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PURE EPISTEMIC PROCEDURALISM

ABSTRACT

In this paper I defend a pure proceduralist conception of legitimacy that applies to epistemic democracy. This conception, which I call pure epistemic proceduralism, does not depend on procedure-independent standards for good outcomes and relies on a proceduralist epistemology. It identifies a democratic decision as legitimate if it is the outcome of a process that satisfies certain conditions of political and epistemic fairness. My argument starts with a rejection of instrumentalism – the view that political equality is only instrumentally valuable. I reject instrumentalism on two grounds: (i) because it fails to respect reasonable value pluralism and to recognize the constitutive role of democratic procedures for legitimacy in pluralist societies, and (ii) because it neglects the constructive function of democratic decision-making. I then consider two alternatives to pure epistemic proceduralism: David Estlund's version of epistemic proceduralism and a Deweyan account of epistemic democracy. I argue that only pure epistemic proceduralism can make good on both shortcomings of instrumentalism, whereas each of the other two approaches only makes good on one and neglects the other.

1. INTRODUCTION

In the recent literature, theories of epistemic democracy have again become important. One interpretation of epistemic democracy has been particularly influential. I shall call this the "standard account of epistemic democracy". Christian List and Robert Goodin give the following brief but representative characterization:

> For epistemic democrats, the aim of democracy is to "track the truth." For them, democracy is more desirable than alternative forms of decision-making because, and insofar as, it does that. One democratic decision rule is more desirable than another according to that same standard, so far as epistemic democrats are concerned. (2001, 277)

By the standard account I shall denote any characterization of epistemic democracy which centers on the truth-tracking potential of democratic decision-making processes, and in which truth refers to a procedure-independent standard of correctness. According to such accounts, there exists, independently of the actual decision-making process, a correct decision – for example the one that "truly" realizes justice, or the one that is the "true" common good – and the legitimacy of

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democratic decisions depends, at least in part, on the ability of the decision-making process to generate the correct outcome.

It is common in the literature to contrast such an epistemic account of democracy with a procedural account.[1] The latter emphasizes features of the democratic decision-making process itself. According to proceduralism, the legitimacy of a democratic decision depends, at least in part, on it being the outcome of an appropriately constrained decision-making process. David Estlund (1997, 2008) has objected, rightly, that such a dichotomy is misleading. One can be an epistemic democrat and a proceduralist at the same time. His argument for how this can be done rests on a conception of democratic legitimacy which combines a concern with democratic procedures with a concern with the epistemic quality of outcomes. He calls this conception "epistemic proceduralism". The idea is, roughly, that democratic decisions are legitimate if they are the outcome of a decision-making process that tends to be the best feasible truth-tracker. As such, this conception acknowledges both the knowledge-producing potential of democratic decision-making and emphasizes the legitimacy-generating force of democratic procedures.

The problem with the standard account of epistemic democracy, even with Estlund's sophisticated version of it, is that it fails to give a satisfactory explanation for the potentially productive value of epistemic diversity. Because of the normative weight the standard account attaches to correctness, it will tend to cast persisting dissent in terms of an opposition between what counts as the correct view and what must be an expression of error. The sustained critical engagement with differing viewpoints may, however, be an important source for the epistemic value of deliberative democratic decision-making, because it may shed light on issues which are insufficiently understood. Some have rejected the standard account in favor of a Deweyan experimentalist account of epistemic democracy for just this reason (e.g. Anderson 2006). But while pragmatist epistemology may indeed help to solve this problem with the standard account of epistemic democracy, Deweyan epistemic democracy is affected by a problem of its own. In my paper, I shall argue that neither the standard account nor the Deweyan account of epistemic democracy is satisfactory. I shall trace the problems that affect them to their consequentialist social epistemologies. As an alternative to both, I shall argue for an account of epistemic democracy that is based on a proceduralist epistemology and defend its associated conception of democratic legitimacy.[2] This conception, which I call "pure epistemic proceduralism", includes epistemic concerns as part of the conditions that apply to the process of deliberative decision-making. According to this conception, a democratic decision is legitimate if it is the outcome of a process that satisfies certain conditions of political and epistemic fairness.

2. INSTRUMENTALISM VERSUS PROCEDURALISM

Before I can get into the specifics of the epistemic argument, I need to address the general idea of proceduralism about democratic legitimacy. I interpret democratic

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legitimacy normatively, as a set of conditions that need to be satisfied for a democratic decision to have binding force. These conditions contain guiding principles for how the members of a democratic society ought to settle their disagreements about how to organize their life together.[3] What is common to all proceduralist conceptions of democratic legitimacy is that they include some conditions of political equality, or "political fairness" (Beitz 1989). At the very least, these conditions capture what is minimally required for a procedure to still count as "recognizably democratic" (Estlund 2008). In many deliberative democratic conceptions of legitimacy, these conditions are interpreted more extensively, to capture requirements of substantive equality of opportunities to participate in the democratic decision-making process.

Proceduralism about legitimacy can be contrasted with democratic instrumentalism (e.g. Wall 2007). For the instrumentalists, political equality only has instrumental value – the value of political equality depends on its contribution to good outcomes overall, but does not, as in proceduralism, form an irreducible component of legitimacy. In this view, some ideal of good outcomes, however defined, forms the standard which determines legitimacy. If political equality does not contribute to better outcomes, it is not necessary for legitimacy. Those who defend instrumentalism take it as a premise that there is an ideal outcome which can be identified independently of the democratic process, and in terms of which the value of the democratic process, its legitimacy, can be gauged. The instrumentalist accounts of Richard Arneson (2003) and Steven Wall (2007), for example, refer to some ideal egalitarian distribution. In their view, then, the greater the equality achieved, as measured with reference to the ideal egalitarian distribution, the greater the legitimacy of the democratic process. If sacrificing political equality allows for a better approximation of equality overall, so their argument goes, then this does not undermine legitimacy. Utilitarian arguments also tend to be instrumentalist. Christiano (2004) helpfully distinguishes between monistic conceptions of democratic legitimacy and non-monistic ones. Democratic instrumentalism is a monistic view, in that it reduces the normativity of legitimacy to a single dimension: only the quality of the outcomes of the democratic process is relevant for political legitimacy.

Proceduralists reject the idea that democratic procedures only have instrumental value. Some proceduralist conceptions of legitimacy are, like the instrumentalist conceptions, also monistic. What is commonly called "pure proceduralism" is the view that only the dimension of political equality, or political fairness, is relevant for democratic legitimacy. According to conceptions of this kind, outcomes are legitimate as long as they are the result of an appropriately constrained process of democratic decision-making. This places all normative weight on procedural values. While I shall defend a pure proceduralist conception in this paper, note that most proceduralist conceptions of democratic legitimacy are not monistic, but add conditions that refer to the quality of outcomes to those that apply to democratic procedures. Elsewhere, I have called such conceptions of legitimacy "rational proceduralist" (Peter 2007a, b).[4] Rational proceduralist conceptions place

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less value on procedural fairness than pure proceduralist ones, as they incorporate a second category of conditions that need to be satisfied for democratic legitimacy to obtain. Conditions that fall in this second category have their source in properties of the quality of outcomes.

Proceduralists present different arguments against instrumentalism and for why it matters that people can participate in democratic decision-making under some conditions of political fairness. Here is why I think that we ought to reject instrumentalism. First, I take it as a premise that the interests and perspectives of the members of the democratic constituency inevitably diverge and that they have different views – with good reasons – about which social state is best. This premise is what Rawls has called "the fact of reasonable pluralism" (1993, 63ff.), and it entails an irreducible pluralism of reasonable comprehensive conceptions of the good.

Instrumentalists probably do not want to deny this fact. Instead, they will try to brush it aside, hoping that reasonable pluralism will not be very deep on important matters and that there is sufficient congruence in people's conceptions of the good to identify some ideal outcome. But aside from the question of how deep this pluralism is, there is the issue of what it means to respect it. I want to claim that respect of reasonable value pluralism implies that people's possibility to participate in the evaluation of alternative social states is constitutive of democratic legitimacy. Here instrumentalists will not follow. Sen's distinction between well-being and agency is helpful to defend this view (Sen 1985). Sen argues that even if the purpose is to evaluate the goodness of outcomes, it is not sufficient to take into account individuals' well-being – however interpreted. For people should not simply be seen as patients, who do or do not have well-being, but as agents interested in the autonomous formulation and pursuit of their goals. Their well-being may be one of these goals, but how they conceive of well-being is again a result of their agency, and they may pursue goals other than their well-being. To respect value pluralism is thus to respect individual agency. But to respect individual agency is to ensure that individuals have the possibility to participate in the evaluation of alternative social arrangements. If individuals are not just seen as passive carriers of well-being, but as causal forces in the forming of individual and collective goals, there is need for inclusive procedures which allow individuals with differing conceptions of the good to participate in the collective evaluation and choice of their social arrangements. We thus have an argument for why respect of reasonable value pluralism entails a demand for inclusive, fair procedures which enable individual agents to act together, or, in other words, for why respect of value pluralism entails that democratic procedures form an irreducible component of legitimacy.

It follows from this first argument for a proceduralist conception of legitimacy that the democratic decision-making process itself is at least one of the sources which confers normativity on its outcomes.[5] The instrumentalist view, which relies on a procedure-independent ideal outcome to get off the ground, is deficient in this regard. It fails to acknowledge how respect of reasonable value pluralism

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implies that the collective evaluation and choice of social arrangements in pluralist constituencies necessarily involves democratic procedures. As a result, it wrongly denies how democratic procedures are constitutive of legitimacy.

There is a further argument for democratic procedures which instrumentalists about political equality tend to neglect. This argument invokes what Sen calls democracy's constructive function. As he puts it:

> the practice of democracy gives the citizens an opportunity to learn from each other.... Even the idea of "needs" (including the understanding of "economic needs") requires public discussion and exchange of information, views and analyses. In this sense, democracy has constructive importance, in addition to the intrinsic value it has in the lives of the citizens and its instrumental role in political decisions. (1999, 3)

The constructive function of deliberative democracy captures its knowledge-producing potential. Recognition of this constructive function is a common feature of all accounts of epistemic democracy, and indeed distinguishes them from non-epistemic accounts. But different accounts of epistemic democracy interpret the constructive function differently. I shall have more to say on that. For the time being, let's say that the constructive function captures learning processes that deliberative decision-making enables. To recognize the constructive function is thus to recognize that addressing differences in how people value alternative options is not the only function of deliberative processes. Deliberative democracy extends to the evaluation of different perspectives on and insights into what the problems are that need dealing with and the merits are of alternative solutions. The constructive function of deliberative democratic decision-making lies in how it brings this multitude of perspectives to bear on the identification of alternative options for policy-making.

Naïve instrumentalists deny this aspect of the democratic decision-making process when they assume that there is a way of identifying the ideal outcome that does not require democratic participation. But sophisticated instrumentalists give some room to this constructive function. They allow for the possibility that democratic decision-making is instrumentally valuable for the identification of the ideal outcome. Indeed some forms of the standard account of epistemic democracy have precisely this structure: they defend democratic decision-making processes as necessary for the choice of the correct outcome, by arguing that the greater the number of sufficiently competent participants the greater the likelihood that the correct outcome will be chosen.

As I will have to explain, all accounts of epistemic democracy recognize the constructive function, but different accounts interpret this constructive function differently. We shall also see that recognizing this constructive function plays a crucial role not just in the defense of democracy over "epistocracy" (Estlund 2008, 7), but also in settling how to interpret the requirements of a proceduralist conception of democratic legitimacy. My aim will be to show that Estlund's epistemic proceduralism tends to portray this constructive function too minimally. The account of epistemic democracy based on Deweyan epistemology does better in this regard.

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3. TWO DEFENSES OF EPISTEMIC DEMOCRACY

Put very generally, in the epistemic interpretation, democratic decision-making processes are valued at least in part for their knowledge producing potential and defended in relation to this. In the standard account of epistemic democracy, this value comes from their potential to reach a correct outcome, as identified by a procedure-independent standard of truth. The particular epistemology that the standard account invokes is a social epistemology of the variant that Alvin Goldman has called a veritistic consequentialist epistemology. A veritistic epistemology "is concerned with the production of knowledge, where knowledge is … understood in the 'weak' sense of *true belief*" (1999, 5). As a consequentialist social epistemology, it is concerned with the effect of social practices and institutions on epistemic (veritistic) value, i.e. with how they promote or impede the acquisition of knowledge (87). Let me focus on Estlund's defense of epistemic democracy here, since I regard his proposal as the most plausible interpretation of the standard account.

Estlund (1997, 2000, 2008) rejects non-epistemic accounts of deliberative democracy because, he argues, they say too little about why deliberative democracy is to be expected to yield good outcomes – better outcomes than, say, aggregative democracy. According to him, the normative conditions imposed on deliberation should thus include an account of why it can be expected that deliberative decision-making will actually choose an outcome that is better or more just, insofar as it can be identified. This, he argues, introduces an epistemic dimension into deliberative democracy which needs to be acknowledged. I agree with Estlund that it is important to take seriously the epistemic dimension. I shall thus leave this issue aside here. Instead, I want to focus on the question of how to incorporate the epistemic dimension.

What Estlund proposes is a proceduralist interpretation of the standard account of epistemic democracy. He aims at "[m]aking truth safe for democracy" (Estlund 1993, 2008, ch. 2) by safeguarding the participants in democratic decision-making from having to surrender their judgment to some epistemic authority. According to him,

> reasonable citizens should … refuse to surrender their moral judgment on important matters to anyone. Then, unless all reasonable citizens actually agreed with the decisions of some agreed moral/political guru, no one could legitimately rule on the basis of wisdom. So there might be political truth, and even knowers of various degrees, without any moral basis for epistocracy. (1997, 183)

Estlund not only rejects epistocracy, he also criticizes forms of epistemic instrumentalism for their potentially anti-democratic implications. His arguments focus on defenses of epistemic democracy which rest on the Condorcet jury theorem. He objects to them that they fail to give a sufficient explanation for why those who disagree with the outcome of the democratic decision-making process ought to treat them as binding and demands too much deference from

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the participants of democratic decision-making.[6] Compared to the version of the standard account based on the Condorcet jury theorem, Estlund puts relatively more value on democratic procedures, and less on correctness. The conception of democratic legitimacy that he advocates is non-monist in that it first demands that a procedure be "recognizably democratic", but then adds to that the demand that, insofar as there is a choice among alternative democratic decision-making procedures with different truth-tracking potential, to implement the one that best tracks correct outcomes.[7] He calls this conception epistemic proceduralism – in a deliberate attempt to bridge the alleged gap between epistemic and proceduralist accounts of the value of democracy. Note that although Estlund seeks to de-emphasize correctness and to foreground the legitimizing force of procedures, his account does not abandon the idea that democratic procedures ought to track correct outcomes as they exist procedure-independently. According to him, the value of the democratic decision-making process depends, at least in part, on its ability to track the correct outcome. As such, it is still a version of the standard account of epistemic democracy as I have defined it above.

Estlund himself sometimes calls his conception of legitimacy "purely" procedural (e.g. Estlund 2008, 108, 116). As I use the Rawlsian terminology in this paper, however, a pure proceduralist conception of legitimacy refrains from including any reference to procedure-independent standards. Rawls (1971, 85) distinguishes between (i) "pure" procedural justice and (ii) "perfect" and "imperfect" procedural justice on grounds that the former does not make reference to a desirable outcome that is defined procedure-independently, while the latter do. According to Rawls, perfect procedural justice describes the case where there is a procedure-independent criterion for ideal or correct outcomes, and it is possible to design a procedure which guarantees that such an outcome is reached. In imperfect procedural justice there is also a procedure-independent criterion for ideal or correct outcomes, but there is no procedure which can guarantee that such an outcome can be reached. Rawls gives the trial procedure as an example of imperfect proceduralist justice – it is desirable that only the guilty get charged, and the procedure is designed to achieve that, but it cannot be guaranteed.

The same distinctions among versions of proceduralism can be applied to legitimacy. In Estlund's epistemic proceduralism, procedure-independent standards of correctness influence the selection of the procedure which has the capacity to be legitimacy-generating. As such, his conception of legitimacy is not purely procedural. Instead, it is better described as having the structure of imperfect proceduralism. It assumes a procedure-independent standard for correct outcomes and defends a particular democratic procedure in terms of its ability to approximate these outcomes, factoring in implications of the impossibility of guaranteeing that the procedure always gets it right. It is a feature of an imperfect proceduralist conception of democratic legitimacy that a particular decision may fail to reach the ideal outcome – i.e. the correct outcome in the case of epistemic proceduralism – yet still be legitimate. This feature plays an important role in Estlund's epistemic

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proceduralism. He uses it to distinguish epistemic proceduralism from what he calls "correctness theories" of legitimacy. According to correctness theories, a decision has to be correct to be legitimate. Estlund's epistemic proceduralism does not demand that, but this feature is accounted for in imperfect proceduralism and does not render his conception of legitimacy purely procedural. To put my point differently, whereas pure proceduralism is monistic about legitimacy, Estlund's imperfect proceduralist conception is non-monistic. To underline the non-monist structure of Estlund's conception of legitimacy and to distinguish it from pure epistemic proceduralism, I call his conception of democratic legitimacy "rational epistemic proceduralism".[8]

What speaks for Estlund's account is that it is better able to explain why democratic procedures are constitutive for legitimacy than rival versions of the standard account of epistemic democracy – for example, those based on the Condorcet jury theorem.[9] First, Estlund does not attribute merely instrumental value to democratic procedures. Instead, he uses the truth-tracking criterion as a selection device among procedures that satisfy criteria that render them "recognizably democratic". In Estlund's rational epistemic proceduralism, democratic procedures thus play an irreducible role for legitimacy. Second, it respects individual agency by explicitly not requiring individuals to defer to a majority view when they believe that they have good reasons to hold a different view. While holding on to the assumption that there is a correct outcome and that democratic decision-making processes differ in their truth-tracking potential, it honors the possibility of error in any judgment – even the judgment of a vast, well-informed majority – and refuses to ask individuals to surrender their own judgment to the outcome of a probabilistic calculation.

I agree with Estlund that it is important to insist on the independent importance of procedures even in an account of epistemic democracy. But while, for this reason, I regard his interpretation of the standard account of epistemic democracy as superior to the more instrumentalist ones, there is still a problem with his account. The problem is that while it treats democratic processes as having knowledge-producing potential, and is careful to limit the potentially silencing effects of aiming for correctness by making room for the possibility of error, it fails to account for the epistemic value of sustained controversial democratic deliberation and persisting dissent.

The problem I have in mind is that the legacy of the opposition between epistemic and procedural democracy that I have mentioned in the introduction still shows in his account. In his recent book, Estlund draws a contrast between his epistemic proceduralism and "deep proceduralism" (2008, 29). Deep proceduralism, he writes, "never appeals to the existence of any procedure-independent standard for better or worse political decisions" (30). This, he argues, distinguishes it from his epistemic proceduralism, which relies on such standards. The distinction between epistemic and deep proceduralism relies on a sharp contrast between the value of procedural fairness that deep proceduralism rests on

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and the epistemic value that epistemic proceduralism draws on. As he puts it in an early article, "procedural fairness … is not a cognitive process" (1997, 196). What this opposition between epistemic proceduralism and deep proceduralism fails to acknowledge is how the epistemic dimension could be accounted for without invoking procedure-independent standards. My goal is precisely to argue for a view of this sort. Pure epistemic proceduralism, as I shall explain, achieves this by drawing on a proceduralist social epistemology.

But let's take a couple of more modest steps first, and investigate how the opposition between procedural values and epistemic values may not be as clear-cut as Estlund suggests. Consider, first, Estlund's objection against non-epistemic accounts of deliberative democracy which are based on a pure proceduralist conception of democratic legitimacy. According to him, by defending deliberative democracy on grounds of the fairness of procedures, they fail to render it plausible why deliberation is important in the first place; choosing an outcome randomly, e.g. by flipping a coin, could be just as fair (Estlund 1997, 178; 2008, 82ff.). I do not think this objection is valid, at least not in this strong form. For the aim of deliberation does not reduce to selecting a particular outcome. It has importance also by contributing to how participants form their preferences, and to how the political agenda is determined. Deliberative democrats tend to emphasize these features as part of the argument for why the specific fairness conditions that deliberative democracy imposes make it preferable to aggregative democracy (e.g. Christiano 1996; Cohen 1989, 1997). But note that these features are part of the learning process which deliberative decision-making enables, and which earlier I have called the constructive function of democracy. Tossing a coin neglects this constructive function of deliberative democratic decision-making, and the strong version of Estlund's objection thus misfires.

This said, there is a weaker form of Estlund's objection that I think is valid. In its weaker form, the objection is that non-epistemic versions of pure proceduralism fail to make it transparent what the constructive function of deliberative decision-making is. But note that a variant of this weaker objection also applies to Estlund's version of epistemic proceduralism. Because he uses the epistemic argument only as a selection device, not as part of the defense of democratic procedures, he dissociates the value of democratic procedures from the value of this learning process. As such, it too neglects important aspects of the constructive function of democracy, and is thus vulnerable to a similar objection.

In a recent article in this journal, Elizabeth Anderson (2006) has defended an account of epistemic democracy based on John Dewey's work for precisely the reason that it is better able than the standard account to explain the learning process inherent in deliberative decision-making and the epistemic value of dissent. What she regards as the main advantage of Deweyan epistemic democracy is "that it allows us to represent dissent, even after a decision has been made, as epistemically productive, not merely as a matter of error" (9). Such dissent alerts to deficiencies in a chosen policy, and can prompt a new search for better

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policies. The claim she defends in the article is that "John Dewey's experimentalist account of democracy offers a better model of the epistemology of democracy than alternatives" – and better than the standard account with its foundation in veritistic social epistemology in particular.[10]

I agree with Anderson that insofar as a Deweyan account of epistemic democracy has a more comprehensive explanation of the constructive function of deliberative decision-making than the standard account, this provides an argument for it. I thus want to explore here how pragmatist social epistemology deals with the constructive function of deliberative democracy. As we shall see, while I am sympathetic to Anderson's defense of Deweyan epistemic democracy based on the epistemic value of democratic deliberation, I think that a Deweyan account runs into a problem of its own. The problem is one that does not arise in Estlund's epistemic proceduralism, and this suggests that there is need for a third alternative. But let me first explore in some more detail what exactly the Deweyan epistemological defense of democracy entails and then discuss its merits and flaws.

Dewey's epistemology is not veritistic; in his view, epistemic value cannot be reduced to knowing things as they are, and as they exist independently of our inquiry into them. Dewey dismisses what he called the "spectator theory of knowledge", which conceives of knowledge as of fixed objects which exist independently of the subject and which the subject observes, as if seeing them in a mirror. Instead, he conceives of knowledge, and of the process of inquiry, as oriented towards solving problems that affect people's lives.

Central to his epistemology is the process of inquiry, as modeled on the methods of experimental science. In *The Public and its Problems* Dewey writes:

> The layman takes certain conclusions which get into circulation to be science. But the scientific inquirer knows that they constitute science only in connection with the methods by which they are reached. Even when true, they are not science by virtue of their correctness, but by reason of the apparatus which is employed in reaching them. (1927, 163)

He trusts the process of scientific inquiry to contribute to "increasing knowledge of things as they are" (1939). But, in contrast to veritistic epistemology, he does not place value on achieving correspondence as such. In his view, in line with the pragmatist tradition, the isolated pursuit of inquiry into things as they are may have negative consequences. Instead, it is the sustained attempt to improve people's living conditions through experimental interaction with the natural and social environment that he sees as the aim of the process of inquiry. According to Dewey, "[s]cience is converted into knowledge in its honorable and emphatic sense *only* in application" (1927, 174, his emphasis), and by application he means "recognized bearing upon human experience and well-being".

Dewey explicitly applied his epistemology to the theory of democracy, rejecting any principled distinction between scientific inquiry and inquiry in other spheres. According to him,

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> Democracy as compared with other ways of life is the sole way of living which believes wholeheartedly in the process of experience as end and as means; as that which is capable of generating the science which is the sole dependable authority for the direction of further experience .... For every way of life that fails in its democracy limits the contacts, the exchanges, the communications, the interactions by which experience is steadied while it is also enlarged and enriched. (1939, 4)

In this account, free, open, and sustained social inquiry is a necessary means for effective problem solving. Knowledge in Dewey's sense does not exist in single individuals' minds, nor in small groups. Only when inquiry is conducted in such a way that all can take part and contribute to the attempt to solve common problems and test proposed solutions is knowledge its product.[11] (Deliberative) democracy is the form of life that enables this inquiry, and thus that enables effective problem solving. In contrast to forms of association which try to constrain social inquiry and the collective engagement with its results, democracy enables the formation of judgments about what ought to be done.[12] This, roughly, is Dewey's epistemic defense of democracy.

What I regard as the most attractive part of Dewey's epistemic defense of democracy is how he attributes epistemic value to democratic participation. Note that, as a result of this insistence on the need for democratic participation, Dewey firmly rejects the naïve instrumentalist view that I have discussed in section 2. He has the following to say about those who attempt to further the common good without active participation of those who are supposed to benefit:

> There is a moral tragedy inherent in efforts to further the common good which prevent the result from being either good or common – not good, because it is at the expense of the active growth of those to be helped, and not common because these have no share in bringing the result about. The social welfare can be advanced only by means which enlist the positive interest and active energy of those to be benefitted or "improved" ... [W]ithout active cooperation both in forming aims and in carrying them out there is no possibility of a common good.[13]

Dewey, like other epistemic democrats, rejects the idea of an "epistocracy" – he refuses to trust a small group of experts with bringing about a good outcome and insists on the importance of democratic participation. But he attributes a different value to participation than versions of the standard account of epistemic democracy. For Dewey, democratic participation has epistemic value, but not simply in relation to its contribution to the discovery of an independently existing correct outcome. For Dewey, as we just saw, people's active participation in the evaluation and testing of the results of social inquiry is necessary for them to count as knowledge; knowledge has to be shared for there to be collective experimentation. People's participation is an essential requirement in the effective solution of social problems. Dewey's epistemic defense of democracy thus supports the ideal of democratic inclusion on epistemic grounds. For social inquiry to yield good results, it has to be open to the diversity of people's perspective and experiences.

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Dewey's insight into the epistemic value of democratic participation sheds light on what is missing in Estlund's account of epistemic democracy. Of course, Estlund's account supports including a diversity of perspectives and experiences insofar as this increases veritistic value. As he stresses, "thinking together" is likely to improve the outcome of collective decision-making, as "[m]ore minds will tend to bring more relevant reasons into play, and this (other things equal) has epistemic value" (2008, 181). Such benefits of deliberation are one consideration that will influence which democratic process counts as the best truth-tracker. Unlike Dewey, however, he does not have an argument for why including a diversity of perspectives and experiences is part of what confers epistemic value on the outcome. Neither does the interpretation of the standard account based on the Condorcet jury theorem. All that this account requires is that there are sufficient numbers of participants that are all more likely than not to identify a correct outcome. On both versions of the standard account, the value of including a diversity of perspectives and experiences is not an end, as in Dewey's account, but only a means towards veritistic value. Dewey's experimentalism has a more explicitly procedural account, in which sustained and controversial deliberation is constitutive of the epistemic value of the outcomes; it being the result of such a process is part of what it means for the outcome to be correct. Because the standard account fails to incorporate this value of epistemic diversity, it can only offer a relatively thin description of what above I have labeled the constructive function of deliberative democratic decision-making.

I thus agree with Anderson that how the Deweyan epistemic defense of democracy can make sense of the constructive function of deliberative democratic decision-making constitutes its main advantage over the standard account. Anderson (2006) is right to stress how Dewey's insistence on sustained, free, and open inquiry enables his account not just to accommodate persisting disagreement, but to attribute positive epistemic value to it. But should we thus abandon the standard account and replace it by a Deweyan account of epistemic democracy, as she suggests? I do not think so. For Dewey's epistemology is affected by a problem of its own – one which Estlund's account of epistemic democracy has a better handle on. The problem is that Dewey's epistemology presupposes a doubtful harmony about the ends of inquiry and this clashes with the first argument for proceduralism that I have discussed – respect of (reasonable) pluralism.[14]

Dewey's moral philosophy is consequentialist.[15] He thus has to assume that there are some shared goals that can give direction to the aim of problem-solving and inform the assessment of the consequences of different proposals – even if he grants that democratic procedures are necessary to help determine what these shared goals are. We saw that Dewey has no difficulty with recognizing epistemic diversity. This sets his account apart from the standard account of epistemic democracy. But if individual agency expresses itself not only in diverse epistemic perspectives, but also in an irreducible pluralism of values, the possibility must be acknowledged that there are no shared goals, and hence no shared view of

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how social problems might best be solved. In this case, the normative anchor for Dewey's epistemic defense of democracy loses its grip.

The focus on problem-solving makes Dewey's epistemology consequentialist even if not veritistic.[16] The shared consequentialist structure of their epistemologies reveals a parallel between Dewey's and Estlund's accounts of epistemic democracy – in spite of the differences in their views about veritistic value. Both argue for the importance of the deliberative process (what Dewey calls the process of inquiry), and then advise us to select that institutional arrangement which is best able to bring about the desired outcome. In Estlund's account, the idea is to select that institutional organization of deliberative decision-making which has the greatest truth-tracking potential. In Dewey's account, the idea is to ensure that the deliberative process effectively contributes to solving social problems.

Estlund's version of the standard account of epistemic democracy and Dewey's pragmatist account each have something to offer that the other lacks. But their consequentialist epistemologies stand in the way of acknowledging both tenets of proceduralism that I have identified in section 2. Deweyan epistemic democracy is better able than Estlund's account to make sense of the constructive function of deliberative democratic decision-making. But Estlund's epistemic proceduralist conception of democratic legitimacy avoids letting epistemic considerations trump respect of reasonable value pluralism and recognizes the link between respect of individual agency and the constitutive role of democratic procedures in a conception of legitimacy. Dewey's epistemic defense of democracy can account for the productive value of epistemic diversity, but has difficulties with the argument that links democratic procedures to respect of value pluralism and individual agency. Unlike Estlund's version of epistemic proceduralism, it thus fails to support what I had identified as the first tenet of the argument for proceduralism.

I now want to explore a third account of epistemic democracy. I shall argue that this one is preferable to the other two, as it is able to accommodate both value pluralism and a non-instrumental account of epistemic diversity and of the constructive function of democracy. Its epistemology is proceduralist.

4. TOWARDS PURE EPISTEMIC PROCEDURALISM

Borrowing from Goldman's set of definitions again, proceduralist epistemology focuses exclusively on "the intrinsic merits of intellectual practices to judge their epistemic worth or propriety" (1999, 75). In contrast to veritistic epistemology, it dispenses with the idea that a procedure-independent standard is necessary to assess the quality of the knowledge-producing practices. Epistemologies that fit my definition have been developed by many social epistemologists, but most notably by feminist epistemologists and philosophers of science (e.g. Longino 1987, 2002a; Harding 1991, 1998). I shall focus here on the proposal Helen Longino puts forward in her book *The Fate of Knowledge* (2002a). Longino addresses the so-called "science wars" and seeks to identify a viable middle-ground between those who

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defend traditional epistemology and philosophy of science and those who argue that the knowledge-producing practices of science are social through and through. Her strategy is to argue against views which assume a dichotomy between "the rational" and "the social" – between what can be known (the truth) and what is known (the product of social processes that are better or worse truth-trackers). She does so by defending a view of cognition as an inherently social process – as rooted in a set of knowledge-producing social practices to which certain normative criteria apply.

Her argument rests on a distinction between three senses of knowledge: (i) knowledge-producing practices; (ii) knowing; and (iii) the content of knowledge (Longino 2002a, 77ff.). Different epistemologies and philosophies of science have different interpretations of these three senses of knowledge and how they are related. In traditional epistemology – and for those in the "rational" camp in the science wars – knowing describes a state where an epistemic subject S accepts a certain proposition, the proposition is true, and S is justified in believing that the proposition is true. The content of knowledge is what is thus known to epistemic subjects. Knowledge-producing practices, finally, are those processes of belief acquisition that justify belief. In those strands in (empirical) science studies that represent the "social" side of the dichotomy, by contrast, all three senses of knowledge are interpreted in social terms. Knowledge-producing practices are a set of social practices which shape the evaluation of propositions in the relevant community. Knowing refers to a state in which an epistemic subject S accepts a proposition, and both the proposition itself and the fact that S accepts the proposition are acceptable in the relevant community. The content of knowledge again refers to what is thus known by epistemic subjects. These empirical approaches are descriptive, not normative, about knowledge.

In Longino's hybrid view, the process of knowledge production is social and she rejects the idea that this process can be reduced to the rational justification of belief. In this regard, she takes on board insights from social studies of science. At the same time, she also rejects the idea that this would force her to take a purely descriptive approach. Instead, her view locates normativity in these social practices themselves. Her alternative account, she writes,

> locates justification, or the production of knowledge, not just in the testing of hypotheses against data, but also in subjecting hypotheses, data, reasoning, and background assumptions to criticisms from a variety of perspectives.... Because the assumptions that constitute the intellectual context of observation and reasoning are, by their nature, usually not explicit but tacit patterns of thought, the function of critical interaction is to make them visible as well as to examine metaphysical, empirical, and normative implications. These discursive practices are both constructive and justificatory.... Sociality does not come into play at the limit of or instead of the cognitive. Instead, these social practices *are* cognitive. (2002a, 205)

In continuation with traditional epistemology she holds on to the idea that there are normative criteria that apply to knowledge-producing practices. But she

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breaks with the traditional approach by dissociating normativity from a procedure-independent standard for what counts as a good outcome. In consequence, she defines knowing and the content of knowledge entirely in relation to the process of knowledge production – and not in relation to a procedure-independent idea of truth. Her epistemology is thus proceduralist because it dispenses with procedure-independent criteria for what counts as knowing or for what defines the content of knowledge. It is normative, and not just empirical, because it has a set of criteria that distinguishes among knowledge-producing practices, and knowing and its content depend on the appropriateness of the procedure of which they are the outcomes.

With regard to the conditions that the knowledge-producing process ought to satisfy, Longino proposes a list of four (2002a, 128ff.). The first condition, "publicly recognized forums for the criticism of evidence, methods, and of assumptions and reasoning", demands that criticism of original research is not marginalized. This condition is concerned with creating space for critical discourse – within the venues of original research. The second, "uptake of criticism", addresses the transforming potential of critical discourse. Uptake is understood as cutting both ways: i.e. both defenders of a certain knowledge claim and its critics should be responsive to each other. The third criterion demands "publicly recognized standards by reference to which theories, hypotheses, and observational practices are evaluated and by appeal to which criticism is made relevant to the goals of the inquiring community." Public, not just implicit, standards help both defenders of a certain claim and their critics to identify their points of agreement and disagreement and structure the process in which arising problems are handled. This criterion ensures that critical discourse is orderly and constructive, rather than chaotic and destructive. Longino adds that these standards need not be static, but can themselves come under scrutiny. Finally, she lists "tempered equality … of intellectual authority", a criterion that warns of illegitimate associations between social, political, and/or economic privilege and power with epistemic privilege and power.

These four conditions give answers to the "where", "why", "how", and "who" questions about processes of knowledge production. None of these criteria refer to a procedure-independent ideal of a good outcome. This is more straightforward with the conditions that refer to the "where" and the "who" – publicly recognized forums and equality of intellectual authority. But even the "why" and the "how" – uptake of criticism and publicly recognized standards – do not imply an ideal of a correct outcome that would exist procedure-independently and which the procedure would be supposed to track. Epistemic practices, in her account, are best interpreted as irreducibly procedural – there is nothing beyond critically engaging with each other in transparent and non-authoritarian ways. What Longino puts at the center of her epistemology is the demand that knowledge claims be scrutinized from a variety of perspectives, and in particular that it is possible to subject the background assumptions embedded in the scientific practices which support these claims to critical examination of their "metaphysical, empirical, and normative implications".[17]

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Acknowledging the influence of background assumptions embedded in scientific practices thus forms an important part of her claim that cognition is an irreducibly social process. In fact, it probably constitutes the main difference between her social epistemology and the theory Philip Kitcher presents in *Science, Truth, and Democracy* (2001). Since both emphasize the productive role of democratic values in social epistemology, it will be helpful to briefly discuss this difference. Compared to his earlier book, *The Advancement of Science* (1993), Kitcher's more recent interpretation of social epistemology recognizes blurred boundaries between the epistemic and the social. He introduces the idea of significance graphs to capture the role of social influences on what counts as scientifically significant. A significance graph is a map that informs us how certain topics have become relevant. It is made of directed arrows between such items as "questions, answers, hypotheses, apparatus, methods, and so forth" that contribute to the construction of epistemic significance (2001, 78). Since maps are always drawn to answer particular questions – about the topography, about streets and highways, about landmarks, etc. – no map is neutral. Significance graphs, similarly, do not just depend on epistemic goals and conditions, but on social factors too. A significance graph represents how what is known – what the map depicts – is at least partly socially constructed.

Kitcher (2001) thus recognizes that research agendas pursued within science may have a social component and that scientific inquiry, left to itself, may not be able to manage these social influences and protect itself from arbitrariness. Borrowing from Rawlsian terminology, Kitcher proposes the ideal of a well-ordered science in response (2001, ch. 10). A well-ordered science is accountable to society at large through democratic control over the aims of inquiry. According to Kitcher, democratic evaluation should ensure that the research agendas pursued within science are not the product of social biases, but are indeed conducive to produce significant truth. It is thus an instrument for the maintenance of the rationality of scientific inquiry.

The interesting contrast with Longino's proposal is the following. For Kitcher, democracy plays a role only at the level of science policy – it is necessary for the determination of the aims of inquiry. For Longino, however, democratic values also play a role at the level of scientific inquiry itself – as conditions that shape scientific practices.[18] This contrast has its origin in how Kitcher models cognitive agency. According to him, social factors have some influence on the aims that scientists pursue – in addition to purely epistemic aims. And scientific practices are simply the result of the interactions among interest-maximizing individuals.[19] Kitcher seems to think that drawing a significance graph is a straightforward task. In his model, its nodes and paths are the result of the maximizing behavior of the epistemic agents and can be reconstructed and explicated as such. On the basis of such a graph, in well-ordered science, a democratically organized public should decide which of the currently possible research agendas most further the common good – as opposed to what best satisfies the aims of the scientists.

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Longino's social epistemology rests on a more subtle notion of the social influences on scientific practices than Kitcher's theory. In Longino's theory, there are important social factors in the background assumptions that shape scientific practices – they frame the options that scientists perceive. On this view, social factors embedded in scientific practices help mold scientific significance without conscious activities by particular agents. But this makes it both more difficult to examine their diverse influences than Kitcher assumes, and also more important from a normative point of view. Joseph Rouse puts the problem in the following way:

> precisely because what is at issue in a practice and what is at stake in conflicts over those issues are assumed to be what "everybody knows", these issues and stakes often remain only partially articulated and therefore less susceptible to normative constraint. (1996, 142–3)

Longino's proceduralist epistemology targets precisely this influence and the need for normative conditions which apply within scientific inquiry – to scientific practices themselves. Her proposal thus argues for the importance of democratic values not just at the level of science policy, but at the level of scientific inquiry as well. Kitcher's ideal of a well-ordered science neglects this problem because he treats the influence of background assumptions on how scientific inquiry is conducted as unproblematic. It allows for the possibility that democratic evaluation of the ends of scientific research may be productive, but it does not consider how democratic values may be fruitfully brought to bear on the process of inquiry itself by creating room for the scrutiny of the influence of tacit background assumptions.

While Longino developed her social epistemology in the context of philosophy of science, it is, just like veritistic social epistemology or pragmatist epistemology, applicable to the context of democratic theory. Let me end this paper by defending such an account of epistemic democracy first against the standard account and then against a Deweyan account. An account of epistemic democracy based on her proceduralist epistemology incorporates the epistemic dimension into a concern with fair procedures by stressing the epistemic value of fair deliberative processes. The associated conception of democratic legitimacy, pure epistemic proceduralism, only refers to conditions of political fairness, but includes among those conditions not just standard criteria of political equality (whatever they may be exactly), but also conditions that specify epistemic fairness (such as those Longino proposes).

This conception of democratic legitimacy differs both from Estlund's version of rational epistemic proceduralism, and from pure proceduralist conceptions that rest on a non-epistemic account of deliberative democracy. Pure epistemic proceduralism differs from a non-epistemic version of pure proceduralism in that the former includes, in their own right, criteria that specify epistemic fairness. It includes not just criteria that refer to equal possibilities to participate in the deliberation over given policy proposals, but also criteria that regulate public

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deliberation at the fact-gathering and analysis stages of processes of policy formulation. At the same time, pure epistemic proceduralism offers a way of capturing the knowledge-producing potential of democratic processes without including any conditions that target the veritistic quality of outcomes. As such, it differs from the conception of legitimacy that Estlund advocates. Pure epistemic proceduralism incorporates epistemic concerns without referring to the idea that there exists, procedure-independently, a correct outcome of democratic decision-making and dismisses the focus on correctness as normatively misleading.[20] The account of epistemic democracy that rests on pure epistemic proceduralism portrays public deliberation as an ongoing process of critical engagement and learning with conflicting representations of what the problems are, what it takes to solve them, and the reasons people have for valuing alternative options thus construed. Because it treats the deliberative process as a cognitive process, pure epistemic proceduralism is better able than Estlund's conception of democratic legitimacy to capture the constructive function of democratic deliberation. It values epistemic diversity and explains why the expression of dissent, and collective action organized around dissent, can be the engines for the evaluation and transformation of unjust or otherwise problematic arrangements through democratic processes. What pure epistemic proceduralism shares with Estlund's proposal is the first proceduralist tenet that individual agency and reasonable pluralism of value ought to be respected. But since it can better accommodate the second tenet – the constructive function of deliberative democratic decision-making – pure epistemic proceduralism is preferable to Estlund's rational epistemic proceduralism.

How does the account of epistemic democracy that I am advocating here differ from a Deweyan account and why would it be preferable? Longino's proceduralist epistemology shares with Deweyan epistemology an emphasis on sustained critical interaction. In fact, at times, Dewey himself sounds like a proceduralist. Consider the following passage, for example:

> The true purity of knowledge exists not when it is uncontaminated by contact with use and service. It is wholly a moral matter, an affair of honesty, impartiality and generous breadth of intent in search and communication. The adulteration of knowledge is due not to its use, but to vested bias and prejudice, to one-sidedness of outlook, to vanity, to conceit of possession and authority, to contempt or disregard of human concern in its use. (1927: 175–6)

This passage, with its insistence on "honesty, impartiality and generous breadth of intent in search and communication", certainly makes clear that for Dewey, too, there are important procedural epistemic values. And Dewey, like Longino, insists on epistemic inclusiveness – to uncover "vested bias and prejudice". Both, finally, have a positive account for why epistemic diversity is productive.

While pure epistemic proceduralism thus has many features in common with Deweyan epistemic democracy, there is one important difference. As we saw,

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the pragmatist case for respecting epistemic diversity and for inclusive epistemic practices is based on a consequentialist focus on effective problem-solving. In a purely proceduralist account of epistemic democracy, by contrast, the case rests on making the process of deliberative inquiry – not its outcome – central. It defends a set of practices in which epistemic agents critically engage with each other under conditions of transparency and reciprocity as the bedrock of an account of the knowledge-producing potential of deliberation. And it accommodates the possibility of an irreducible plurality in the aims of inquiry instead of stipulating a particular goal for epistemic practices. According to pure epistemic proceduralism, legitimate decisions are those which are the result of deliberation under conditions of political and epistemic fairness. Their legitimacy does not depend on procedure-independent standards of correctness, or on their ability to contribute to the common good by solving social problems.

The difference between the role procedures play in pure epistemic proceduralism and in Deweyan epistemic democracy is best explained by reference to Christine Korsgaard's two distinctions in goodness (Korsgaard 1983). The first distinction is between means and ends. The second distinction, which is often taken to coincide with the first, is between intrinsic and extrinsic value. The latter distinction focuses on the source of value. Intrinsic value means that what is valued carries the source of value within itself. Something is extrinsically valued if the source of value is outside of itself. If something is intrinsically valued, it will always be valued as an end, not just as a means. But if something is extrinsically valued, it may be valued as a means or as an end. Dewey's epistemology leads him to value deliberative procedures both as an end and as a means, but because of its consequentialist structure, these procedures only have extrinsic value. It is the common good which has intrinsic value, and which confers this value, via the necessary procedures, to legitimate outcomes. In pure epistemic proceduralism, by contrast, deliberative decision-making has intrinsic epistemic value. The conditions of political and epistemic fairness which shape this process are the only source for the normativity of legitimate decisions.

An account of epistemic democracy based on Longino's non-reductionist epistemology has the advantage over one based on Dewey's consequentialist epistemology that it does not run into the problem that the latter has with the fact of reasonable value pluralism and with attributing more than instrumental value to individual agency. Because pure epistemic proceduralism can thus accommodate both proceduralist tenets it is preferable not just to Estlund's version of the standard account of epistemic democracy, but to Deweyan epistemic democracy as well.

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NOTES

1 List and Goodin (2001), for example, follow this strategy.
2 The distinction between consequentialist and proceduralist social epistemologies is from Goldman (1999).
3 This definition is akin to the one proposed by Christiano (2004).
4 This category combines what Rawls has called perfect and imperfect proceduralism – see Rawls (1971, 85). I shall come back to the distinction between pure and rational proceduralism in section 3, when I discuss Estlund's version of epistemic proceduralism.
5 The idea is well expressed by Christine Korsgaard:

> it is the procedures themselves that confer normativity on those results … And the normativity of the procedures themselves springs not from the quality of their outcomes, but rather from the fact that we must have such procedures if we are going to form a general will. In order to act together – to make laws and policies, apply them, enforce them, in a way that represents, not some of us imposing our private wills on others, but all of us acting together from a collective general will – we must have certain procedures that make collective decision and action possible, and normatively speaking, we must stand by their actual results. (1997, 309)

6 The arguments Estlund presents (primarily in Estlund 2008, ch. 12) against the Jury Theorem are not central to the argument I am building here, and I thus refrain from retracing them.

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7 "Democratic legitimacy requires that the procedure can be held, in terms acceptable to all qualified points of view, to be epistemically the best (or close to it) among those that are better than random" (Estlund 2008, 98). Compared to the conception of legitimacy Estlund defended in earlier papers, especially in Estlund (1997), his current formulation has weaker requirements of political equality.

8 I have developed this terminology elsewhere. I use the label "rational proceduralism" to apply to both perfect and imperfect proceduralism, and thus in contrast to pure proceduralism. The general idea is that rational proceduralist conceptions of legitimacy – whether aggregative, deliberative, or epistemic – combine conditions which refer to procedural values (typically conditions of political fairness) with some procedure-independent standards for assessing the quality of the outcomes of democratic decision-making. Pure proceduralist conceptions, by contrast, do not involve conditions that rely on such procedure-independent standards. Examples of conceptions of legitimacy that fall in my category of rational proceduralism include the conceptions underlying Arrow's framework for social choice theory (Arrow 1963) and Habermas's ideal of deliberative democracy (Habermas 1996). See my (2007a and 2007b) for further discussion of these alternative conceptions of legitimacy.

9 An elaboration of the standard account based on the Condorcet jury theorem uses Bayesian updating. For a helpful discussion of this interpretation of the standard account, see Goodin (2003).

10 Anderson (2006, 9). Dewey's theory can be found in *The Public and its Problems* (1927), and in a short article entitled "Creative Democracy" (1939). See also Putnam (1990).

11 "Knowledge cooped up in a private consciousness is a myth, and knowledge of social phenomena is particularly dependent upon dissemination, for only by distribution can such knowledge be either obtained or tested" (Dewey 1927, 176–7).

12 "Communication of the results of social inquiry is the same thing as the formation of public opinion. … For public opinion is judgment which is formed and entertained by those who constitute the public and is about public affairs" (Dewey 1927, 177).

13 Dewey quoted in Putnam (1990, 1676). As I shall argue below, Dewey's rejection of the naïve instrumentalist view does not imply that Deweyan epistemic democracy is not instrumentalist in some other way.

14 On this, see also Talisse and Aikin (2005).

15 See also Putnam (1990, 1676).

16 Goldman calls pragmatist social epistemology "utility consequentialism" (1999, 72). He characterizes it as "the view that social belief-causing practices should be evaluated by the amount of utility … that they would produce".

17 Her interpretation of the influence of tacit patterns of thought on scientific inquiry also leads her to endorse "nonmonism". Nonmonism is a claim about the content of knowledge and denies "that there is exactly one (correct, complete, consistent) account" (Longino 2002a, 91). She thus rejects Kitcher's realism.

18 Longino (2002b) comments on this.

19 In reaction to Kitcher (1993), Longino writes:

> The distinction between the pure and the sullied (or the honest and the value-laden) suggests that either inquirers have no preconceptions or they are deliberately trying to insinuate their social views where they do not belong (or to advance their careers). This reinscription of cognitive Manichaeanism presupposes a simplistic

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> account of cognitive agency and misunderstands what social and cultural analysts, including feminist scholars, of the sciences have been claiming: that values and social preconceptions are embedded in scientific concepts and practices and are carried, for the most part, unconsciously by scientific practitioners. (2002a, 75)

20 I have argued for this in Peter (2007a).

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