# Public Reason, Expertise and the Transformative Power of Deliberation: A Reply to My Critics

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# PUBLIC REASON, EXPERTISE AND THE TRANSFORMATIVE POWER OF DELIBERATION
## REPLY TO MY CRITICS

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**ABSTRACT**
This paper presents a unified response to the critics of my book *Epistemic Democracy and Political Legitimacy*. The discussion focuses on three important issues. First, I discuss advantages of a procedural (rather than substantive) interpretation of Rawls' public reason as the basis for my account of epistemic democracy. Second, I elaborate on the proper role of experts (moral and technical) in democratic decision-making and decision-authorization processes, thus sketching how controversial conclusions of science can enter public deliberation and represent valid reasons for ordinary laws and policies (those that do not address constitutional essentials and matters of basic justice). Third, I focus on the transformative effect that public deliberation can (and should) have on citizens' political participation, thereby addressing some challenges to the sustainability of epistemic democracy.

**KEYWORDS**
Deliberation, epistemic democracy, expertise, legitimacy, public reason, Estlund, Rawls.

It is my great pleasure and privilege to discuss papers in this symposium. The authors have thoroughly analyzed my book *Epistemic Democracy and Political Legitimacy* and have made valuable contributions to the ongoing debate, and I would like to thank them for the attention, time, knowledge, and experience they have devoted to this project. I have learned a lot from them, and their insightful comments have made me rethink my position, clarify, expand and improve my arguments, and consider some well-known objections in a new light. With some authors, on the one hand, I have already had the opportunity to discuss my ideas and arguments in workshops, conferences, and summer schools, but their comprehensive contribution, presented in this symposium, brings many new considerations and challenges that I am delighted to address to the best of my ability. With other authors, however, I have not yet had the privilege to discuss and exchange ideas on epistemic democracy, and their wide-ranging insights introduce new perspectives

into the already established debate and challenge not only my own account but many similar positions as well.

This paper tries to address some of the important questions, concerns, and objections raised by other authors in this symposium. Undoubtedly, I have failed to address all the valuable ideas and arguments raised by my critics, and even those I have focused upon might have not received the proper treatment. Nonetheless, I hope that this paper will succeed in accounting for at least some of the criticisms and thus continue the ongoing debate about epistemic democracy. The paper is organized into three (closely related) sections: the first part addresses and clarifies my reasons and arguments for endorsing a proceduralist account of public reason; the second part focuses on my view of the proper role of experts in democratic decision-making and decision-authorization processes, combines these considerations with a proceduralist account of public reason, and thus outlines how controversial conclusions of science can enter public deliberation, while the third part addresses the serious objection regarding sustainability of epistemic democracy and aspires toward the transformative effect that public deliberation can (and should) have on citizens' political participation.

## 1.  EPISTEMIC DEMOCRACY AND THE PROCEDURAL INTERPRETATION OF PUBLIC REASON

The book is dedicated to *The Fellowship of Public Reason,* an informal group of researchers based at the University of Rijeka. One should thus not be surprised that the first part of this paper deals with the idea of public reason and its procedural and substantive interpretation. However, the scope of this debate is partly beyond my expertise, and in the book I have simply endorsed the procedural interpretation as a starting point, without providing additional arguments for this interpretation or for the idea of public reason in general. However, Baccarini and Zelič have expressed deep skepticism regarding this starting point, arguing instead that the substantive interpretation provides a far better foundation for any project addressing political legitimacy. A detailed analysis of this debate is beyond the scope of this paper, although I address some relevant implications in sections 2.2, 2.3, and 2.5. This section addresses two narrow points: first I try to demonstrate that the foundations on which my account is built upon are grounded in (and do not oppose) Rawls' liberal principle of legitimacy, and second, I try to indicate why the procedural interpretation fits well with my account of epistemic democracy.

1.1. John Rawls famously argues that our use of coercive political power over others can only be legitimate if all citizens can reasonably be expected to endorse it. This is a somewhat simplified version of his liberal principle of legitimacy (Rawls 2005: 157) and builds upon criterion of reciprocity: those who exercise political

power must "reasonably believe that all citizens can reasonably accept the enforcement of a particular set of basic laws" (Wenar 2017). An important question remains: do the constraints of public reason apply only to constitutional essentials and matters of basic justice (procedural interpretation) or do they apply to (virtually) all political decisions (substantive interpretation). Baccarini (*vide supra*) thinks that my view departs from Rawls' (even at this fundamental level) and fails to properly incorporate Rawls' idea of public reason. Although there is some disagreement, many scholars (Scanlon 2003, Peter 2007, Quong 2011, Wenar 2017) agree that Rawls promotes procedural interpretation.

Analyzing Rawls' position in detail goes beyond the scope of this paper[1], yet I want to briefly explain why I follow the procedural (rather than the substantive) interpretation. Recall that Rawls builds his account of political legitimacy on two normative benchmarks: democracy or popular sovereignty on the one hand, and liberal constitutionalism on the other (Langvatn 2016: 141). He recognizes the apparent conflict between the two (Rawls 2005: 205) and much of his work represents an attempt to reconcile them. He starts from the idea that agreement on constitutional essentials and basic laws relieves citizens from having to agree on every law, public policy or political decision. Constitutional law can thus confer legitimacy on ordinary laws and decisions, and citizens can regard ordinary laws as legitimate even if they substantively disagree with their content or think they are incorrect or unjust (Rawls 1971: 308). Ordinary laws and decisions can be legitimate only (i) if they are produced by a decision-making procedure based on a constitution the essentials of which all citizens can endorse as free and equal, and (ii) if they are not in conflict with the substantive ideas and values set forth in the constitution. Thus, in his response to Habermas, Rawls writes that "constitutional political procedures may indeed be – under normal and decent circumstances – purely procedural with respect to legitimacy" (Rawls 1996: 426, as quoted in Langvatn 2016: 147, see also Peter 2007: 138). He believes that reasonable citizens (who agree that ordinary laws are created in accordance with constitutional values on which all can agree, and who agree that ordinary laws are not in conflict with constitutional values) will be able to consider such laws as legitimate even if they disagree with them substantively. Public reason thus applies only to constitutional essentials and matters of basic justice.

While some (Quong 2011, Baccarini 2015) might argue against the procedural interpretation and may even be right to do so, the substantive interpretation they advocate is a Rawlsian view, but not Rawls'. Namely, Rawls seems to clearly indicate the scope of public reason in *Justice as Fairness*:

> "Of course, it is too much to expect complete agreement on all political questions. The practicable aim is to narrow down disagreement, at least regarding the more

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[1] For a comprehensive overview of this debate, but also for many insightful comments and conclusions, see Langvatn (2016).

divisive controversies, and in particular those involving constitutional foundations; for what is most urgent is consensus on these foundations, for example:

(1) the fundamental principles that specify the general structure of government and the political process; the powers of the legislature, executive and the judiciary; the limits of majority rule, and

(2) the equal basic rights and liberties of citizenship that must be respected by legislative majorities, such as the right to vote and the right to participate in politics, freedom of thought and association, liberty of conscience, and the protection of the rule of law.

The point is that a political conception of justice, if it covers the constitutional essentials, is already of enormous importance, even if it has little to say about many of the economic and social issues that legislative bodies must consider. To resolve them, it is often necessary to go beyond this conception and the political values that its principles express, and to invoke values and considerations that it does not include. But as long as there is a firm agreement on constitutional essentials, there is hope that political and social cooperation between free and equal citizens can be maintained" (Rawls 2003: 28).

While I am sure this does not settle the debate, I believe my account is properly grounded in Rawls' liberal principle of legitimacy and his idea of public reason.

1.2. What are the advantages of a procedural interpretation of public reason? And why should we resist extending the scope of public reason to encompass all (or almost all) laws and political decisions? I demonstrate some reasons for the procedural interpretation in 2.5, where I address one of Zelič's critiques. But what are its advantages in relation to epistemic democracy? I endorse and follow the idea that Rawls' application of public reason only on constitutional essentials and matters of basic justice represents his "trade-off between keeping the basic structure sufficiently just, on the one hand and securing *epistemic virtues of democracy* as well as citizens' free expression, on the other hand" (Langvatn 2016: 145, emphasis added). I discuss further advantages of this interpretation in 2.3, where I demonstrate how the procedural interpretation can help us use controversial scientific conclusions (and maybe even controversial but nonetheless scientific methods) to justify some ordinary laws and policies.

## 2.   TECHNICAL AND MORAL EXPERTISE

Nebojša Zelič provides a comprehensive overview of my account and focuses (in part) on the role of experts in a democratic society. He rightfully acknowledges the differentiation between technical and moral expertise which I borrow from Christiano (2012) and seems to agree that this difference can be plausibly maintained in a democratic setting. Experts with specific technical knowledge (in medicine, economy, law or physics) can be reliably identified by all qualified citizens, and the problem of invidious comparisons does not arise in these cases. Since endorsing experts'

authority on these technical issues represents the best way to discharge our duty toward others (following experts' advice is the best means for reaching the desired end), we have a strong reason to consent to their authority[2]. Qualified citizens agree that technical experts exist, agree on who the technical experts are and recognize their duty to adhere to experts' authority. However, this still does not imply that the experts should rule. Namely, while deferring to experts' technical solutions represents the best means to discharge our duty toward others, their technical expertise cannot determine the content of our obligation toward others. Most political issues do not have a simple technical solution, but instead ask for a demanding process of weighting rights, interests and opinions of various stakeholders. While technical experts can inform this process, warning us about possible outcomes of political measures and public policies, and even indicating when our political aims are incompatible even though they seem coherent, their expertise does not say much about the content of our duties toward others. For guidance on these matters, we have to turn to moral experts. However, on the other hand, in the conditions of reasonable value pluralism moral experts are far more difficult to publicly identify. Nonetheless, we can still privately recognize those we consider moral experts - for example, civic and political activists, religious leaders or university professors. Since we can see that qualified citizens disagree on who moral experts are, we cannot uphold the authority tenet and claim that those we perceive as experts should rule as (benevolent) oligarchs or despots. However, since we consider these citizens more competent to make political decisions than we are, and since political decisions affect not only ourselves, but other people around us, we have a duty to seriously consider and maybe even defer to their opinion.

There are several strong objections raised against my view, and I want to address them briefly in this part of the paper. I shall first try to address Baccarini's insights which call into question the differentiation I have presented (and subsequently undermine my account, forcing me to part either with expertise or with democratic authorization), and then address Zelič's worries which stand even when the divide between technical and moral expertise is fully endorsed.


2.1. Baccarini is concerned that my account is too inclusive: it allows some unqualified (or unreasonable) citizens to participate in public deliberation and collective authorization of political decisions. In particular, he is concerned that my account is not epistemic enough - while praising the epistemic value of public deliberation, it simultaneously allows some "clearly false" (Baccarini, *vide supra*) claims to enter the deliberative process thus inflicting harm to other citizens. He uses an

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[2] This represents a case of normative consent, an instance when we have a duty to consent and our non-consent in null. For more, see Estlund (2008: 123-125, 130, 151-156) and Cerovac (2020: 114, 123-125, 140).

example of Wakefield's false thesis about the causal link between vaccine and autism (Godlee *et al* 2011) and concludes that Wakefield is not a reliable expert, as well as that claims like his do not constitute valid public reasons and therefore should not be allowed to enter public deliberation[3]. The same is true of people who rely on pseudoscience and conspiracy theories. Baccarini characterizes this as a case of simple pluralism (and not reasonable pluralism) and calls it a counterexample to my (and originally Estlund's) argument about invidious comparisons. However, the argument about invidious comparisons focuses primarily on our inability to *publicly* identify *moral* experts. I can wholeheartedly endorse the idea that all citizens should recognize the technical knowledge that some experts have. Furthermore, I can agree that technical and descriptive claims that are not based on well-ordered science, but instead are based on flawed science and pseudoscience, should not be considered valid reasons for political decisions we make. Citizens who use them violate their duty to others, a duty to authorize coercive political decisions using the best available (and publicly justifiable) decision-authorization procedure (Mill 1977, Estlund 2008). I discuss this in the chapter on institutionalizing epistemic democracy, where I write that "regarding these [e.g., medicine or engineering] crafts, skills and disciplines, we can publicly agree (at least to a certain degree) on whether someone is an expert" (Cerovac 2020: 201).

Consider Plato's (2000) famous ship analogy. Originally, Plato argues that a wise and competent captain should rule the ship and determine its course, since he is the only one with the relevant technical knowledge to navigate. Differentiation between technical and moral knowledge enables us to introduce an epistemic and political division of labor (following Christiano's suggestion and in clear contrast to Plato). Passengers (citizens) are now able to participate in the decision-authorization process and can choose the destination (the political goal) they want to achieve. Since no one can be publicly considered an expert in this task, they participate in the decision-authorization process as equals. However, since the captain (expert) has the relevant technical knowledge, following his authority on practical matters is seen as the best means to achieve the desired destination (political aim). I explicitly reject a strict division of epistemic labor (Cerovac 2020: 202-206) and call for continuous interaction between citizens (and their political representatives) and technical experts. Zelič (*vide supra*) rightly wonders about the appropriate role of experts in deliberation on political aims, and unfortunately I am not yet ready to provide a comprehensive view of this role. However, in the part about expert-to-citizen communication, I indicate that experts should provide technical data that can inform and shape citizens' political aims. To return to the ship analogy, while citizens

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[3] To be fair, Baccarini would probably not claim that such assertions cannot enter public deliberation, only that they cannot be used in the process of public justification of laws and policies.

can deliberate on the preferred destination and introduce various normative considerations to the debate, they should not base their arguments on unreliable technical information derived from pseudoscience or conspiracy theories. This represents an important filter for the kind of reasons citizens can use in collective decision-authorization procedures but does not imply that (technical) experts should rule, nor does it inspire a form of (moderate) epistocracy (as Baccarini thinks it should)[4]. The political process raises questions such as "What should be done?" or "What laws and policies should be authorized?" and answers to these questions always have a normative component. To think that they could be solved by mere technical expertise leads us toward a form of naturalistic fallacy and the is-ought problem (Hume 1896). Of course, technical experts can answer these questions, but their solutions will always have a hidden normative premise, one that deals with issues outside their expertise. This is precisely the concern that Zelič, on the one hand, and Matan, Vladova, and Vuksan-Ćusa, on the other, raise in their papers.

2.2. Of course, Baccarini is prepared for this reply and does not find it persuasive. He warns us that we should filter not only the descriptive claims of citizens (rejecting those based on pseudoscience and conspiracy theories), but also their normative claims. Some moral considerations (e.g., those that oppose basic rights and liberties, or the idea of citizens as free and equal) cannot be endorsed as valid public reasons and should not be used to justify laws, public policies, and political decisions. Although Baccarini recognizes that the appropriate moral reasons are "probably established more democratically than conclusions and methods of science that are exclusive to an epistemic elite" he nevertheless believes that there are moral experts, individuals who can reason and deliberate better than other citizens according to standards of public reason. Such experts (e.g., members of the supreme court) should have veto power, and in some cases "the legitimate decisions can be those established by a restricted body of experts in the field". While the idea of a supreme court is not incompatible with my account (and can in fact play a major role), we need to focus on two important issues. The first is the procedures by which we determine who are moral experts, and thus elect and give veto power to members of the supreme court. Such moral experts are usually nominated by the executive and authorized by legislative branches of government, both determined through a democratic process. To sum up, while supreme court members have the power to veto political decisions, that power is itself authorized by a democratic process. Therefore, while panels of moral experts can (and should, even from an

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[4] While the conclusions of science may indeed "establish a range of legitimate political decisions" (Baccarini, *vide supra*), much as the constitution establishes a range of legitimate laws and policies, we can hardly say that this implies that experts should rule, just as it does not imply that supreme court judges should rule.

epistemic point of view) filter laws, public policies, and political decisions produced by a democratic decision-making process, we should keep in mind that these filtering mechanisms receive political authority through democratic procedures. The second important issue is the scope of the supreme court's jurisdiction. While its role is both procedural (to monitor whether other branches of government are complying with their constitutional role) and substantive (to examine laws, policies, and decisions and determine whether they are in accordance with constitutional values and principles), there are many political decisions that (assuming they are produced through the appropriate procedure) fall outside its scope. As Rawls indicates in *Political Liberalism*, "judicial review presents itself as a prudent mechanism for protecting constitutional essentials" (Rawls 2005: 240, see also Hedrick 2014: 819). These include "such fundamental questions as: who has the right to vote, or what religions are to be tolerated, or who is to be assured fair equality of opportunity, or to hold property. *Many if not most political questions do not concern those fundamental matters*, for example, much tax legislation and many laws regulating property, statutes protecting the environment and controlling pollution, establishing national parks [...] and laying aside funds for museums and the arts" (Rawls 2005: 214, emphasis added). To sum up, while we can agree that moral experts exist (knowledge tenet), supreme court and other similar bodies receive their authority through a filtered, but still democratic, process. Moreover, while moral experts should play a substantive (and not only procedural) role in politics, the scope of their authority should be quite limited, and many (if not most) public policies and political decisions fall outside their jurisdiction.

2.3. Finally, I want to address a possible advantage that my account (which is based on a proceduralist interpretation of public reason) has over accounts that require citizens and political representatives to use public reason in (virtually) all political issues. The advantage concerns the use of controversial scientific theories when we justify public policies and political decisions. Baccarini reminds us that, following Rawls, public reason endorses and allows "the methods and conclusions of science when these are not controversial." The substantive interpretation, then, applying the restrictions of public reason beyond constitutional essentials and matters of basic justice, argues that no law, policy, or political decision should be based on a controversial scientific theory. However, this seems almost impossible. Scientific theories on many issues of public interest (especially economics) are controversial and in conflict with other scientific theories. While their methods are not controversial (and conflicting experts acknowledge each other's expertise), their conclusions definitely are. Baccarini would probably conclude that this represents a case of reasonable disagreement among experts and argue that we can use any of these conclusions as a public reason because they represent "eligible conclusions of science" (Baccarini, *vide supra*). I think that the use of scientific reasons following this

interpretation is both too inclusive and too exclusive. Let me try to explain this by demonstrating how a procedural interpretation would tackle this problem.

Procedural interpretation differentiates between constitutional essentials and matters of basic justice, where restrictions of public reason typically apply, and other laws, policies, and decisions, where citizens may introduce non-public reasons that come from their (reasonable) comprehensive doctrines[5]. Rawls writes explicitly that "we should distinguish between these two cases, the first [i.e., publicly based justifications for questions regarding the constitutional essentials and basic questions of distributive justice] attainable (we hope) and desirable, the second [i.e., publicly based justifications for all questions to be settled by the legislature within a constitutional framework] neither attainable nor desirable" (Rawls 2003: 91, footnote 13). This implies that the criteria for political justification in these two cases are not equally demanding. They are very high when we make choices that fall within the realm of constitutional essentials, and not so demanding when we make other political decisions. The substantive interpretation fails to properly address this differentiation. But what does that say about the legitimate use of scientific reasons?

While discussing the idea of public reason, Rawls famously points out that "when the premises and *conclusions* are not acceptable on due reflection to all parties in disagreement, valid argument falls short of public justification" (Rawls 2003: 27, emphasis added). Similarly, when making political decisions regarding constitutional essentials and matters of basic justice, we can admit only "the methods and *conclusions* of science when these are not controversial" (Rawls 2005: 224, emphasis added). In other words, conclusions of science can become public reasons only when they represent "plain truths now widely accepted or available to citizens generally" (Rawls 2005: 225). However, many scientific theories (e.g., economic theories) employ appropriate scientific methods, yet their conclusions remain controversial. Conclusions of such theories are therefore not valid public reasons, and Baccarini's account seems to be too inclusive, allowing for such controversial conclusions within the framework of public reason. On the other hand, again following the procedural interpretation, when we make ordinary laws and political decisions, we are not bound by the restrictions of public reason. Does this mean that we can freely introduce reasons based on pseudoscience and conspiracy theories at this level? No, of course not! Since technical expertise can be publicly recognized, we must still base our reasons on the conclusions produced by theories that use proper scientific methodology.

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[5] This does not mean, of course, that citizens should not use public reasons when making policies and decisions that fall outside the scope of constitutional essentials and matters of basic justice. Rawls, in fact, grants that "it is usually highly desirable to settle political questions by invoking the values of public reason" (Rawls 2005: 215). It only implies that other (non-public) reasons are admissible, too.

While the methods have to be scientific and (perhaps) uncontroversial, the contested conclusions at this level can still represent valid reasons[6].

| Descriptive reason has to: | Procedural interpretation | Substantive interpretation |
|---|---|---|
| Constitutional essentials and basic justice | 1) originate from science<br><br>2) be produced using non-controversial methodology<br><br>3) be non-controversial conclusion | 1) originate from science<br><br>2) be produced using non-controversial methodology |
| Other political issues | 1) originate from science<br><br>2) be produced using non-controversial methodology<br><br>(* see footnote 6) | 1) originate from science<br><br>2) be produced using non-controversial methodology |

This seems to correspond well with Rawls' intention to "narrow disagreement at least regarding the more divisive controversies, and in particular those that involve the constitutional essentials; for what is of greatest urgency is consensus on those essentials" (Rawls 2003: 28). Moreover, it allows us to ground many public policies and political decisions (that do not concern constitutional essentials and basic justice) in controversial scientific theories, provided (of course) that they are supported by constitutional values and principles[7]. It does not allow us, however, to base them on pseudoscience or in conspiracy theories.

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[6] *Maybe* even the conclusions of some *scientific* theories (this automatically disqualifies pseudoscience and conspiracy theories) that use controversial methods can be endorsed at this level. For this reason, on the other hand, Baccarini's account might be characterized as too exclusive. However, I will have to think a lot more about this.

[7] This supports the idea that we need a very high degree of certainty (no reasonable objection criterion) when making decisions about constitutional essentials and matters of basic justice. For this reason, Estlund's demographic objection, supported by the argument from latent empirical features (Estlund 2003: 62-66, Cerovac 2020: 147-149), seems to be a relevant argument against epistocracy - after all, we are talking about the proper distribution of political influence and voting rights, which are an important part of constitutional essentials. Even reasonable suspicion can be sufficient to block a proposal at this level. The same is not the case when we are talking about ordinary laws and political decisions - while we still need to use proper epistemic (and scientific) methods, the level of certainty required is not so demanding. Also, a reasonable suspicion is not enough to block proposals at this level.

2.4. Nebojša Zelič raises a very important question (followed by a possible objection) regarding the proper interaction between citizens and technical experts. Following Christiano (2012), I argue that citizens and their representatives (in general) have the task of devising society's aims, while experts should focus on finding and developing the best (technical) means to reach and accomplish those aims. Zelič acknowledges and commends my intention to keep the interaction bidirectional, arguing that experts can have a very important educational role. Namely, they can inform citizens about the means that can (or cannot) be used to pursue political aims, as well as indicate if citizen aims are incompatible for technical reasons[8]. Furthermore, they can inform citizens on the expected consequences that pursuing certain political aim (and using certain measures to achieve it) can produce, and indicate how this will affect the pursuit of other political aims. Finally, since technical expertise can be publicly acknowledged, experts should be allowed to point out which descriptive claims cannot be used to ground or inspire our political aims (e.g., claims derived from pseudoscience or conspiracy theories). However, Zelič is worried that this might transform my account of epistemic democracy into a form of democratic expertism. Social experiments using citizen assemblies like mini publics (Fishkin 2009, see also Wright 2010) show that the best results are achieved when citizens have control over their relationship with experts. When experts are given a more active role and allowed to work alongside participants (citizens), their expertise pressures citizens to submit to their authority, opening the floor to various forms of manipulation (Zelič, *vide supra*). This brings into question both the moral and epistemic qualities of epistemic democracy. While I see the danger Zelič is indicating, I believe we can use (at least two) institutional mechanisms to avoid it.

First, my account endorses a form of representative democracy in which citizens do not directly authorize political decisions (e.g., in referenda) but instead vote for their political representatives, who then participate in decision-authorization processes in parliament. Thus, the most direct interaction (in the process of fine-tuning political aims and appropriate means to achieve them) takes place between experts and political representatives. However, unlike regular citizens, political representatives have various mechanisms that can help them resist such attempts at manipulation. For example, they have access to their party's infrastructure (including political foundations, policy groups, think tanks) with reliable experts in various fields[9]. Furthermore, they have access to various professionals working in the administrative departments of government and more time to deliberate and research on these

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[8] For example, citizens might agree that they want to live in a society characterized by full employment, equal wages, and fiscal discipline. These aims might be considered valuable and consistent by citizens, yet economists will agree that these three aims are incompatible and cannot be achieved simultaneously. See Cerovac (2020: 210) and, for additional information, Iversen and Wren (2013) and Hemerijck (2013).

[9] For additional information on the epistemic value of partisanship see Cerovac (2019).

issues (because unlike the participants in mini publics who have regular jobs, the representatives' only duty is to participate in the decision-authorization process). I am aware that this also opens the door to other effects that might reduce the quality of political decisions (e.g., group polarization), yet I believe it shows that political representatives are harder to manipulate than regular citizens.

Second, the model of interaction between citizens and experts that I presented in the first part of chapter six should not be considered independently of another important idea discussed in the second part of the same chapter. Namely, that the democratic process will be prone to manipulation by financial elites as long as there are large inequalities in wealth and income[10]. A property-owning democracy or some other regime that keeps economic inequalities in check should be able to alleviate the problem of manipulation, since the experts (at least in most cases) will have no particular agenda to promote[11]. Finally, although it is not quite clear from the paper, it seems that Zelič regards experts as a more or less homogeneous group. While there is disagreement among citizens about political aims, experts usually agree about the means we can use to achieve these aims. However, experts are often in disagreement and for many political issues there is no set of noncontroversial scientific conclusions that we can present to citizens and their representatives. Even when experts use proper scientific methods, they reach different, often contradictory conclusions. When you consider this and combine it with the idea of publicly founded science in a society characterized by very low inequalities in income and wealth, I believe that manipulation by the experts does not represent a serious threat.

2.5. Zelič builds another interesting critique in terms of moral expertise simultaneously giving a fascinatingly accurate reading of my account and its implications. He starts from the idea closely related (but not analogous) to normative consent: when we make decisions that affect others, we have a duty (moral and epistemic) to make those decisions as correct (or efficient or just) as possible. Since I endorse the knowledge tenet, I admit that there are experts in politics (i.e., moral experts) who know better than others what should be done. Furthermore, I proceed by rejecting

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[10] This is why many populist movements reject science and expertise altogether - they think scientists serve financial elites and help them manipulate the political process to further their own agenda.

[11] Indeed, Zelič might argue that (even in a society not characterized by enormous financial inequalities) there might be some epistemically damaging features experts might have, and these features might motivate them to manipulate citizens (and their representatives) in the process of determining aims the society should pursue. This might take the form of a demographic objection (Estlund 2003) grounded in empirically latent features. However, while this kind of worry might represent an immediate defeater with respect to issues regarding constitutional essentials, it is probably not strong enough to disqualify the role of experts in other decision-making processes.

the authority tenet, arguing that we cannot escape invidious comparisons objection, and we cannot publicly agree on who the moral experts are. However, while we cannot publicly agree on who the experts are, we can still privately regard someone as an expert, and it seems that we have a (moral and epistemic) duty to follow that person's guidance - it represents the best way to fulfill the duty we have to others. But this raises a problem: when we participate in decision-authorization procedures by following the advice of those we regard as moral experts, how are we to justify our choice of moral experts to others?

Zelič correctly anticipates that my answer relies on the procedural interpretation of public reason. When we (or our political representatives) vote on decisions dealing with constitutional essentials and matters of basic justice, we are under the full constraint of public reason. However, when we vote on other laws, policies, and decisions, we can introduce additional reasons (ones that not all qualified citizens can agree with). Of course, "it is usually highly desirable to settle [other] political questions by invoking the values of public reason" (Rawls 2005: 215). But "to resolve these it is often necessary to go outside [a political conception of justice] and the political values its principles express, and to invoke values and considerations it does not include" (Rawls 2003: 28). Justifying all political decisions solely on the basis of political values covered by the political conception of justice is "neither attainable nor desirable" (Rawls 2003: 91). But why is this the case? Scanlon provides two reasons for endorsing the procedural interpretation.

First, while constitutional essentials and matters of basic justice (e.g., who has the right to vote, what religions are tolerated, who will be eligible to own property) affect our lives in fundamental ways and even determine our political influence in procedures of collective decision-authorization, other political decisions do not usually affect our lives in similar ways, and we have a fair opportunity to affect the final outcome (Scanlon 2003: 163). In a similar fashion, though from a very different perspective, Thomas Christiano (2008) argues that the principle of public equality limits the scope of democratic rule and thus forms the justification for democratic rights, liberal rights and the economic minimum - we have to put strong limitations on the popular will when important rights and liberties are at stake. But there is no reason to insist on these limitations when we are focused on other, less fundamental political matters.

Second, following Rawls, a political conception must be complete, that is, it must be able to give answers to all the questions to which it applies. However, it does not "seem plausible that a political conception - which must refrain from taking sides on issues on which reasonable comprehensive views may disagree - could provide the basis for answering all questions that arise in the course of legislation" (Scanlon 2003: 163). For example, in deciding whether to build a new highway system, citizen considerations of the efficiency of such a project and damage to unspoiled wilderness collide. Political deliberations on this issue will include reasons that reflect citizens'

comprehensive views, and without such views we cannot have a meaningful debate on this issue. However, if the political system allows for free deliberation and grants all citizens an equal chance to participate in the decision-authorization process, those who lose cannot claim that "the result fails to respect them as free and equal" (Scanlon 2003: 163). In other words, we need reasons coming from comprehensive doctrines to address many political issues.

## 3. CONFLICT, FILTERING MECHANISMS AND TRANSFORMATIVE POWER OF PUBLIC DELIBERATION

Matan, Vladova, and Vuksan-Ćusa (in the rest of the paper Matan *et al.*) provide an excellent overview of my account and emphasize some of its more problematic implications. Additionally, they bring into question the foundations of my project by targeting some of the presumptions (both normative and descriptive) that I make about democracy and democratic man. This part of the paper clarifies my position and addresses three prominent objections raised by Matan *et al.* First, I elaborate further on my views on democracy, and I acknowledge and endorse critics' thesis that my account represents an attempt to discipline democracy (Pavićević and Simendić 2016). Second, I acknowledge that my intention is indeed to "transform the democratic man" and explain why I believe that public deliberation and representative deliberative institutions can represent valuable means to achieve this aim. Third, I address the role of conflict (and political agonism) in epistemic democracy and argue that political conflict can be epistemically valuable. Thus, my account, while striving toward the quality of decisions, does not imply that citizens will always (or ever) agree on the substantive epistemic value of any particular outcome. Finally, I endorse the worry that the unequal distribution of economic, social, and political power can represent a serious threat to democracy's legitimacy-generating potential, and address some of the institutional preconditions of epistemic democracy.

3.1. My account, like many other liberal positions, does not take democracy as a starting point. It is based on the liberal principle of legitimacy and examines what decision-authorization procedure reasonable (or qualified) citizens should endorse as a proper source of legitimate political claims. The working definition of democracy that I use in the book has a narrow scope[12] and differs significantly from the comprehensive definition used by Jacques Rancière (1999: 101). I follow Estlund (2008: 38) and characterize democracy as "actual collective authorization of laws and policies by the people subject to them". Democracy is thus regarded primarily as a decision-authorization procedure, and when I discuss the epistemic value of

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[12] Thomas Mulligan (2015: 470) calls it "a weak definition of democracy".

democracy I am primarily addressing procedure's ability to produce and authorize decisions which are correct, efficient or just according to some procedure-independent standard.

Matan *et al.* raise several critiques regarding this approach. Democratic society should be architecturally open, and the democratic process should not be limited or disciplined. In fact, they characterize my account as another attempt to "discipline democracy" (Pavićević and Simendić 2016: 14), i.e., to reduce the scope of democratic authority and to limit and predetermine legitimate democratic mechanisms that can be used in the collective decision-authorization process. My position thus represents "an attempt to finally write down the democratic truth in a certain institutional form" and to "ossify democracy by taming its indeterminacy on roles in the model" (Matan et al., *vide supra*). This is a very precise and fair interpretation of my work. Unfortunately, this critique (unlike those by Baccarini and Zelič) comes from a different philosophical tradition and it is somewhat difficult to properly address in this format. However, it helps to highlight some important theoretical foundations and practical implications of my position by forcing me to bite a few bullets. First, Matan *et al.* are mostly correct when they write that my intent is to limit the scope of democratic government. Liberal constitutionalism represents an important normative benchmark for my account, and I wholeheartedly endorse the idea that representative democratic bodies should not be able to decide (directly) every aspect of public life - some areas, such as those covered by constitutional essentials and laws relating to matters of basic justice, should remain outside the scope of regular democratic procedures.

Second, my critics are right to point out that my account tries to "discipline democracy" - which is precisely what it does! While the earlier chapters introduce qualities and standards that democracy must meet in order to have legitimacy-generating potential, chapter six discusses some institutional mechanisms we can use to "filter the public will" (Barker 2015, see also Urbinati 2000). Political representation is one such mechanism that, together with the separation of political powers (e.g., tripartite system), tends to improve the quality of democratic decision-making and decision-authorizing procedures by (temporally and spatially) disjoining deliberation from decision-making and thus filtering the public will. Specific roles I assign to (technical and moral) experts represent another step in this direction. However, my intention is to show that these filtering mechanisms can be publicly justified and endorsed by all qualified citizens. Furthermore, the underlying idea is that these mechanisms (and political bodies that institutionalize them, like the parliament or the supreme court) uphold their authority because they are ultimately justified by democratic procedures. Democracy thus authorizes instruments that limit the scope of its own authority (see 2.2 and the example of the supreme court). While some might claim that this process, instead of providing valuable contribution to democratic politics, "actually slips the ground under its feet" (Matan et al., *vide supra*), I

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tend to disagree. Projects like this aim to ground the political authority of various filtering mechanisms in egalitarian democratic procedures. They represent an important alternative to non-democratic accounts (e.g., moderate epistocracy) that attribute political authority to filtering mechanisms on some other grounds.

3.2. Matan et al. indicate that the account I present in the book seems extremely demanding. Although it introduces experts (and, I must add, political representatives) to make the process less demanding for ordinary citizens, it nevertheless places a heavy burden on their backs. Perhaps their reading is too harsh, however, when they warn that my account requires constant participation and asks each individual to "constantly articulate his position and provide evidence on which that position is based, while at the same time being open to criticism." The discussion is situated within the framework of representative democracy, and much of the burden is placed on political representatives, but also on various filtering mechanisms (e.g., the supreme court, expert committees) that can have an important educational role.

My critics are right when they indicate that I aim for "a transformation of a democratic man" and "want a democratic man to be what he is not" (Matan et al., *vide supra*). Namely, I follow a long line of scholars (see Mill 1977 and Cohen 2009) concerned with the transformative effects of public deliberation. While citizens can participate in the deliberative process that provides excellent results at the local level (Roberts 2004, Wright 2010, Lindell and Ehrström 2020), simply being exposed to a deliberative political culture (e.g., where political representatives are required to engage in deliberation and justify their claims, and where others can challenge their arguments) can have a positive effect on citizens' minds. To render this idea workable, we need various political and social mechanisms that constitute the institutional preconditions of epistemic democracy. Providing a comprehensive list of such mechanisms requires an interdisciplinary approach that combines contributions from different social sciences.

3.3. Deliberative democracy is often thought of as a consensus-seeking enterprise. Citizens (or their representatives) present their views, as well as reasons, arguments, and evidence supporting those views, they evaluate those reasons through the process of collective deliberation, and finally they agree on what is the correct thing to do. Even if they fail to reach complete agreement, this failure is attributed to the non-ideal circumstances in which public deliberation takes place. Deliberation thus strives for consensus, and this striving grounds its epistemic value and constitutes its legitimacy-generating potential. Critics argue that my account of epistemic democracy represents "a way in consensus-seeking approach" and is thus unable to acknowledge the antagonistic dimension of politics (Matan et al, vide *supra*, see also Mouffe 1996). There is no guarantee that citizens, even with the help of experts,

"will solve every conflict and reach the point of right decision". Politics is not (always) a collaborative search for truth. Instead, it is often an irrational conflict "between friend and enemy". This is an extensive criticism, and I would like to address some misconceptions and further clarify my account.

First, although consensus-seeking approach represents an important model of democratic deliberation, it is not the only model. The agonist approach (Manin 1987, see also Urbinati 2000) represents an important alternative. Deliberation no longer focuses on reaching consensus on numerous political issues (apart from constitutional essentials and matters of basic justice). Instead, the focus is placed on the reason-giving process, and deliberation can be epistemically valuable even when it does not reach consensus. This does not imply, of course, that deliberation is valuable regardless of the procedure-independent quality of the decisions it produces (pure epistemic proceduralism). Deliberative processes are valuable because they improve the quality of political outcomes, but this does not entail that we will often (or ever) reach consensus on many political issues. Estlund (2008) emphasizes this when he writes that we need an account of political legitimacy that allows citizens to disagree about the substantive quality of any particular political decision, yet to consider it as legitimate because everyone can agree that it was authorized using an appropriate (legitimacy-generating) procedure. We need political consensus, but it is only required on constitutional essentials and matters of basic justice. Once we have all endorsed democracy as a decision-authorization procedure with legitimacy-generating potential and the appropriate epistemic value, we can continue to disagree on (virtually) all other political issues. This conflict is epistemically fruitful and improves the epistemic value of the procedure.

Second, the account of epistemic democracy that I defend takes a form of imperfect proceduralism[13]. I fully agree with Matan *et al.* that citizens will not be able to resolve every conflict and make the correct decision every time. That is not the intention of my project. The aim is to provide a public justification for a decision-authorization procedure with sufficient epistemic quality, one that is capable of creating legitimate political decisions even when those decisions are incorrect and even when there is reasonable disagreement about the quality of the decisions in question.

Third, the project remains normative and aspires to transform a democratic man. As indicated earlier, it is concerned with establishing a procedural framework within

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[13] Rawls differentiates between perfect, imperfect, and pure procedural justice. Perfect procedural justice is characterized by a standard for correct outcomes and a procedure that guarantees that the correct outcome will be achieved. Imperfect procedural justice shares the first characteristic (independent standard of correctness), but there is no procedure that can guarantee that the correct outcome will be reached. Finally, pure procedural justice refers to situations in which there is no independent standard of correctness, but only the standard of the procedure itself (Rawls 1971: 73-78, see also Gustafsson 2004: 300-305).

which political conflict can be contained. This framework is defined by constitutional essentials that specify basic rights and liberties and provide justification for a decision-authorization procedure with legitimacy-generating potential. Political conflict contained within this framework can thus be epistemically fruitful, further utilizing the "distinction between friend and enemy". The principle of loyal opposition (Waldron 2012) can provide an excellent example of how political agonism can be deployed within constitutional constraints. Conflict only becomes harmful when it breaks out of these constraints and when Schmitt's distinction between friend and enemy replaces the idea of society as a fair system of cooperation.

3.4 Matan *et al.* warn us that "exchange between citizens and experts" take place "in a real political system where power plays an important role". Unequal distribution of power negatively affects procedure's ability to get to the truth. What is "right in politics is always submitted to some constellation of power", and a proper "truth tracking can only be conceived in a healthy public sphere". Unequal distribution of power (social, economic and political) poisons the public sphere, creates political elites and sacrifices correctness for sectarian interests. I am painfully aware of these serious challenges and attempt to address them in the final chapter of the book, where I present a form of property-owning democracy (in which economic and social inequalities are minimal and have negligible effects on the public sphere) as the appropriate institutional arrangement for epistemic democracy. This egalitarian system should block harmful filtering mechanisms (in which the democratic process and public will are filtered by appeal to qualities that diminish, rather than enhance, the procedure's epistemic qualities) such as wealth and income, and should free moral and technical expertise from the troublesome grip of money and wealth (see also my reply to Zelič in 2.4). Of course, addressing these problems requires greater elaboration and knowledge far beyond my expertise, and I thank Matan, Vladova, and Vuksan-Ćusa for bringing these issues to my attention.

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