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# Epistemic Liberalism\*

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**ABSTRACT:** Hayek's late work on liberal politics is characterized by the idea that free market represents the best way of not only economic, but also political coordination. Epistemic liberalism builds upon this idea, reasserting old and highlighting new arguments to demonstrate the *epistemic* advantages of free market over deliberative democracy. This paper discusses the theoretical roots of epistemic liberalism, presents its key arguments but also addresses some important distinctions that part epistemic liberalism from epistemic democracy.

**KEY WORDS:** Complex society, epistemic justification, free market, Hayek, knowledge problem.

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Epistemic justification of collective decision-making procedures has been growing in approval for the past ten years. The idea that democracy has some epistemic qualities has been around since Aristotle (1984), but the recent rise of epistemic democracy is mostly the result of the work of post-Rawlsian philosophers such as David Estlund, Fabienne Peter, Helene Landermore, Robert Talisse and many others. Though they disagree on numerous issues, including the very justification of the democratic legitimacy, these philosophers end up endorsing some form of egalitarian deliberative democracy. This paper aims to analyze and present an alternative approach, one that has often been neglected in discussions on the epistemic justification of decision-making procedures.

Epistemic liberalism, which stems mostly from Hayek's late work on liberal politics, builds on the idea that free market combined with small and neutral liberal state represents an epistemically superior institutional arrangement to epistocratic government and central planning, but also to egalitarian deliberative democracy characterized by large state and complex decision-making procedures. Holding that the knowledge relevant for settling many political issues is widely dispersed throughout the political community, epistemic

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\* *Corrigendum:* In this article, the overview of epistemic liberalism (pp. 83-89), the reference to the campfire analogy (p. 87), and the discussion of the concept of "legal silence" (p. 92) are based on Adam James Tebble's book *Epistemic Liberalism: A defence* (2016). This footnote is inserted on February 10<sup>th</sup> 2020 in the online published version of the article.

liberals believe that free market and minimal (democratic) government represent epistemically the best arrangement for making use of this knowledge. This paper aims to present the central argument used by epistemic liberals, but also to review a few objections that epistemic liberals raise against the dominant conception of epistemic democracy.

First part of the paper sets the general outline of epistemic political justification and distinguishes it from political justification based on moral values. Second part briefly addresses the work of some key philosophers who have set foundations of epistemic liberalism, including John Stuart Mill, Karl Popper, Karl Polanyi and Friedrich Hayek. Third part of the paper addresses the society's knowledge problem: the knowledge relevant for resolving many political and economic issues is widely dispersed among the citizens within a political community, while large societies we live in are complex in nature. Epistemic liberals hold that free market represents the epistemically best arrangement for addressing the society's knowledge problem. Fourth part of the paper identifies epistemic liberalism as a purely procedural position, one that does not appeal to any substantial procedure-independent standard to evaluate the epistemic quality of an institutional arrangement or a decision-making procedure, while the fifth part elaborates the claim that free market is epistemically superior to collective deliberation. Some concluding remarks are discussed in the final part of the paper.

### **Epistemic Justification**

How can we identify and *publicly* justify the proper terms of political association in a society characterized by the pluralism of comprehensive moral doctrines? Many political philosophers have addressed this challenge, which has been growing in relevance since Rawls (1993) shifted the debate from justice of terms of political association to their legitimacy in the 1990s. The content of political decisions thus ceases to be the central question – in a plural society we cannot expect that citizens, embracing different comprehensive doctrines, will agree on a substantive justification of many laws, public policies and political decisions. Political philosophers thus focus not on the substantive justification of a particular output of a political decision-making process, but instead on the justification of the terms of political association that constitute that particular political decision-making process. The end results (or outputs) of such processes are then procedurally (and not substantively) justified – their legitimacy stems from the legitimacy-generating potential of the decision-making procedure that has produced them<sup>1</sup>.

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<sup>1</sup> For the detailed account of substantive and procedural justification see Peter (2011, 2012).

A new problem arises when we try to identify and publicly justify the proper decision-making procedure (or the proper terms of political association) that has legitimacy-generating potential. How can we find a public justification of any particular set of terms of political association that all citizens, holding different and often incompatible moral comprehensive doctrines, can endorse? Trying to found the justification in some moral comprehensive doctrine, like Dworkin's (2006) attempt to justify democratic system by appealing to a moral and universally accepted conception of human dignity, seems futile since, in a plural society, there will always be some (reasonable) citizens who will find the justification contestable. An alternative is to offer a freestanding, 'political, not metaphysical' (Rawls 1985) justification of a liberal democratic system, one in which citizens who adopt different comprehensive moral doctrines still endorse the same conception of justice. This account is criticized by authors who believe that such project is nonetheless grounded in some moral commitments. Talisse thus claims that Rawls has offered a *moral* commitment that is "minimal enough to be acceptable across otherwise deeply divided citizens, but nevertheless substantial enough to support democratic commitments" (2009a: 78).

Finding a *moral* justification of terms of political association (and of decision-making procedures) in conditions of reasonable *moral* pluralism thus seems to be deeply problematic. An alternative approach is to avoid moral considerations and to put forward an epistemic justification, i.e. to present how some aspects of a political association contribute to (or embody) some epistemic (and not moral) values. Provided that these epistemic values can be endorsed by all reasonable<sup>2</sup> citizens, we might be able to make a *public* justification of a collective decision-making procedure.

### Epistemic Liberalism

Epistemic liberalism, as indicated in the earlier paragraph, does not use moral arguments to justify certain terms of political association or a particular decision-making procedure. It instead focuses on the preconditions needed for the efficient use of knowledge in large and complex systems. It is not concerned with particular decisions or policies, but instead tries to find the ap-

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<sup>2</sup> Robert Talisse (2009a, 2009b) usefully distinguishes between the moral notion of reasonableness, put forward by John Rawls (1971, 1993), where reasonable citizens are defined as those who embrace some (minimal) moral norms (e.g. they want to live in a society in which they can cooperate with their fellow citizens on terms that are acceptable to all), and the epistemic notion of reasonableness, where reasonable citizens are defined as those who endorse some (minimal) epistemic norms and duties (e.g. they accept only beliefs that are supported by evidence and good arguments and they are ready and willing to revise their original beliefs in the light of better arguments).

propriate institutions and procedures needed for the most efficient use of knowledge. Epistemic liberalism evaluates different institutions and procedures according to a clear epistemic criterion, i.e. according to their ability to use the existing knowledge within a system and to utilize it to make decisions and policies of considerable epistemic quality.

Similar ideas have been discussed and embraced by many influential western philosophers in the 19th and the 20th century. Mill's (2008) instrumental arguments for the freedom of expression clearly point out that he held it to be a valuable epistemic tool. If we, as a political (but also as an epistemic) community, want our decisions (both individual and collective) and policies to be as correct as possible, we should defend freedom of speech and freedom of expression. Mill held that freedoms of thought, speech, press and expression contribute to the wider process of social learning, making citizens better epistemic (and moral) agents, but also helping us make better collective decisions<sup>3</sup> (Mill 1977).

We can find similar arguments in Popper's later work: having drawn the analogy between science and politics, Popper concludes that in politics we are also engaged in the process of falsification where we reject bad political decisions and policies. In order to be able to conduct this process we need an open (liberal) society in which citizens can freely criticize the government, but also influence the future decisions and policies through an election process<sup>4</sup> (Popper 1980). Open society has an epistemic value – freedoms and liberties that constitute it enable us to engage in the process of falsification, and to utilize the knowledge within a political community to produce collective decisions of substantial epistemic quality.

Finally, Polanyi (1974) stressed these ideas further by drawing a parallel between the market economy and the process of acquiring knowledge. He strongly opposed the system in which a small minority of experts defines the goals for future scientific inquiries (and the distribution of resources needed to finance these inquiries), and opted for an idea of polycentricity, where scientists are free to decide what they want to focus their research upon, i.e. what they find to be the best means for getting to important scientific truths (Polanyi 1998). The three philosophers discussed above share an important idea: they all believe that we can justify a particular set of terms of political association by appealing to their ability to ensure the efficient use of the widely dispersed knowledge in a large and complex system.

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<sup>3</sup> Epistemic interpretation of Mill's central argument for representative government can be found in Estlund (2003), but also in Cerovac (2016a) and Peter (2011).

<sup>4</sup> Interestingly, Popper believes that an open society is not characterized only by the freedom of speech, press and association, along with free and fair elections, but also by free market and a set of economic liberties (Tebble 2016).

The greatest source of inspiration for modern epistemic liberalism is, without much doubt, Hayek's late work on liberal politics. He focuses on the society's knowledge problem (Hayek 1987) and tries to answer how can large and complex societies harvest and organize the knowledge that is dispersed within a political community, with every citizen holding just a small fraction of the knowledge. A decision-making procedure that can best solve the knowledge problem and make use the fragmented knowledge that exists within a political community to produce good political decisions and policies is the one with legitimacy-generating potential. Before we can present and analyze Hayek's solution to the society's knowledge problem, we should first examine two important ideas regarding the nature of a society we live in, but also the nature of our economic (and political) knowledge.

### **The Knowledge Problem**

Some authors (Gray 1998, Sunstein 2006) hold that Hayek is focused exclusively on economic distribution and does not address contemporary politics, characterized by the conflict of moral and cultural values. Similar criticism is raised by Habermas (1996), who usefully stresses that, in the last few decades, the focus has shifted from the issues of resource distribution to 'the grammar of forms of life'. Some therefore hold that Hayek's innovative contribution was in defending free market from central planning economy, and though we might consider this defense successful (since central planning has been abandoned in most countries), this is as far as his contribution goes.

Contemporary supporters of epistemic liberalism (Tebble 2016, Lewis 2013, Anderson 2006, but also Zubčić 2017) believe that Hayek's later work can be of great help in addressing the problems of 'the grammar of forms of life'. Hayek thus re-enters the discussion with the society's knowledge problem (Hayek 2012a, 2012b). Since the relevant knowledge needed for political decision-making is not integrated and cannot be held by a small group of people, but is instead widely dispersed among the population in small, often inconsistent parts, we need to find proper terms of political association (but also a decision-making procedure) that will allow us to harness this knowledge and use it to make good political decisions and to achieve good political, economic and epistemic results. There are two key reasons why a small group of people (e.g. central planners) cannot make use of this dispersed knowledge: (i) economic knowledge is subjective in nature, making it impossible for any individual to have all the relevant knowledge, and (ii) we live in complex societies, where our future actions (but also our beliefs on what is an appropriate future action) depend on actions of unseen and unknown others, who are also members of our society.

(i) *Subjectivity of Economic Knowledge*

For most economic cases the quality of a decision is determined not by its proximity to some objective and independent truth, but by beliefs and actions of other members of a society. The demand for some resource (and whether it will be considered a resource at all) is, for example, determined by subjective and often mistaken beliefs of other people, and not by its objective and independent value. In fact, it makes little sense to talk about objective and independent values of most resources – if most people consider some resource desirable and are willing to part from some other resource to acquire it, the first resource will be considered valuable and its price will be increased. This is the first feature that constitutes the subjectivity of economic knowledge – unlike religion or science, where we can find (at least to a certain degree) absolute answers, for many important questions in economy there are simply no objective and independent answers, since the result is often influenced or even shaped by subjective beliefs of other people. This also makes central planning a very unreliable economic decision-making procedure: even if a small group of people can have a solid understanding of subjective beliefs of other people, this *knowledge is only temporary* and provisional since people's beliefs can be changed in a very short time.

The economic knowledge is also held in the *conditions of isolation*. The relevant knowledge is widely dispersed among the population, with every individual holding just a small fraction<sup>5</sup>. Therefore, no individual or a small group of people can have all the relevant economic knowledge. Most of this knowledge cannot be transferred or shared between individuals since they live in complex societies and have no direct contact with most other members of a society (Hayek 2012b, Tebble 2016).

Finally, the relevant economic knowledge is not only held individually, but also *held tacitly*. Many preferences, values or obligations need not be clearly articulated in order to influence one's economic decision-making. Furthermore, sometimes the relevant knowledge lacks the discursive (or propositional) form and cannot be transferred to others, even if both parties want to do so.

The subjective nature of economic knowledge leads Hayek to conclude that we need terms of political association that can accommodate the wide dispersal of economic knowledge, its temporary nature as well as its non-transferability among individuals. All forms of economic epistocracy, the rule of those who are considered experts in economics (e.g. central planners), will

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<sup>5</sup> Similar ideas are held by Fabienne Peter, who takes a more egalitarian and procedure-oriented approach by using the recent discussions on peer disagreement to account for the wide dispersion of knowledge within a community. See Peter (2012, 2015)

not be able to accommodate the three abovementioned circumstances of economic knowledge. We should therefore look for other models of political association, those that promote extensive economic and political liberties, together with democratic decision-making procedures.

*(ii) Complex Societies*

We live in societies where the success of our individual (economic or political) plans depends greatly on the individual plans of many other members. Whether a certain resource will be available to us depends on whether others desire the same resource: sometimes the more people desire the same resource, the less likely it is that we shall receive it (e.g. food, oil or land), while sometimes the more people desire it, the more likely it is that we shall receive it (e.g. having a play performed in the language of national minority at the theatre). In any case, whether our economic or political action will be a prudent one depends greatly upon the actions of others. Knowing what other members of a society want or intend to do is thus extremely important for deciding what our next action will be. This is why Hayek (2012a: 38) writes that ‘one person’s actions are other person’s data’. If we want to undertake a reasonable economic or political action, we should have the relevant knowledge on the actions of others, i.e. we should be able to predict how the others will act.

The method by which we can get this relevant knowledge depends on the size of the society in question, as well as on the nature of social relations within it. In a small, *face-to-face* society, where all the members can gather at a certain place (e.g. around the camp fire or on the town square), discuss the issues at hand and share their knowledge in the real-time, due to direct nature of social relations public deliberation might be the appropriate decision-making procedure<sup>6</sup>. However, contemporary societies do not even remotely resemble tribal communities or ancient poleis, and we cannot use decision-making procedures appropriate for such small societies to regulate the terms of political association appropriate for societies we live in.

Hayek characterizes the societies we live in as *complex societies*. The plans and future actions are determined simultaneously but independently by a number of persons, who (because of the huge size of such societies) are not in direct contact with one another. Since they cannot communicate with one another, they are unaware of others’ subjective knowledge and motivating beliefs. This, of course, does not imply that their actions are not economically co-dependent. Each individual’s plans for future actions are dependent upon

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<sup>6</sup> There are other flaws that epistemic liberals ascribe to public deliberation that are not addressed in this part of the paper, but are instead discussed in later parts, where free market is argued to have greater epistemic qualities than public deliberation.



the subjective and motivating knowledge of other, mutually unseen and unknown individuals, provided that the consequences of others' actions impact what one thinks ought to be done (Hayek 2012b, Tebble 2016).

Epistemic liberals hold that political philosophy must find the appropriate terms of political association and the appropriate decision-making procedures that will enable the best use of economic and political knowledge within a society, taking into considerations two troublesome facts: first, that the relevant knowledge is widely dispersed throughout the society, with each individual holding only a small portion of the overall knowledge, and second, that the contemporary society is complex in nature and its members are not in the direct contact with one another, thus being unaware of others' subjective knowledge and motivating beliefs.

### **Instrumental vs. Procedural Epistemic Value**

We have thus far established that epistemic liberalism searches for the epistemically best decision-making procedure (or terms of political association) for a complex society characterized by wide dispersal of relevant knowledge. But what kind of epistemic qualities does a decision-making procedure have to have? Defenders of epistemic justification of political legitimacy usually distinguish between instrumental and procedural epistemic value. A decision-making procedure has instrumental epistemic value if it represents a good means for reaching an epistemically desired end, i.e. if it helps us produce correct or true political decisions. A procedure has intrinsic epistemic value if it embodies or promotes certain intrinsic (or procedural) epistemic values (e.g. tolerance, epistemic equality, mutual accountability of epistemic peers)<sup>7</sup>.

Epistemic democrats usually focus on procedure's instrumental epistemic value (Estlund 2008, Landermore 2013), with Fabienne Peter's (2011) earlier work on political legitimacy being a notable exception. Epistemic liberals, on the other hand, reject the idea of a procedure-independent instrumental epistemic value. There is no procedure-independent criterion in virtue of which the performance of a decision-making procedure may be evaluated. To suggest that there is such a criterion would be to beg the question that the knowledge problem rises (Hayek 2002). Namely, to suggest that there is some ideal end-state that all decision-making procedures try to produce, with some doing it better than others, and to suggest that we know what

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<sup>7</sup> The distinction between instrumental and procedural epistemic value is discussed in detail in Estlund (2008) and Peter (2011), but also Marti (2006) and Cerovac (2016). Many valuable insights on this distinction, as well as some new interpretations, can be found in Destri (2017).

this end-state is, thus being able to evaluate different decision-making procedures based on their performance, is to imply that we have already solved the society's knowledge problem. Instead of seeing market and politics as means for reaching an already defined and objectively desired end, epistemic liberals see them as open-ended creative processes in which what needs to be discovered continually changes as a result of citizens acting upon their knowledge (Buchanan and Vanberg 1991). Of course, Hayek (2002) still holds that there are better and worse decision-making procedures (with free market being clearly superior to central planning), but when we try to evaluate them we should not focus on the procedure's ability to produce some predetermined end-state (non-procedural or instrumental epistemic criterion), but by procedure's ability to use the relevant knowledge existing within a society (procedural or intrinsic epistemic criterion). Different institutional arrangements and different decision-making procedures respond differently to the problem of the subjective nature of knowledge, widely dispersed among numerous citizens in complex societies, and it is in regard of how they make use of this knowledge that we evaluate different arrangements and procedures, and not in the virtue of their ability to arrive at some predetermined and desired end (Tebble 2016).

This makes epistemic liberals' position close to Fabienne Peter's (2011) epistemic democracy<sup>8</sup>, though they clearly disagree regarding many other issues, including the scope of a legitimate democratic government and the role of public deliberation. Both positions are also the target of the same objection: if there is no procedure-independent (epistemic) standard that we can appeal to when evaluating different decision-making procedures, we can only say that once procedure is better than the other according to that procedure's epistemic standards (Misak 2009, Cerovac 2016b).

### Free Market vs. Public Deliberation

Most scholars who argue that a decision-making procedure's legitimacy-generating potential should be (at least in part) grounded in its (intrinsic or instrumental) epistemic qualities defend some form of deliberative democracy (Estlund 2008, Landermore 2013, Marti 2006, Peter 2011, Misak 2009, Talisse 2009a). Even scholars who follow Plato (2000) and hold that epistemic qualities cannot be realized through a democratic decision-making procedure still agree that collective deliberation within a small group of ex-

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<sup>8</sup> Fabienne Peter defended an anti-instrumentalist position known as *pure epistemic proceduralism* (2011). In her later works (2012, 2015) she abandons this position to opt for a more moderate view, building on both procedural and instrumental epistemic value of democracy.

perts represents the proper decision-making procedure. Deliberation enables us to revise our beliefs in the light of new reasons and evidence, but it also gives us the possibility of influencing other citizens and changing their minds with the strength of our arguments. It is therefore often considered epistemically superior to the simple aggregation of individuals' beliefs or preferences. Similarly, it is considered epistemically superior to free market since it enables us to critically reflect upon our own preferences and beliefs, as well as upon the preferences of others. Resolving many political issues through free market leads us to a form of value-subjectivism where beliefs are only acted upon without being properly analyzed and evaluated.

Epistemic liberalism is innovative because it rejects the widespread belief that collective deliberative procedures are epistemically the best way of resolving most political issues. There are two arguments that support this claim.

First objection that targets deliberation as a collective decision-making procedure emphasizes the subjectivity of economic knowledge. Much of the knowledge relevant for the decision-making process does not have a uniform, discursive and propositional form that could enable it to be used in the process of deliberation. This knowledge is held tacitly and cannot be properly shared with others. In fact, sometimes it cannot even be articulated in a propositional form. However, since it is embodied in deeply held commitments and values, it still has a strong motivating role and shapes the beliefs and preferences of individuals who hold it. Epistemic liberals like Hayek (1978, 2012a) and Tebble (2016) thus hold that one of the key epistemic advantages of their position is its ability to include tacit knowledge that does not have a discursive form in the decision-making process. Hayek (1978: 35) emphasizes that "the flow of new ideas springs from the sphere in which action, often non-rational action, and material events impinge upon one another", concluding that "the creative process would dry up if freedom were confined to the intellectual sphere". Epistemic liberalism enables us to use this tacit knowledge because it allows us to act upon it on the free market, which replaces deliberative (democratic) procedures when dealing with many political issues.

Second objection emphasizes the idea that the freedom of (economic) action has greater epistemic value than the freedom of thought and liberty of conscience. Hayek holds that our 'beliefs about values do not answer to rational argument' (O'Neill 1995, as paraphrased in Tebble 2016), and therefore there is little hope that a democratic minority might persuade the majority to change its opinion solely on the basis of good arguments<sup>9</sup>. The epistemic value of deliberation is thus brought in question. Following Mill

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<sup>9</sup> Similar ideas are defended by many contemporary psychologists who have conducted numerous research projects on this topic. See Haidt (2013) and Mercier and Sperber (2017).

(2008), epistemic liberals believe that, in order to be able to learn from the minority and to improve its practices, the society has to secure that all citizens have individual liberty *to act* upon their beliefs. “It is always from a minority acting in ways different from what a majority would prescribe that a majority in the end learns to do better” (Hayek 1978: 110). Public deliberation that promotes only freedom of thought, speech and press, and simultaneously restricts the freedom of economic action is epistemically flawed since it turns out to be unable to harvest the knowledge of some citizens, thus delaying the society’s overall epistemic progress.

Epistemic liberals therefore reject deliberative democracy as a proper decision-making procedure. Deliberation turns out to be unable to resolve constantly emerging and changing coordination problems within a complex society in a *timely* and *epistemically appropriate* manner. Free market in a society characterized by equal freedom of economic action is thus seen as an epistemically superior decision-making system (or epistemically superior system of economic and political coordination) since it is better at resolving the knowledge problem within complex societies.

### **The Scope of Democratic Government**

How can free market replace deliberative democracy? It seems one thing to say that economy should be built around free market system, without central government that regulates investments and transactions, but completely another to say that highly contestable issues regarding values, identities and culture should be left unregulated and resolved solely by free market mechanisms. Epistemic liberals deny that there is a relevant distinction between the two ideas – they opt for ‘a strategy of privatization’ (Barry 2000, as cited in Tebble 2016) in both cases, adopting a libertarian position where individuals are left to make their own decisions and regulate their relations based on the particular pieces of knowledge that they have. The main rationale behind this position is the idea that, in complex societies, no centralized authoritative decision-making body can take into consideration all the epistemically relevant pieces of fragmented knowledge that is widely dispersed throughout the political community. Following Polanyi’s (1998) idea of polycentricity, epistemic liberals hold that there is no single formal political public area where issues of economy and politics and can be properly addressed. All citizens address these issues in their everyday decision-making, and through the process of complex cultural adaptation the best practices emerge.

Complex political issues regarding values, identity and culture, including the public use of headscarves, slaughter of animals without pre-stunning, the contents of the school curriculums, the cultivation and use of genetically

modified plants or the use of drugs by the adults, are met by legal silence. Epistemic liberals hold that these issues should not be regulated by the state. The citizens' epistemic contribution is not properly used and respected if a centralized authoritative body produces decisions that regulate our conduct regarding these issues. Since the citizens should be left to decide on their own how they want to address the issues in question, the state should only ensure that they are properly informed and not directly cheated. For example, information regarding whether the food was genetically modified or which method of slaughter was used should be clearly labeled on the packing. Free market helps us determine which practices better meet the needs and preferences of the citizens, but also the value of the products created by these practices.

Some might argue that legal silence promoted by epistemic liberalism threatens the interests and the well-being of minorities (Kymlicka 1996). Particular cultural interests of minorities cannot be adequately promoted in a free market system. In such cases, state should step in to protect and promote interests of minority members through subsidizing for the additional costs that the promotion of these interests and values requires, or by some forms of positive discrimination. Epistemic liberals strongly reject this idea: any intervention by the state would have negative impact on the epistemic task the free market is performing. The idea of legal silence goes both ways: the state should promote or protect neither the majority nor the minority view. Consequently, just like the state should not interfere regarding the use of headscarves, it should also remain silent regarding the preference of some employers to have employees with or without headscarves. Epistemic liberals, however, believe that this hardly leads to discrimination against the minorities – in complex societies characterized by free market it is very difficult, if not impossible, to know whose interests we have indirectly promoted. As Friedman (1982: 26) states, in a free society “no one who buys bread knows whether the wheat from which it is made was grown by a Communist or a republican, [...] or by a Negro or a white”.

## Conclusion

Epistemic liberalism was a somewhat neglected position for the past few decades, with supporters of epistemic justification of decision-making procedures opting for deliberative democracy on the one hand, and supporters of free market opting for moral (non-epistemic) public justification on the other hand. However, the recent work by Tebble (2016), Anderson (2006), Lewis (2013) and others suggests that epistemic liberalism may still offer valuable insights into many issues of contemporary political philosophy, particularly when applied to the problems facing collective decision-making processes in

societies characterized by a pluralism of cultural, religious and moral comprehensive doctrines. For example, its argument against deliberative democracy, based on non-propositional and tacit knowledge, raises some justified worries and still has to be properly answered.

Since the position draws inspiration from philosophers whose work has been thoroughly discussed for many decades, many of the arguments raised against these authors can be modified to target epistemic liberalism. An overview of these arguments would require a paper of its own, so only the two most important will be sketched in these concluding remarks. First, epistemic liberalism requires a somewhat egalitarian distribution of resources in order to give every epistemic agent (citizen) chance for roughly equal epistemic contribution (Tebble 2016: 66). However, it seems unclear how can a minimal state, one that practices legal science in both economy and politics, ensure such a demanding egalitarian distribution of resources and, consequently, chances for epistemic contribution. Second, though epistemic liberalism might be able to resolve some conflicts regarding values, identity and culture, it fails to adequately address many other moral and political problems (especially those related to born and unborn children), such as abortion or mandatory vaccination. When some start comparing abortion to a murder of an adult person (and others disagreeing with this claim), legal silence is no longer a viable option. In order to impose itself as a decent alternative to epistemic democracy, epistemic liberalism has to answer these and numerous other objections.<sup>10</sup>

### Bibliography

Anderson, E. 2006. "The Epistemology of Democracy", *Episteme: A Journal of Social Epistemology* 3(1–2): 8–22.

Aristotle. 1984. *Politics*, in Barnes, J. (ed.) *The Complete Works of Aristotle*, Vol. 2 (New York: Princeton University Press): 2–175.

Buchanan, J. and Vanberg, V. 1991 "The Market as a Creative Process", *Economics and Philosophy* 7(2): 167–186.

Cerovac, I. 2016a. "Mill's Account of Democratic Legitimacy", *Croatian Journal of Philosophy* 16(46): 91–106.

———. 2016b. "Epistemic Value of Public Deliberation in a Democratic Decision-Making Process", *Philosophical Alternatives* 25(4): 5–16.

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Destri, C. 2017. "Right or Wrong, It's Democracy. Legitimacy, Justification and the Independent Criterion", *Etica & Politica / Ethics & Politics* 19(2): 169–190.

Dworkin, R. 2006. *Is Democracy Possible Here?* (New Jersey: Princeton University Press).

Estlund, D. 2003. "Why not Epistocracy?", in Reshotko, N. (ed.) *Desire, Identity, and Existence: Essays In Honour Of T.M. Penner* (Kelowna: Academic Printing and Publishing): 53–69.

———. 2008. *Democratic Authority* (New Jersey: Princeton University Press).

Friedman, M. 1982. *Capitalism and Freedom* (Chicago: The University of Chicago Press).

Gray, J. 1998. *Hayek on Liberty* (London: Routledge).

Habermas, J. 1996. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge: The MIT Press).

Haidt, J. 2013. *The Righteous Mind: Why Good People Are Divided by Politics and Religion* (New York: Vintage Books).

Hayek, F. A. 1978. *The Constitution of Liberty* (Chicago: The University of Chicago Press).

———. 2002. "Competition as a Discovery Procedure", *The Quarterly Journal of Austrian Economics* 5(3): 9–23.

———. 2012a. *Individualism and Economic Order* (Chicago: The University of Chicago Press).

———. 2012b. *Law, Legislation and Liberty* (London: Routledge).

Kymlicka, W. 1996. *Multicultural Citizenship: A Liberal Theory of Minority Rights* (New York: Oxford University Press).

Landermore, H. 2013. *Democratic Reason: Politics, Collective Intelligence, and the Rule of the Many* (Princeton: Princeton University Press).

Lewis, P. A. 2013. "Hayek, Social Theory and the Contrastive Explanation of Socio-Economic Order", *Critical Review* 25(3–4): 386–408.

Marti, J. L. 2006. "The Epistemic Conception of Deliberative Democracy Defended: Reasons, Rightness and Equal Political Autonomy", in Marti, J. L. and Besson, S. (eds.), *Deliberative Democracy and Its Discontents* (Hampshire: Ashgate Publishing): 27–56.

Mercier, H. and Sperber, D. 2017. *The Enigma of Reason* (Cambridge: Harvard University Press).

Mill, J. S. 1977. *Considerations on Representative Government* (Toronto: University of Toronto Press).

———. 2008. *On Liberty* (Oxford: Oxford University Press).

Misak, C. 2009. "Truth and Democracy: Pragmatism and Deliberative Virtues", in Tinnevelt, R. and Geenens, R. (eds.), *Does Truth Matter? Democracy and Public Space* (Dordrecht: Springer): 29–39.

Peter, F. 2011. *Democratic Legitimacy* (London: Routledge).

———. 2012. "The procedural epistemic value of deliberation", *Synthese* 190(7): 1253–1266.

———. 2015. "The Epistemic Circumstances of Democracy", in Fricker, M. and Brady, M. (eds.), *The Epistemic Life of Groups*, (Oxford: Oxford University Press): 133–149.

Plato. 2000. *The Republic* (Cambridge: Cambridge University Press).

Polanyi, M. 1974. *Personal Knowledge: Towards a Post-Critical Philosophy* (Chicago: University of Chicago Press).

———. 1998. *The Logic of Liberty* (Indianapolis: Liberty Fund).

Popper, K. 1980. *The Open Society and Its Enemies* (London: Routledge).

Rawls, J. 1985. "Justice as Fairness: Political Not Metaphysical", *Philosophy and Public Affairs* 14(3): 223–251.

———. 1993. *Political Liberalism* (New York: Columbia University Press).

Sunstein, C. 2006 *Infotopia: How Many Minds Produce Knowledge* (Oxford: Oxford University Press).

Talisso, R. 2009a. *Democracy and Moral Conflict* (New York: Cambridge University Press).

———. 2009b. "Folk Epistemology and the Justification of Democracy", in: Tinnevelt, R. and Geenens, R. (eds.), *Does Truth Matter? Democracy and Public Space* (Dordrecht: Springer): 41–54.

Tebble, A. J. 2016. *Epistemic Liberalism. A Defense* (London: Routledge).

Zubčić, M. L. 2017. "Belief-Revision, Epistemic Contribution and Polynormativity", *Etica & Politica / Ethics & Politics* 19(2): 207–227.