan Black seems to use a verificationist criterion for the cognitive content of propositions (propositions are meaningless unless they could in principle be verified through sensory experience) in order to conclude that votes could not have cognitive content.<sup>8</sup> But these writers seem to rely on political premises as much as on epistemological ones. Kenneth Arrow, also a founder of social choice theory, seems to base his rejection of the "Platonic realist" theory "that there exists an objective social good defined independently of individual desires" partly on its being "meaningless" "to the nominalist temperament," but partly on its ability to justify "government by the elite, secular or religious."<sup>9</sup> He declares as well that "for the single isolated individual there can be no other standard than his own values."<sup>10</sup> He thus intends to reject any independent standard for either individual or social decisions. This conclusion is endorsed by at least several of the leaders of public choice theory with its predominantly libertarian political implications.<sup>11</sup>

As a philosophical attempt to undermine the possibility of moral or political truth, a strong empirical criterion of meaningfulness is simply not plausible unless one has independent reason to deny meaningfulness to value statements. Otherwise, they stand among the best counterexamples to such a criterion. As for the political motives behind such views, the idea of individual moral autonomy is insufficient for libertarians' antistatism once the philosophical moves of verificationism and noncognitivism are rejected, as shown by the prominent role of autonomy in nonlibertarian theories of Rawls and others.

Indeed, there is an important affinity between libertarians and many

liberals and socialists on the repugnance of morally authoritative exalted entities, and so on the doctrine of moral autonomy. This partly accounts for reticence about the idea of political truth that can be found in a number of theorists across the political spectrum. The challenge for nonlibertarians who, nonetheless, share the anti-authoritarian critique of exalted entities is to develop a basis for state legitimacy without exalting the state's moral authority. Noncognitivism appears to preclude the sort of moral foundation this project would require, and so is a natural opponent of the nonlibertarians.

Consider the views of Jürgen Habermas and John Rawls, both of whom have elaborate nonlibertarian theories of political legitimacy. Their shared rejection of the application of "true" and "false" to political principles reflects their sympathy with the libertarian refusal to appeal to moral authority of exalted entities. Still, both defend the possibility of objective validity of political principles. Habermas even regards his theory as "cognitivist." Clearly, this is a politically motivated resistance to political truth that neither rests on verificationism or non-cognitivism, nor purports to undermine the legitimacy of all substantial states. In what sense is "truth" rejected, and is the rejection compelling?

Habermas regards his views about moral theory as "cognitivist," although he denies that moral judgments are true or false.<sup>12</sup> This will puzzle some, since it is not uncommon to define ethical "noncognitivism" as the thesis that moral statements lack "cognitive content," the property of being either true or false. Habermas's point is that while moral judgments cannot "be true or false in the same way that descriptive statements can be true or false," (52) "normative claims to validity are *analogous to truth claims*." The aim is to resist noncognitivism and its skeptical and libertarian implications, without exalting any independent moral facts in the way that, for example, the intuitionists had done.<sup>13</sup>

While his official view is apparently that it is best not to regard moral and political principles as true or false, he regards the analogy to truth as so strong that the terminological question is not crucial. He is willing to let them be called true, so long as important differences from scientific or descriptive truth are kept in mind, but he prefers to speak of the *analogy to truth*.<sup>14</sup>

Furthermore, Habermas's explicit argument that normative validity is analogous to truth *rather* than an instance of it is unsatisfying. In effect, the argument is that truth and rightness each operate logically as modal operators on propositions.<sup>15</sup> This is supposed to show that acts are not right or wrong in the way that tables are yellow. We can go from, "one

ought to lie," to "it is right that [one lies]," while there is no similar move from "the table is yellow," to "it is yellow that . . ." The closest thing is "it is true that [the table is yellow]." This point, if correct, would show that nonnormative propositions can have two distinct kinds of validity: truth and normative rightness. This does nothing to show that normative propositions cannot be true. Habermas seems to argue as if he has shown that truth and rightness are second-order predicates (taking "is yellow" as a first-order predicate), when all the argument would show is that they are higher-than-first-order predicates. If they can be third-order predicates, then he has done nothing to show that second-order propositions such as "it is right that [first-order proposition]" could not be true. What is wrong with "It is true that, it is right that . . ."? After all, we have been given no reason to question third-order truth predicates such as "It is true that, it is true that . . ." This argument against normative political truth, then, is not adequate.

John Rawls defends a "constructivist" account of political morality according to which what is just, unjust, right, and wrong are constituted by a hypothetical agreement among hypothetical agents. "It seems better to say that in constructivism first principles are reasonable (or unreasonable) than that they are true (or false)." "Apart from the procedure of constructing the principles of justice, there are no moral facts."<sup>16</sup> This may seem to reject the idea of moral and political truth. Like Habermas, Rawls is partly motivated by a wish to distinguish his views from intuitionism, which posits nonnatural properties (exalted entities) that are apprehended by a quasi-perceptual faculty of intuition. These, however, are points about moral *reality*, and moral *knowledge*, that seem to leave open what to say about the possibility of moral *truth*, and it is not yet clear why he should avoid or reject it.

It is natural to think that Rawls's resistance to the idea of truth for political principles is a consequence of his "constructivist" methodology. This is a mistake. In two contexts other than the political, Rawls recognizes the appropriateness of describing principles arrived at through constructivist methods as "true." First, in moral, as distinct from political theory he describes the first principles of morals arrived at through Kant's constructivism as "true statements about what kinds of considerations are good reasons for applying one of the three basic concepts [the right or just, the good, and moral worth of character]."<sup>17</sup> Second, in philosophy of mathematics Rawls does not quarrel with the idea that "possibilities of construction" might be an adequate account of mathematical truth, and he models his account of the validity of political principles on such theories: We may see them "as analogous to the way in which an infinity of primes is viewed (in constructivist mathematics)

as a possibility of construction.”<sup>18</sup> The resistance to truth is special to his *political* constructivism rather than resting on constructivism as such. A brief description of his conception of political justification will bring out the ideas that are germane to his avoidance of “truth.”

Rawls argues that justification must proceed from *consensus* even as it attempts to reconcile *disagreement*. Since modern democracies contain a wide variety of deep, yet reasonable disagreements that are not likely to disappear without oppression, political justification can neither appeal to, nor hope to conclude with, any of these contending world views. Instead, it must appeal to the overlapping consensus that exists on several values that can form the basis for political life. The consensus is limited to the political domain, and so political justification must avoid depending on any wider doctrines (so far as possible). Outside of political matters, divergent reasonable world views are to be tolerated.<sup>19</sup>

Why not call the principles that are derived from the overlapping consensus “true”? The reason seems to be that there is no collective comprehensive conception of which they are a part. Since something is true only as a part of a comprehensive conception, there is no collective standpoint from which the principles could be held to be true. They are accepted by *each* individual as true (or reasonably close), but this cannot be the basis on which they are accepted by *all*, since not all believe them for the same reasons. The shared basis for their acceptance, Rawls suggests, ought to be the fact that they are the focus of a reasonable consensus – this is a fact that can be collectively acknowledged. The public basis of their validity, then, is their being reasonable in that sense. This is supposed to be compatible with each endorsing other, controversial grounds of the principles’ validity as well – grounds derived from within controversial comprehensive conceptions.

Rawls recognizes that political principles can be true, as part of the best comprehensive conception. However, consider those comprehensive conceptions that endorse the political principles on controversial grounds, grounds other than reasonable consensus. Either the normative validity of the principles necessarily rests on reasonable consensus, or such consensus is not required for their validity. If the consensus criterion is not necessary for the normative validity of political principles, then all individuals might be politically bound by principles many of them cannot accept, contrary to the liberal heart of Rawls’s theory of justification. If the principles’ validity must indeed rest on reasonable consensus, then the views that endorse them on other grounds must be mistaken. No other grounds could be sufficient for their validity. Many of the comprehensive views making up the overlapping consensus must be mistaken in thinking otherwise.

The fact that many of the comprehensive conceptions would be mistaken is not in itself a difficulty. The theory can accommodate them so long as they are reasonable. Rather, the problem is that the overlapping consensus criterion *depends* on the presence of a number of views that ascribe other, mistaken, grounds to the validity of the political principles. If the overlapping consensus criterion were publicly accepted, it would find no overlappers. All would converge on the higher-level consensus criterion, waiting, for that reason, but in vain, for a lower-level overlapping consensus. There would not exist the overlapping set of lower-level views which the consensus criterion requires unless some mistakenly failed to apply that criterion. The consensus criterion is, in this respect, incompatible with its own publicity, a predicament involving well-known moral, practical, and perhaps logical difficulties.<sup>20</sup>

The problem is closely related to our topic, normative political truth. It is a consequence of trying to provide a common or public basis of validity, which would, as we have seen, necessitate moving from the true to the reasonable. The problem would be avoided by settling for the grounds of validity each gives to the principles from within their own comprehensive view. Each accepts the principles as true, even if for different reasons. It is possible, then, publicly to appeal to their truth as the basis of their validity. The appeal is not to the truth conceived in a certain way, but to the truth whatever it might be. In this way there is no appeal to anything that must be seen by anyone as conflicting with their own comprehensive view, with its view of the basis of the validity of the political principles.

It is not possible to consider here how the overall theory of justification is affected by this adjustment. The limited point is that Rawls’s argument for regarding political principles as reasonable rather than true is not compelling. On the contrary, it is tied to what may be a deep difficulty with the overlapping consensus approach to political justification, namely, that it may contradict the potential components of any substantive consensus.

The point is not to criticize or endorse Rawls’s or Habermas’s overall theories of political justification. They are noteworthy here for their attempt to reject noncognitivism and skepticism without admitting “exalted entities.” Neither one is persuasive in taking the rejection of exalted entities to require the rejection of normative truth. There is a more general idea behind this criticism. Unless a theory raises no moral or political standard that is independent of our actual choices or inquiries, it can have a place for moral and political truth even while rejecting the simple intuitionist–correspondence metaphysics and epistemology. The rejection of certain models of truth and knowledge is not

yet the same as rejecting the applicability of those notions altogether.

The raising of political standards, whether or not these are timeless, independent, universal, or necessary, involves an idea of political truth. The standard itself yields practical objectivity (which is not yet truth) since action may fall short of the standard. Theoretical or cognitive objectivity is given by the fact that there is that standard. The presence of an appropriate target – an objective – gives practical objectivity, whether or not there are different targets for different situations, since the target might be missed. The cognitive objectivity here consists in the appropriateness of the target. Just as it is a practical error to miss the appropriate target, it is a cognitive error to aim at the wrong target. Assuming that knowledge implies at least true belief, where there is cognitive success or error, truth and falsity are applicable. Political truth, then, seems possible even without ultimate (timeless, independent, universal, necessary) truth. Rawls's constructivism and Habermas's discourse ethics may help show how the idea of nonultimate political truth is coherent, their protestations notwithstanding. The point about the connection between practical objectivity and normative truth, however, applies more generally.

#### IV. No knowledge

Socrates held not that there was no politically relevant truth, but rather that no one knew it. The anti-authoritarian implications are obvious, though again these are not by themselves a positive case for democracy. Furthermore, these political benefits of the view that no one knows the political truth do nothing to show that it is the case. It is a difficult issue, and since no single philosophical treatment could remove the deep controversy that exists about it the issue will be avoided here as far as possible. Socrates' way of avoiding authoritarian politics through skepticism is too exotic to be generally persuasive, whatever its philosophical merits. At the very least, it is more exotic than necessary if authoritarianism can be criticized on simpler grounds as I will argue it can. Similar considerations count against the "no truth" strategy just discussed, since, for example, the prevalent view that there is such a thing as political wisdom implies the view that there is political truth. Neither form of skepticism is a widely acceptable premise and should be avoided if possible. Accordingly, let it be allowed that there is political truth and knowledge.

#### V. Do some have more political wisdom than others?

Socratic skepticism is not the only way to resist the Elitist Epistemic Tenet. It might be held that while there is political knowledge, there are no elites in this respect; it is distributed equally.

However, even the elitist component of the Elitist Epistemic Tenet is, I believe, difficult to deny. If it is controversial, this may be partly owing to its being taken to claim more than it actually claims. It *does* claim that some relatively few have better normative political wisdom than others. It *does not* claim that this distinction is available to justify giving the wiser more political power.

There is a puzzle about how to argue for the Elitist Epistemic Tenet. It will not do to appeal to individuals or groups who are generally agreed to have superior normative political wisdom. This will likely fail since there are probably no examples that would receive such general agreement. This failure should not count against the tenet, since it does not claim that anyone would attract such general agreement. The only way to use examples is indirectly, by encouraging the reader to provide his or her own. They needn't be agreeable to anyone else, since no claim about their agreeability is implied by the Elitist Epistemic Tenet.<sup>21</sup>

A second line of objection is the temptation to think that the Elitist Epistemic Tenet must be denied by the tradition that asserts the equality of all people. It is often noted that this tradition does not assert intellectual or physical equality, but moral equality. However, this is still vague as stated, and in ways that might lead to confusion about the distribution of political wisdom. We may distinguish three things that moral equality might be taken to mean – that all are:

1. Worthy of equal moral and political regard
2. Equally capable of virtue
3. Equally morally and politically wise

That all are worthy of equal moral and political regard is certainly intended by the tradition that asserts human equality. It is so abstract that, as formulated, it does not clearly conflict with the view that some few have superior moral or political wisdom. A different but related position is that, in the words of Seneca, "virtue closes the door to no man."<sup>22</sup> This still does not entail equal distribution of normative political wisdom. It does not even entail equal virtue. It asserts, more weakly, universal *capacity* for virtue.

The suggestion that all are equally morally or politically wise is not, I believe, part of the commitment to human moral equality. Indeed, some

moral egalitarians explicitly reject the idea. This is true of the Federalists, who could not plausibly be thought to dissent from Jefferson's declaration that "all men are created equal." *Federalist* No. 78, for example, defends an unlimited term of office for high judges on the grounds that "the government can have no great option between fit characters." There are few enough who can master the body of knowledge required, but "the number must be still smaller of those who unite the requisite integrity with the requisite knowledge."<sup>23</sup>

## VI. Character effects

Democracy might be held to have virtues of a nonepistemic kind that are conclusive in its favor, denying the Authoritarian Tenet that the knowers have a special claim to rule. Democracy is often thought to have profound and morally significant beneficial effects on the character of the citizens such as fostering public spiritedness, or self-respect. Could these be sufficient to recommend democracy over authoritarianism independent of the quality of the social decisions these institutions produce?

The character effects attributed to democracy depend causally on whether the citizens believe that democracy yields good social choices. If we assume that our normative democratic theory must be consistent with its being publicly believed, we cannot appeal to democracy's character effects while denying that democratic social choices have anything independently to recommend them. If that were believed by the citizens, widespread participation either would not occur or would not produce the alleged virtues. For democracy to have the alleged good character effects, it is apparently a psychological fact that citizens must believe in the value of the process on independent grounds. It matters a great deal to the participants, and so to normative theory, whether democracy's social choices are as good as those of more authoritarian arrangements.<sup>24</sup>

The argument is that a political system must have some public point independent of educative effects of participation, otherwise participation won't have substantial educative effects. One might object that all that is required is that each *individual* have some aim other than self-development.<sup>25</sup> This is compatible with the main (public) point of a democratic system of social choice being the educative effects on citizens. If democracy is a system that tends to produce citizens who pursue their own aims and convictions, and who can get educative benefits out of doing so, then this is a perfectly good defense of democracy, one might argue.

We should notice that this defense of democracy, addressed to prospective participants, fails to speak to any of their aims and values other than self-development. It is true, each citizen will (we assume) have other aims, but these are taken as valuable in this argument only as part of a technique for achieving self-development, which is, alone, presented as valuable. This doesn't go so far as to doubt or denigrate the participants' other values, but the argument puts that question aside for the purpose of promoting the value of self-education. The standard difficulty with this form of argument is that it requires, for its purported effects, that the participants pursue goals other than those promoted by the argument itself – in this case, goals other than self-development. This raises the question whether the participants could still behave as required while accepting the public, self-development form of justification for the democratic system.

This case is importantly different from, for example, David Wiggins's critique of noncognitivist theories of the meaning of life.<sup>26</sup> Those views say or imply that the "participant" values are entirely illusory, but then rely on their attendant satisfactions as a crucial part of "meaning." People with this view of meaning would have a difficult time achieving the satisfactions in question. But in the democracy case, the self-development argument is a public political reason for democracy, in terms of the satisfactions of participant values, that doesn't denigrate or debunk those participant values. It puts them in less than a central place (by emphasizing the value of self-development instead) not because they are doubtful (as in noncognitivism) but because they vary widely from one person to the next. It hopes to be a reason that carries weight for adherents of a wide variety of reasonable value schemes by not aligning itself with any of the relevant schemes to the exclusion of others. Because the educative argument need not denigrate the participant values, it needn't be "forgotten" or ignored in order for the pursuit of those values to occur or be beneficial. Its being accepted does not automatically undermine the stance required for self-educative participation to take place.

However, although the connection is less direct, self-educative participation does seem to depend on what might be called *system-based hope*, the hope that one's highest aims might be well served by the system in which one participates. This is analogous to what we might call *agency-based hope*, the hope that one's acting will well serve the aims for which one acts. Agency-based hope may or may not be required for agency itself, but it is apparently necessary for the development of certain traits and attitudes such as a sense of responsibility, self-esteem, perseverance, and so on. In the very specific form of agency that is

participation in a publicly accepted political system, agency-based hope depends importantly on system-based hope. If a person has no basis for hope that his or her aims will be well served by the political system, then one is not likely to have a basis for hope that one's agency as a participant in that system will serve those aims well either. As a result, important character effects will be missed.

The argument, then, ought not to be that the self-development justification cannot be accepted simultaneously with (because, e.g., it denigrates) participant values whose pursuit is required for self-education. Rather, the self-education justification is too thin to support agency-based hope of citizens as democratic participants. Without some further public reasons for a democratic system other than self-development, citizens are likely to lack reasons and motivation for the form of activity that would be educative. Or if they are somehow motivated by the self-educative argument itself, without system-based hope, their activity is unlikely to be educative.

A separate difficulty about basing democracy's value on character effects is that there is so much at stake in politics that democracy's tendency to produce autonomous or lively citizens, even if granted, could be overwhelmed by the superior quality of the decisions of some other system such as an authoritarian one. If many atrocities and gross injustices could be avoided by authoritarian arrangements, this advantage would be difficult to gainsay on the basis of even considerable character effects of democracy.

### VII. Who will know the knowers?<sup>27</sup>

There is a fourth tenet implied by Normative Epistemic Authoritarianism if it is offered as a genuine practical program:

4. *The Second-Order Epistemic Tenet:* The knowers can be known by sufficiently many nonknowers to empower them, and to practically and morally legitimate their power.

This, I believe, is authoritarianism's most vulnerable claim. Unlike noncognitivism or Socratism, which espouse what we might call two versions of first-order epistemic unavailability, and are therefore exotic, consider this argument from second-order unavailability:<sup>28</sup> Even if some have knowledge, others have no way of knowing this unless they can know the same thing by independent means, in which case they have no use for the other's expertise.

I am interested in this second-order unavailability only with regard to knowledge about such things as what society ought to do, or what is in

the common interest of the community. Even in this limited political domain, the problem might be denied. Certain methods might be thought to allow ranking some people as probably better than others even without independent access to the truth. For example, people who have thought about the questions at hand might be presumed to be more competent than those who have not, or the experienced to be better than the inexperienced. However, even those equally educated and experienced (or whatever the observable criterion is supposed to be) are likely to disagree among themselves. This is not to doubt that experience or thought are epistemically helpful. It is not that skeptical. Again it is instead the second-order (and interpersonal) point: Even if there are forms of thought and experience that improve a person's competence on some issues, they are not sufficiently identifiable by others in particular instances. The evident differences between the qualifications of putative experts, such as their place of education, or the experience they have, are typically insufficient to determine their relative reliability. Therefore, disagreements among *apparently* equally expert individuals are probably inevitable. Any differences that are not apparent are unavailable.

A slightly different suggestion for avoiding this second-order epistemic problem would be to estimate expertise on the basis of the person's past success. If one car mechanic has managed to make your car run smoothly, and another has failed, this seems a good ground for attributing greater expertise to the successful mechanic. The example assumes, plausibly, that it is known to be better for a car to run smoothly, other things equal. But our problem is to identify the experts in politics, and here the criteria of success are less obvious. There are certainly things that some politicians can do more effectively than others, such as raise or lower taxes, build friendly or suspicious relationships with foreign rivals, lighten or intensify public retribution against convicted criminals, increase or decrease commercial influence on government, and so on. Unlike the case of the car mechanic, the kind of expertise we are seeking here involves knowing which of these things to do, and under what circumstances, as well as knowing how to do it. The very goals of politics are under constant political contention. We are assuming that the goals are not given to all in advance, and so there is no clear way to judge a putative expert on the most important matters in terms of success.

### VIII. Second-order skepticism?

The problems of second-order knowledge have so far been presented as though a full skepticism is warranted at that level (though I have



avoided that term). Skepticism about first-order knowledge seemed unnecessarily exotic and controversial, however, and the same is apparently true of second-order skepticism. It is surely less controversial to say that it is impossible to know the knowers than to say that it is impossible to know anything. Yet it is common to think that it is not futile, even though it is difficult, to try to determine who is wiser on political matters. Second-order *skepticism*, then, is no more generally acceptable as a premise for normative political theory than first-order skepticism.

Apparently, though, it would be acceptable to hold that second-order knowledge is sufficiently difficult that on any given second-order issue *many* will fail, even if it is possible that some will succeed. This weaker skepticism still has some promise as an argument against authoritarianism, since epistemic authority cannot be regarded as publicly established unless more than a few can recognize it. But how many must be able to recognize it? The answer depends on which of several potential problems is being pressed against authoritarianism.

Before considering the more germane problem of moral legitimacy, consider two practical problems: empowerment and practical legitimacy. First, the installation of the wise into positions of predominant power is likely to require that their wisdom is known to more than a few. The very attainment of power will often require a wide base of popular support, though not always. To the extent that second-order knowledge is difficult (even if not impossible) there is a problem of empowerment facing any scheme of rule by the wise.

Second, even if power is achieved by the wise without their wisdom being widely recognized, there is the closely related issue of practical legitimacy. Once in power, a leader typically requires the allegiance of more than a few of the subjects in order to exercise the power of his or her position. This can sometimes be done without, as when, for example, the use of violence or threats can accomplish the intended purposes, but limited political support is typically a severe constraint on the exercise of political power.

Political support and so practical legitimacy might be obtained under false pretenses of various kinds, and so the problems of second-order knowledge are not insuperable on this score. Bread and circuses or lies deception might do as well from the standpoint of practical legitimacy. Similarly, the empowerment problem might be solved by coercion rather than by establishing epistemic authority. The avoidance of the practical problems of second-order knowledge by violent or deceptive means, however, raises obvious moral questions. Even if empowerment and practical legitimacy are achieved, there are questions of moral legitimacy.

Moral legitimacy does not require that the wisdom of the rulers be known and acknowledged by everyone, since some may have impaired abilities, or ulterior motives or may be unreasonable in some other way. Acceptable reasons are morally owed to the reasonable. We don't need a detailed theory of reasonableness here. Let the term stand for those to whom acceptable reasons are morally owed, assuming this is a proper subset of all people in the community. According to this principle of moral legitimacy, the problem of second-order knowledge poses a problem of moral legitimacy for authoritarianism so long as some reasonable people may fail to recognize the epistemic authority in question. For there to be a problem of moral legitimacy, it need not be held that second-order knowledge is impossible, but only that it is generally something on which reasonable people might disagree. Even though the idea of reasonableness is, so far, quite vague, the problem of second-order knowledge does appear to be at least this severe. Notice that saying so falls short of second-order *skepticism*, since it can be allowed that some individuals can achieve second-order knowledge.<sup>29</sup> Normative authoritarianism, then, cannot survive the fact of *second-order unavailability*.

Second-order unavailability is preferable to second-order skepticism since it is a weaker claim. It is also weaker than first-order skepticism, but the idea of *first-order unavailability* has not been considered. Could the argument against authoritarianism just as well be located there, in the denial that relevant *truths* could be beyond reasonable dispute? First, even if no relevant truths could be accepted by all reasonable people, this would not defeat authoritarianism so long as some knowers were beyond reasonable challenge. Second-order unavailability is required to rule this out. Second, it seems less clear that no relevant normative truth (e.g., principles) could meet with reasonable consensus than that no individual's epistemic authority could do so, although this cannot be pursued here.

The uncontroversial idea that some relevant truths are open to reasonable disagreement, plays an important role in the issue of what may be legitimately offered as public political reasons for proposals. Some theorists of liberalism have urged that claims or doctrines that are open to reasonable dispute are not available as legitimate public reasons. Below I try to show how this appeal to first-order unavailability is as insufficient in that context as it was in this – that second-order unavailability must also be assumed. Consideration of the liberal doctrine of public reason also provides an occasion to note how epistemology enters the account in ways some have seemed to deny.

First, however, the relevance of epistemology to the argument against authoritarianism could be challenged.

### IX. Is it merely a problem of agreement?

It might be argued that second-order unavailability is really more a problem of agreement than of knowledge. The problem is not that the knowers cannot be known at all. It is that there is no one whose normative epistemic authority can be agreed to by all reasonable people (those to whom acceptable reasons are owed).<sup>30</sup> However, to say of some proposition or subject matter that being a reasonable person does not guarantee that one knows the truth, is to state certain limits on its *knowability*. It does not deny that it can be known; it is a more moderate limit than that. It is, however, an epistemological claim. In this way, it is an epistemological claim to say that no one's normative epistemic authority is such that it could not be doubted by reasonable people. The problem of second-order unavailability is a problem that rests on an epistemological limitation. *No knower is so knowable as to be known by all reasonable people.*

We should return briefly to Hobbes's argument to the effect that no one's political wisdom is appreciably greater than anyone else's. Hobbes's position is quite parallel to the one defended here, with the exception that in the context of his larger theory, the problem is primarily one of agreement rather than of knowledge.

Hobbes seems not to operate with the idea of anyone's being owed acceptable reasons. In Hobbes, the primary aim is to promote peace by persuading people to agree with one another on a certain collective arrangement. He employs prudential reasons as an appropriate persuasive tool where the audience is assumed to have in common that they are concerned with self-preservation and their own well-being.<sup>31</sup> The goal is to get agreement on some stable arrangement or other. For Hobbes, the real problem with the idea of knowers as leaders, then, is that none can be agreed to. Hobbes takes this as evidence that there is none who has significantly superior wisdom, but he neither establishes this, nor does he need to. Whether there are superior knowers or not, *agreement* is impossible.

Agreement does not play the same role in the argument presented here. The primary aim is not agreement one with another, but the provision to each of reasons he or she is owed (some being owed acceptable reasons, others not). The problem about knowing the knowers, is not that no knowers will be *agreed* upon, but that empowering any proposed knower *will leave some people without the reasons they are individually owed*. It is an epistemological point to say that some will be left out in this way even where the proposed knower is genuine.

The conception of justification according to which people (if reason-

able) are owed acceptable reasons for the political power of others over them, may be fairly called liberal. As such it is not a mode of argument that is likely to persuade many authoritarians. Still, it would be wrong to think this begs the question against Normative Epistemic Authoritarianism. For instance, it does not deny the Authoritarian Tenet that political wisdom is a strong moral reason for power, though it denies that it is morally sufficient. It adds the requirement that such reasons be acceptable to all reasonable people. This does not in any way assume that no one's epistemic authority could be so acceptable; that is entirely a separate point.

### X. Epistemic authority and liberal public reason

If the argument against Normative Epistemic Authoritarianism is importantly epistemological, ought it to be eschewed by recent liberal theories that hope to avoid epistemological premises?<sup>32</sup> Rawls's theory on this matter is the most fully articulated. However, the preceding discussion allows us to detect moderate epistemological premises in his own theory. The epistemological content of second-order unavailability is no more divisive or problematic than the epistemological content of his theory of "burdens of reason." Indeed, it will emerge below that Rawls's doctrine of public reasons (as I will call it) actually requires a version of second-order unavailability.

By the "doctrine of public reason," I mean the view that it is improper, in public political justification, to assume or appeal to views about which there is reasonable controversy. Rawls says that to appeal to controversial doctrines as true fails to acknowledge that there is room for reasonable disagreement. Thomas Nagel says that doing so is, in effect, appealing merely to the fact that one believes the claim in question, as though this should have special epistemic weight.<sup>33</sup> Neither wishes to rely on a general skepticism, and so it must be allowed that some people may really have the truth. The question is why even the knowers may not appeal to it as the truth.

Rawls relies on the implications of the moral notion of reasonableness.<sup>34</sup> The liberal doctrine of public reason is then interpreted as precluding the appeal in public political discussion (about constitutional essentials, a wrinkle I shall ignore for present purposes) to the alleged truth of any doctrine about which reasonable people could and do disagree. There are two parts here: first, there are certain controversial claims about which reasonable people could disagree. Second, the assertion of such claims as reasons in public political discussion fails to regard those who disagree as reasonable. This is not a *purely* epistemic

criterion for public reasons since it is limited to consideration of what must be accepted by people in a certain *moral* category – the reasonable. The difference, then, between reasons that are public and those that are not is not just a matter of how “knowable” they are. Still, the distinction is partly epistemological. The difference between views that all reasonable people must accept and those they needn’t accept is apparently an epistemological difference. This is evident from Rawls’s (partial) list of factors that explain how disagreement on certain matters is compatible with the reasonableness of the disputants. Examples include the complexity of relevant evidence, differences over the relative weight of relevant considerations, and the inherent vagueness of important concepts.<sup>35</sup> Rawls describes these as “burdens of reason,” “the many hazards involved in the correct (and conscientious) exercise of our powers of reason and judgment in the ordinary course of political life.”<sup>36</sup> In order to avoid relying on the strong skeptical views either that there is no truth on such matters or that even if there is truth there is no knowledge of it, one must explain disagreement as an *epistemic failure* of at least some people to know things that may be knowable. The admittedly moral claim that one needn’t be unreasonable to fail in this way does not remove the epistemological character of this failure. It only concentrates attention on the epistemic difficulty<sup>37</sup> of these matters specifically for reasonable people. *The burdens of reason represent first-order epistemic difficulties* over a certain range of issues. They postulate no impenetrable epistemic barrier, and so do not constitute a form of skepticism, but a form of unavailability, as we have been using those terms. However, first-order unavailability is not sufficient support for the doctrine of public reason.

Reasonable people, it is said, could disagree. This is importantly ambiguous. One sense in which someone might disagree with me is to believe false what I believe true. A second kind of disagreement is to believe false what I believe true, *knowing that I so believe*. The second, unlike the first, rejects my putative epistemic authority. To clarify the difference consider an example where disagreement (the first kind) is reasonable, but knowing disagreement (the second kind) is not. Suppose it is not unreasonable<sup>38</sup> for others to think I am not feeling well. I may be behaving in a way that makes that one possible conclusion for reasonable observers. It would, however, be unreasonable for them to maintain that belief in full knowledge of the fact that I don’t believe it. It would be unreasonable not to defer to my belief on this matter even if it is not otherwise unreasonable to hold the opposite view from mine. It can be reasonable to disagree, but unreasonable *knowingly* to disagree.

Suppose there were analogous examples in political discussion, of

people with whom reasonable people cannot knowingly disagree on certain matters about which it is otherwise reasonable to disagree. Such people would not transgress the bounds of public reason if they asserted controversial truths as reasons in public political discussion. This is because doing so would enter the fact that *they believe* these controversial propositions. In general, of course, the fact that a certain person believes a certain controversial view is less important in political discussion than whether it is true.<sup>39</sup> But where the person’s authority cannot reasonably be doubted, as in this example, the fact of their belief has whatever importance the truth of the proposition itself would have (plus whatever importance the fact of belief has in the case of less credible people). Marking off a category of issues that are controversial and outside of public reason will not establish that *assertions* of such views are precluded by public reason, since such assertions introduce the public reason that certain putative experts believe them. So long as the possibility of such authority is allowed, the doctrine of public reason will have no implications for public political speech.<sup>40</sup>

The fact that the asserted doctrine is something about which reasonable people could disagree (its first-order unavailability) does not, then, show that its assertion by a certain speaker could never make it unreasonable knowingly to disagree. Until the latter claim is established, the assertion of such doctrines in public political discussion cannot be assumed to go beyond public reason. Such assertions can be interpreted as entering the doctrine into public reason (by authority it is unreasonable to deny) and (then) appealing to it.

To avoid this result, the possibility of knowledge on certain matters might be denied. Or one could reject the idea that such knowers, if any, could be known. As we have seen, though, these are strong and controversial epistemological claims. To avoid such skepticism it must be granted that there might be such knowers, and that they might be known by at least some. Granting this, there is the prospect that those knowers are not unreasonable to assert their epistemic authority by appealing to the truth as such.

If this possibility is also to be avoided, and the doctrine of public reason is to have any practical application, it must be denied that anyone is ever to be deferred to on the matters in question by all reasonable people. The possibility of having knowledge must be granted, as must the possibility of its being known by at least some others, if skepticism is to be avoided. What can be insisted upon is that for any alleged epistemic authority on these matters, reasonable people can disagree over whether the authority is real. *If deference can always be reasonably withheld on those matters, then appeal to one’s own*

*epistemic authority in public political discussion transgresses the bounds of public reason.* There would remain no reason to regard appeals to alleged truths on controversial matters as appeals to any public reasons. This involves appealing to the problem of second-order unavailability elaborated earlier.

The conclusion of this section, then, is that while adherents of the doctrine of public reason have good reason for resisting appeals to strong, controversial epistemological views, especially some forms of skepticism, that doctrine, at least as developed by Rawls, cannot eschew epistemology altogether. The burdens of reason already make a partly epistemological point. More strikingly, the doctrine requires that no knowers can be known by all reasonable people. This puts the view in no position to object to the epistemological content of the second-order unavailability argument against authoritarianism. In fact, it is fair to say the two are of a piece. They are anti-authoritarian on the basis of a view of justification which places second-order epistemic obstacles in the way of a defense of anyone's status as a knower.

### XI. Epistemic problems with strongly epistemic voting

If rule by a knowing elite is unavailable, and yet normative political truth is allowed, the question is how politics might legitimately be guided by that truth. This raises a special challenge for the theory of democracy – a system where (at least certain) decisions are made by citizens in general regardless of their relative individual wisdom. How could democratic procedures have an epistemic authority that is unreasonable to deny? Only one kind of answer can be explored, and rejected, here. Consider the Rousseauian view that voting is capable of discovering an independent truth about the common good. We may distinguish the “strongly epistemic” view, that voting has epistemic virtues of its own, from the “weakly epistemic” view, that it has epistemic virtues derived from some other practice or institution, such as public discussion. I consider only the strong view here, and only one version of it. The central account of how voting could have epistemic virtues of its own is Condorcet's Jury Theorem.<sup>41</sup> This is a mathematical result showing that if independent voters are, on average, better than chance at getting the correct answer to any class of yes–no questions (such as “is  $x$  in the common interest?”), then the chance of at least a majority being correct on such questions goes up rapidly with the size of the group. Even if voters are only barely better than chance, the group as a whole is virtually infallible in groups the size of realistic political communities.<sup>42</sup>

	Uniform individual competence			
	.505	.51	.525	.55
<i>Number of voters</i>				
1,000	.6241	.7365	.9433	.9993
10,000	.8413	.9772	.9999	.9999
1,000,000	.9999	.9999	.9999	.9999
	<i>Group competence under majority rule</i>			

A full discussion of this theorem and its relevance for democratic theory is not possible here. One important detail, however, is that the competence of the group drops if the average individual competence is below .5, approaching zero just as rapidly as it approaches 1 when individuals are above .5. There are several difficulties in trying to apply this model to democratic voting, one of which is especially related to the problems of epistemic authority.<sup>43</sup> It is a crucial question whether average individual competence on some relevant class of social questions is above .5. The problem raised by the .5 threshold, though, is not that this is higher than the actual average competence. It is rather that *we don't know whether it is or not*. It may be that the average competence is above .5 and that properly held voting procedures would be virtually infallible about the common good. The problem is that even if this is so, it seems impossible to establish publicly without independent access to the truth.<sup>44</sup>

This problem with democratic application of the Condorcet model precisely mirrors the original problem we discussed about rule by knowledgeable individuals or elites. First, the objection does not depend on denying the existence of political truth, even though some have denied it in precisely this context.<sup>45</sup> Nor is it a Socratic skepticism about whether anyone *has* the relevant knowledge. It is the cluster of second-order problems about publicly *establishing* that they do. The Condorcet Jury Theorem gives us no epistemic mileage unless we can first publicly establish, in a way that is unreasonable to deny, that the average individual competence is above .5. There is no reason why it could not be so, but it is hard to see how such a thing could be established without independent public knowledge of the answer key – the very facts we hoped to use democratic voting to reveal.<sup>46</sup> This second-order unavailability is a grave difficulty for the Condorcetian conception of voting as strongly epistemic.

There is an important respect in which a Condorcetian approach to democracy has authoritarian tendencies, and so it is not a coincidence that it is subject to the same objection. If it were possible to know whether the average individual competence is above .5, it seems likely that it would be possible to know at least something about who was

more competent than whom. Depending on the numbers, there are many circumstances in which the group competence would be improved by disenfranchising the less competent. First, those who are worse than .5 contribute nothing to the group competence under any circumstances. Second, even those above .5 may, depending on the circumstances, still be holding the group competence back because they are not as competent as others. In other words, if we had enough information to know that a Condorcetian model could be applied, we would very likely have enough information to limit suffrage to a subset of citizens, which is nothing but an authoritarian elite. The result is reminiscent of John Stuart Mill's proposal to give multiple votes to the more competent and educated voters,<sup>47</sup> which suffers from the same second-order difficulty. My argument against the model is not the moral premise that such authoritarian arrangements are objectionable. If epistemic authority could be established in the way that application of the Condorcet model would require, it is not clear whether authoritarianism would be objectionable. However, the problem lies in publicly establishing that epistemic authority. If we don't have enough higher-order knowledge for authoritarianism, then we don't have enough for Condorcetian democracy or its close authoritarian relatives, such as Millian multiple voting.

## XII. Conclusion

We do not need to deny that there is an objective normative political truth, or that anyone could know it better than others in order to object to the view that the knowers ought to rule. There are difficulties about knowing the knowers. It is not that they could not be known by anyone; grant that they could. One problem is that they will not attract sufficient agreement to maintain or successfully exercise their power, as Hobbes emphasized. A deeper problem is that any putative knower could be doubted by some reasonable people, and so knowledge cannot give moral legitimacy to political power. Some despair of having society governed by any truth that is independent of actual bargains struck by individual maximizers, and this can give rise to a certain conception of democracy.<sup>48</sup> However, if there is a truth according to which some such bargains could be morally illegitimate, one might hope it could be given political influence. If so, it will have to be in a democratic way, since no individual or elite can defend, in a morally sufficient manner, their claim to epistemic authority. Whether or how democracy might have epistemic authority of its own, in a way that avoids the objections to authoritarianism, is an important question that must await another occasion.

## Notes

- 1 Ancestors of this chapter were presented as papers and helpfully discussed at the Conference on Democracy at the University of California, Davis, May 4-5, 1990, Philosophy Colloquia at the University of California, Irvine and Davis campuses, at Brown University, and at the Central Division APA meetings in Chicago in April 1991. I am grateful for useful discussions with Tom Christiano, David Copp, Jean Hampton, Alon Harel, Greg Kavka, Andy Levine, William Nelson, John Rawls, and Paul Warren. This work was supported by a fellowship for recent Ph.D.s from the American Council of Learned Societies that is partially funded by the National Endowment for the Humanities.
- 2 *Gorgias* 466b-468e.
- 3 Supporting texts include *Crito* 47c9-d2, *Laches* 184e8-9, *Gorgias* 463d1-465e1, *Republic* I 341c4-342e11. This is also Richard Kraut's interpretation in *Socrates and the State* (Princeton, N.J.: Princeton University Press, 1984), pp. 231-44. Kraut calls this Socratic view authoritarian, but that seems inappropriate when the view is conjoined with another Socratic view (as Kraut agrees) that it is a permanent human fact that there are no experts of the relevant kind. At most, we could say that it is one of authoritarianism's central claims, although it is not by itself authoritarian.
- 4 Gregory Vlastos argues that precisely what Socrates meant when he denied that he or anyone had wisdom is a matter of some subtlety (and irony). See his, "Socrates' Disavowal of Knowledge," *Philosophical Quarterly* 35, no. 138 (January 1985). Vlastos argues that Socrates was a supporter of Athenian democracy, in "The Historical Socrates and Athenian Democracy," *Political Theory* 11 no. 4 (November 1983).
- 5 It is important to note that voters are not in a position to choose social actions, but can only choose which way to vote. Social choice over a set of alternatives cannot be composed of individual choices over the same alternatives. The ubiquity of the possibility of strategic misrepresentation of preferences reflects this fact. It is proven in Alan Gibbard, "Manipulation of Voting Schemes: A General Result," *Econometrica* 41 (1973), and M. A. Satterthwaite, "Strategy Proofness and Arrow's Conditions," *Journal of Economic Theory* 10 (1975). I argue for the interpretation of votes as opinions on the common interest, in "Democracy Without Preference," *Philosophical Review* (July 1990).
- 6 See Edward S. Corwin, *The "Higher Law" Background of American Constitutional Law* (Ithaca, N.Y.: Cornell University Press, 1988; first published 1928).
- 7 *A Study in the Grounds of Ethical Knowledge: Considered with Reference to Judgments on the Moral Worth of Character*, doctoral dissertation, Princeton University, 1950, pp. 317-35. On page 1, Rawls characterizes all such theories as "authoritarian." The role of appeals to a Kantian doctrine of autonomy in *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971) and the later work is complicated by Rawls's increasing reluctance to rely on any

esoteric metaphysical views. Still, that Kant would regard appeals to any of the "exalted entities" as heteronomous continues to be central to the defense of Rawls's own version of constructivism. See "Kantian Constructivism in Moral Theory," *Journal of Philosophy* 77, no. 9 (September 1980): 559.

8 Quoted in note 45.

9 Kenneth Arrow, *Social Choice and Individual Values* (New Haven, Conn.: Yale University Press, 1951, 1963 [first and second editions]), pp. 22-3.

10 "Values and Collective Decision-Making," in F. Hahn and M. Hollis, eds., *Philosophy and Economic Theory* (Oxford: Oxford University Press, 1979), p. 114.

11 James M. Buchanan and Gordon Tullock, *The Calculus of Consent* (Ann Arbor: University of Michigan Press, 1962), pp. 11-12: "We shall reject at the outset any organic interpretation of collective activity. . . . Only some organic conception of society can postulate the emergence of a mystical general will that is derived independently of the decision-making process in which the political choices made by the separate individuals are controlling."

Gordon Tullock, "Public Choice in Practice," in Clifford S. Russell, ed., *Collective Decision Making: Applications from Public Choice Theory* (Baltimore: Johns Hopkins University Press, 1979), pp. 31, 33 (cited in Jane Mansbridge, *Beyond Self-Interest* (Chicago: University of Chicago Press, 1990): "The traditional view of government has always been that it sought something called 'the public interest,' [but] with public choice, all of this has changed. . . . the public interest point of view still informs many statements by public figures and the more old-fashioned students of politics."

William Riker, *Liberalism Against Populism* (San Francisco: W. H. Freeman, 1982), p. 244: "Social choice theory forces us to recognize that the people cannot rule as a corporate body in the way the populists suppose. Instead officials rule, and they do not represent some indefinable popular will."

The libertarian content of much Public Choice work is difficult to demonstrate briefly. Indeed, it constantly denies that it is a "normative" as distinct from a "positive" discipline. Suffice it to say that its thorough reduction of value to individual preference, and its critique of bureaucracies and social choice mechanisms as inefficient, combine to support a strong (though defensible) preference for unfettered individual market activity over centralized institutions such as the state.

12 *Moral Consciousness and Communicative Action* (Cambridge, Mass.: MIT Press, 1990), especially pp. 50-7, 120, 197; hereafter, "MCCA."

13 Like Rawls, Habermas take the intuitionist views of W. D. Ross, G. E. Moore, and others as the central moral-philosophical representatives of exalted entities.

14 In "Wahrheitstheorien," in *Wirklichkeit und Reflexion: Walter Schulz zum 60 Geburtstag* (Pfullingen: Neske, 1973), he rejects both the view that "normative statements can be true in the same sense as descriptive statements," and the view that "normative statements cannot be true at all" (p. 226). See also "Discourse Ethics," p. 56 in MCCA.

15 Habermas usually speaks of utterances rather than propositions as the truth bearers. This is not possible here, since the moral claim that it is right that *p*, does not involve any utterance of *p*.

16 "Kantian Constructivism in Moral Theory," pp. 569 and 519 respectively.

17 "Themes in Kant's Moral Philosophy," in Eckhart Förster, ed., *Kant's Transcendental Deduction* (Stanford, Calif.: Stanford University Press, 1989), p. 95, emphasis added. See also "Kantian Constructivism," p. 569, where he says that the usage, in the political conception, of "reasonable" rather than "true" "does not imply that there are no natural uses for the notion of truth in moral reasoning."

18 *Political Liberalism* (New York: Columbia University Press, 1993), Lecture III, section 7, p. 123.

19 See, for example, "The Idea of an Overlapping Consensus," *Oxford Journal of Legal Studies* 7, no. 1 (1987).

20 Rawls himself is the most influential recent proponent of publicity in political philosophy. See, for example, *A Theory of Justice*, p. 133.

It is not entirely clear whether Rawls endorses what I have called the publicity criterion of validity. There are (arguably) some hints in recent work that overlapping consensus may be more epistemic than constitutive. However, interpreting him in that way involves difficulties of its own, as does such a theory itself. It is relevant that Kant saw reasonable consensus as epistemic of objectivity rather than constitutive. See, for example, the Canon of Pure Reason, sec. 3, esp. first and second paragraphs (A 820-821; B 848-849), in *The Critique of Pure Reason*.

21 Hobbes claims that all are relatively equal in qualities of body and mind (with the exception of very abstract or technical thought). See *Leviathan*, chap. 13, first paragraph. His argument, though, is based on a failure of agreement about who the knowers are. He takes this as evidence that there are none, even though the disagreement is composed of everyone thinking they are one. Hobbes's views are considered in Section IX of this essay.

22 Cited by S. Benn in "Equality," *Encyclopedia of Philosophy*, Paul Edwards, ed. (New York: Macmillan, 1967).

23 *The Federalist Papers* (New York: Mentor Books, 1961), p. 471.

24 See Jon Elster's definitive treatment of this point in *Sour Grapes* (Cambridge: Cambridge University Press, 1983), pp. 91-100, sec. II.9.

25 I benefited from discussion of this objection with Tom Christiano. See his brief version of the objection in "Freedom, Consensus, and Equality in Collective Decision Making," *Ethics* 101, no. 1 (October 1990).

26 "Truth, Invention, and the Meaning of Life," in Geoffrey Sayre-McCord, ed., *Essays in Moral Realism* (Ithaca, N.Y.: Cornell University Press, 1988).

27 Thanks to Greg Kavka for noting the similarity to the traditional problem of who will watch the watchers.

28 I avoid the term "skepticism" here for reasons that will emerge, but that is roughly the idea.

29 A further complication appears if we consider the possibility that despite the

difficulties of first- and second-order knowledge, all reasonable people would know who the second-order knowers are, which would avail them of the first-order knowledge as well. Suppose, that is, that there is no similar problem of third-order knowledge. (Obviously, a similar situation could arise at any higher order.) If this were so, epistemic authority could apparently be established with all reasonable citizens. However, without special circumstances it is clear that third-order, or higher-order, knowledge will be at least as difficult as second-order, and almost certainly more difficult.

- 30 This is a minimal definition of reasonableness that tries to avoid certain complexities. Rawls's fuller definition is quoted below, in note 34.
- 31 It is not that this is all anyone cares about, but that this is something they all care about.
- 32 To emphasize the difference between his constructivism and rational intuitionism, Rawls says that "justifying a conception of justification is not primarily an epistemological problem" ("Kantian Constructivism"); and "the aim . . . is practical, not metaphysical or epistemological" ("Justice as Fairness: Political, Not Metaphysical," *Philosophy and Public Affairs* 14, no. 3 [Summer 1985]: 223–51). Charles Larmore seems to take the point more broadly against the relevance of epistemology when discussing the question of why we may not appeal to a controversial conception of the good in public political reasoning. "The inadequacy of skepticism as an answer to this question suggests that the reasons for the ideal of neutrality are not primarily epistemological. My view is that they are basically moral." See Larmore, "Political Liberalism," *Political Theory* 18, no. 3 (August 1990): 342. Thomas Nagel, on the other hand, explicitly recognizes the epistemological dimension of the problem, although his discussion is limited to what I call first-order unavailability, and does not take up the second-order issue in the context of either authoritarianism or public reason. See Nagel, "Moral Conflict and Political Legitimacy," *Philosophy and Public Affairs* 16, no. 3 (Summer 1967): 229–31.
- 33 John Rawls, "The Domain of the Political and Overlapping Consensus," *New York University Law Review* 64, no. 2 (May 1989): 238–9 (hereafter, "Domain"). The essay is also reprinted in the present volume. See also Nagel, "Moral Conflict."
- 34 Reasonable people, he says, are "persons who have realized their two moral powers [a capacity for a sense of justice and a capacity for a conception of the good] to a degree sufficient to be free and equal citizens in a democratic regime and who have an enduring desire to be fully cooperating members of society over a complete life" (Domain 236). The point I am after does not depend on the details of this notion.
- 35 Domain 235–8. On the avoidance of skepticism, see *A Theory of Justice*, p. 214, and "The Idea of an Overlapping Consensus," 12–15. The reason for avoiding skepticism is itself partly motivated by the need to appeal to public reasons.

- 36 Domain 236.
- 37 Rawls appeals to the "hardness," "difficulty," or in one case "complexity" of such matters in his explication of six listed burdens of reason, Domain 237.
- 38 This will not be the same notion of reasonableness as Rawls's, but an analogous notion for the purposes of this analogy. The difference does not affect the argument, which does not depend on the analogy.
- 39 Thomas Nagel makes this point in "Moral Conflict."
- 40 It is true that the reason appealed to in such cases is not simply the truth of the asserted doctrine. It is first an appeal to the fact of the speaker's belief as a reason for others also to believe. The speaker, however, is then free to regard the truth of the doctrine as available to public reason. It should be accepted by all reasonable people, since they should accept the speaker's authority. Such assertions of  $p$  by putative experts seem to have this dual structure: an appeal to one's own authority as a reason to believe  $p$ , and then an appeal to  $p$  itself.
- 41 For the connections, historical and theoretical, between these views of Rousseau and Condorcet, and some critical discussion of the democratic application of the Jury Theorem, see Bernard Grofman and Scott Feld, "Rousseau's General Will: A Condorcetian Perspective," *American Political Science Review* (July 1988), and the separate replies by Jeremy Waldron and David Estlund with a rejoinder by Grofman and Feld, collectively titled, "Democratic Theory and the Public Interest: Condorcet and Rousseau Revisited," *APSR* (December 1989).
- 42 These numbers assume homogeneous competence rather than average competence, but the results aren't changed appreciably. See Guillermo Owen, Bernard Grofman, and Scott Feld, "Proving a Distribution-free Generalization of the Condorcet Jury Theorem," *Mathematical Social Sciences* 17 (1989). The numbers in the table are taken from Nicholas Miller, "Information, Electorates and Democracy: Some Extensions and Interpretations of the Condorcet Jury Theorem," in Bernard Grofman and Guillermo Owen, eds., *Information Pooling and Group Decision Making* (London: JAI Press, 1983).
- 43 A separate issue, about whether the Jury Theorem's requirement of voter independence could be met in voting situations is taken up in Estlund, "Opinion Leaders, Independence, and Condorcet's Jury Theorem," forthcoming. It also contains a nontechnical proof of the Jury Theorem.
- 44 The threshold is precisely the competence of a coin flip: 50–50. It may seem hard to imagine the average competence on any question being lower than this, but it is actually quite possible. People use methods, principles, and previous experience to answer such questions. If they did not, they would be no better or worse than random. But these very factors that make it possible for humans to be better than random also allow them to be worse. The possibility of systematic correctness brings with it the possibility of systematic error. If our methods or principles or experiences happen to be incorrect rather than correct, we will be less competent than a coin flip.

- 45 Duncan Black challenges the Condorcetian assumption that there is any political truth which could render a vote correct or incorrect: "When a judge, say, declares an accused person to be either guilty or innocent, it would be possible to conceive of a test which, in principle at least, would be capable of telling us whether his judgement had been right or wrong. But in the case of elections no such test is conceivable; and the phrase 'the probability of the correctness of a voter's opinion' seems to be without definite meaning" (*The Theory of Committees and Elections* [Cambridge University Press, 1958], p. 163).
- 46 It is sometimes possible to estimate individual competence without independent access to the truth by, for example, comparing the individual answers to those of some Condorcetian majority. But knowing the base majority is Condorcetian requires knowing their individual competences, and the problem reemerges. Various such strategies are discussed in Bernard Grofman and Scott Feld, "Determining Optimal Weights for Expert Judgement," in Grofman and Owen, eds., *Information Pooling*. None of those strategies avoids, I think, the problem of second-order unavailability.
- 47 Mill, however, explicitly criticizes the application of Condorcet's Jury Theorem to democratic voting (*A System of Logic*, Book III, chap. 18, sec. 3).
- 48 See, for example, David Gauthier's essay in this volume. I criticize Gauthier's claim there to have a deliberative conception of constitutional democracy in "Who's Afraid of Deliberative Democracy: The Strategic-Deliberative Dichotomy in Recent Constitutional Jurisprudence," *Texas Law Review*, forthcoming.

## Could political truth be a hazard for democracy?

DAVID COPP

Suppose there are truths about what society ought to do, or "political truths," as I shall call them. Suppose, that is, that many of the significant problems faced by society have morally correct solutions and that there are corresponding true propositions to the effect that society ought to implement these solutions. Could this supposition somehow be the basis of an argument against democracy?

Taken by itself, of course, the thesis that there are political truths leaves completely unaddressed the substantive question of how society ought to be governed. Perhaps, for example, one of the political truths is that society ought to be governed democratically. The thesis that there are *no* political truths also leaves unaddressed the question of how society ought to be governed. The idea that there are no political truths could take the form of an assertion that all political propositions are false, or more plausibly, it could take the form of a noncognitivist thesis to the effect that political judgments are prescriptions that, logically, are not candidates for a truth value. But either way, we would still need to know what form of government to favor. In short, we may conceptualize matters by thinking of there being truth in this domain, or we may conceptualize matters in some less natural way, which would deny truth but still permit us to debate what society ought to do. But nothing in the theory of democracy turns on our choice. Whether we view normative claims as putative truths or simply as injunctions that lack truth value, we may assert the characteristic principle held by democrats: "Society's formal procedures for determining the decisions of government or the membership of government ought to give (most of) the adult members of society power over those decisions or over the membership, power

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