

Copyright © 2005 Guido Pincione and Fernando R. Tesón

DEMOCRACY, DELIBERATION, AND RATIONALITY

Guido Pincione & Fernando R. Tesón

Cambridge University Press, forthcoming

CONTENTS

CHAPTER 1. INTRODUCTION

- 1.1. The Allure of Deliberation**
- 1.2 Rational Choice and Political Discourse**

CHAPTER 2. THE EPISTEMIC ARGUMENT FOR DELIBERATION

- 2.1. Political Illiteracy: an Illustration**
- 2.2. Discourse Failure**
- 2.3. Patterns of Political Belief**
- 2.4. Persuasive Definitions**
- 2.5. Discourse Failure and Desert**
- 2.6. The Cost of Dissent**

CHAPTER 3. THE RATIONAL CHOICE FRAMEWORK

- 3.1. Instrumental and Epistemic Rationality**
- 3.2. Rational Choice and Morality**
- 3.3. Why Our Argument Is Not Ad Hominem**
- 3.4. A Note on Empirical Testing**

CHAPTER 4. THE RESILIENCE OF DISCOURSE FAILURE

- 4.1. Reliable Social Science and Opacity**
- 4.2. Deliberative Institutions**
- 4.3. Good Policies, Bad Reasons**
- 4.4. Shortcuts**
- 4.5. Deliberation, Free Speech, and Truth**
- 4.6. Deliberation as a Regulative Ideal**
- 4.7. Deliberative Democracy, Condorcet, and Bayes**
- 4.8. Types of Discourse Failure: A Summary**

CHAPTER 5. SYMBOLISM IN POLITICAL ARGUMENT

- 5.1. Self-Defeatingness as Symbolism**
- 5.2. Symbolic Behavior in Politics**
- 5.3. Symbolic and Causal Utility: Nozick's Challenge**
- 5.4. Symbolizing as the Intended Outcome**
- 5.5. Are Self-Defeating Reformers Rational?**
- 5.6. Why Political Deliberators Appear to Neglect Consequences**

CHAPTER 6. DISCOURSE FAILURE AND POLITICAL MORALITY

- 6.1. The Moral Turn**
- 6.2. Balancing, Deontology, and The Display Test**
- 6.3. Direct Involvement in Evildoing**
- 6.4. Split Responsibility**
- 6.5. Causal Complexity in Political Argument**
- 6.6. Moral Error**
- 6.7. Enforcement and Causation**
- 6.8. Summary and Caveat**
- 6.9. A Note on Religious Morality**
- 6.10. Appendix: Minimum Wages and Employment**

CHAPTER 7. NON-EPISTEMIC DEFENSES OF DELIBERATION

- 7.1. Deliberation as the Exercise of Autonomy**
- 7.2. Sincerity in Deliberation**
- 7.3. Deliberation and Social Conflict**
- 7.4. Deliberation and Impartiality**
- 7.5. Deliberation, Participation, and Equality**
- 7.6. Is Discourse Failure Always Bad?**

CHAPTER 8. DELIBERATION, CONSENT, AND MAJORITY RULE

- 8.1. Consent and Reasonableness**
- 8.2. Deliberation, Justice, and Rights**
- 8.3. Deliberation and Majority Rule**
- 8.4. Vote Indeterminacy**
- 8.5. The Courtroom Analogy**
- 8.6. Substantive Principles and Deliberative Politics**

CHAPTER 9. OVERCOMING DISCOURSE FAILURE: VOLUNTARY COMMUNITIES

9.1. A Contractarian Society

9.2. Contracts and Truth

9.3. Contracts and Compromise

9.4. The Paradox of Contract

9.5. Further Objections and Replies

9.6. Discursive Advantages of Voluntary Communities

9.7. Loose Ends

**OUTLINE OF THE BOOK
EXCERPT FROM SECTION 1.1.**

One reason given in favor of civic deliberation is epistemic: deliberation improves the (empirical or normative) soundness of our beliefs. Indeed, it would be odd for one to promote political deliberation if one thought of it as an exchange of ideas and arguments unrelated to the search for the truth. The idea of deliberation as a vehicle to truth is old and venerable. It was best put by John Stuart Mill in his defense of free speech: vigorous and lively discussion leads to the survival of the better ideas in society.¹ Deliberative democrats regard deliberation as a means to enhance the legitimacy of political coercion by, among other things, approaching truth in politics as close as can be feasibly done.² Though perhaps neither necessary nor sufficient for the legitimacy of political coercion, on this view deliberation contributes to that legitimacy by enlightening political discourse.

Deliberation might enlighten us on two counts. On the one hand, it might enable us to reach factual truths. This is a central theme in the philosophy of science. By constantly probing into alternative hypotheses, the scientific community moves science in the direction of truth.³ On the other hand, deliberation might enable us to reach moral truths.⁴ If we believe that moral progress is possible, then we will endorse continuous discussion, revision, and refinement of our moral beliefs, thus again improving our practical reasoning with a view to behaving correctly or virtuously. Deliberative democracy may also be defended on non-epistemic grounds. Thus, some writers value the symbolic function that deliberation can fulfill. Others claim that deliberation embodies recognition of citizens' autonomy or their equal moral standing, or that it helps prevent social conflict.

In this book we show that none of these arguments or others we will address in due course provide a satisfactory defense of political deliberation. We will proceed in the following sequence. In the next section, we locate our argument within the rational choice tradition in social science. In chapter 2, we diagnose the pathologies that affect political deliberation. We introduce the key notion of discourse failure to explain those pathologies. Chapter 3 discusses the place of moral judgment within the rational-choice framework, indicates how our use of rational choice assumptions combines with principles of epistemic

¹ See John Stuart Mill, *On Liberty* (1859) Mill defends political deliberation in *Considerations on Representative Government* (1861), not on epistemic grounds but by reference to the value of participation. See chapters II and VI. His view that institutions should ensure that the superior of mind should govern, however, does not seem particularly congenial to modern deliberativism. See *Representative Government*, especially chapter VIII. At least one specialist claims that "Mill inclined to the view that the mass or multitude was not in a position to acquire a clear understanding of the appropriate criteria for public conduct." R. J. Halliday, *John Stuart Mill*, (London: George Allen & Unwin, 1980), p. 69. As Gaus suggests, Mill's opposition to democratic equality is grounded in epistemic considerations. See Gaus, *Contemporary Theories of Liberalism*, p. 165. It seems fair to conclude that Mill was worried about the epistemic infirmities of political deliberation, notwithstanding his defense of the practice against non-participatory institutions (e.g., absolute monarchy and aristocracy.)

² See references in chapter 2, note ... We explore in section 4.5 to what extent deliberative democrats can trade on arguments for free speech. We will also address (chapter 8, sections 1 through 4) the view that deliberation may mitigate, if not eliminate, the otherwise coercive nature of majority rule.

³ Similar views obtain if "higher predictive power" and other notions that need not be given a realist interpretation substitute "truth." Our assessment of the epistemic defense of deliberation will not turn on which of these accounts of science we adopt.

⁴ Here again (see note 7), by writing "moral truths" we do not mean to endorse moral realism. The deliberative argument, and our critique, can be cast in realist, coherentist, expressivist, and perhaps other conceptions of moral judgment, provided that they allow for degrees of moral plausibility.

rationality, and suggests directions for empirical testing of our theory. Chapter 4 replies to various attempts to save the epistemic credentials of deliberation. In chapter 5, we show that standard rational choice assumptions accommodate apparently self-defeating political positions; in particular, we argue that counterproductive positions cannot be vindicated as symbolic behavior. Chapter 6 fends off attempts to save such positions as non-consequentialist moral outlooks. In chapter 7, we reject non-epistemic defenses of deliberation, such as those relying on autonomy, impartiality, or equality. In chapter 8, we explore the obscure relationships between deliberation, majority rule, and consent, and show why theories of deliberative democracy find it difficult to bring those notions into a coherent whole. Finally, in chapter 9 we outline an institutional structure capable of overcoming discourse failure; we explain why, unlike the utopian features of deliberative democracy, the utopian features of our proposal are innocuous. We also underscore why allowing people to actually consent to institutional arrangements (in contradistinction to the non-consensual features of modern democracy) will help reduce discourse failure.