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Author:
Claudia Landwehr

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Deliberation, Voting, and Truth

Claudia Landwehr[*]

Abstract

This article identifies two different strands of epistemic democracy, aggregative epistemic democracy and deliberative epistemic democracy, which have recently been combined. The idea behind this combination, that deliberation and aggregation may be substitutes for one another, is argued to be problematic. The Condorcet jury theorem´s application to political decision-making, on which the idea of aggregative epistemic democracy is based, is questioned by addressing its three premises – independence of individual judgments, voter competence, and the idea that the point in majority rule is to track truth – from a deliberative perspective. It is argued that epistemic hopes should better concentrate on the discursive processes preceding majority vote and that voting and deliberation complement rather than substitute for one another.

[*] Claudia Landwehr is a Schumpeter Fellow at the Goethe-University Frankfurt/Main.

1. Introduction

Theories of epistemic democracy are based on the assumption that political participation enhances truth. Whereas theories of „liberal" democracy in the tradition of Schumpeter and others point to a lack of electoral competence as well as the impossibility of meaningful aggregation in order to justify both a minimal state and minimal participation, participatory democrats (labeled „populists" by William Riker) insist on the benefits from participation. Epistemic democrats constitute a particular sub-species within participatory theories of democracy: They advocate participation not (only) on purely procedural grounds or as the exercise of individual autonomy, but because they believe it to yield results that are desirable by some independent standard. Jean-Jacques Rousseau is regarded as the classical representative of this kind of participatory epistemic democracy. Rousseau held that if everybody voted their judgment on the common good rather than their self-interest, the result would reveal a „general will". The „general will" is, on Rousseau´s account, something that exists prior to, and independent from, the procedure by which it is deter-mined – and can hence be represented correctly or incorrectly (Rousseau 2004 [1762]). With regard to modern theories of participatory epistemic democracy, one can distinguish two currents, which I will refer to as „aggregative epistemic democracy" and „deli-berative epistemic democracy". Although they share a number of assumptions, they differ essentially concerning the processes to which they assign epistemic merits. Aggregative epistemic democracy sees epistemic advantage in the process of aggregation itself and draws attention to Condorcet´s jury theorem (to be discussed below) for justification of this assumption. Deliberative epistemic democracy, by contrast, regards the political discourse that precedes, accompanies and follows political decisions as the origin not only of epistemic progress, but also of conflict resolution.

Aggregation and deliberation have often been viewed as conflicting procedures: While deliberative democracy seems to struggle with the necessity to arrive at a decision before a consensus can be reached and to embrace majority rule only as a necessary evil, Rousseau himself, on the common interpretation, was suspicious of public debate for fear of domination and manipulation. More recently, however, advocates of deliberative epistemic democracy, which is by far the more influential of the two approaches, have tried to accommodate findings of the aggregative current

within their own approach. The idea behind these attempts seems to be to overcome the conflict between deliberation and aggregation and to assign epistemic merits to both these features of democratic politics, equally and jointly. In the following section, I will briefly outline the common features of deliberative and aggregative epistemic democracy. I then go on to present the assumptions of aggregative epistemic democracy in some more detail. In particular, I focus on attempts to avoid the conclusion that communication leads to a violation of the CJT"s independence condition and that deliberation and epistemic aggregation are therefore incompatible: David Estlund´s (1994) model of opinion leaders and a Bayesian extension of the CJT by Robert E. Goodin (2003) which links the jury theorem with assumptions about interactive belief formation. Section 3 discusses the three conditions which must hold for the jury theorem to offer a valuable contribution to democratic theory. I argue that discursive, reason-giving formation of judgments tends to render individual votes interdependent in a way that makes it difficult to preserve the jury theorem´s independence condition. Moreover, sufficient voter competence should not be assumed as either given or not given, but regarded as depending on properties of the discourse. Finally, the object of political decisions are options for action rather than possibly true propositions: they resolve practical, not epistemic disputes (Gaus 1996: 186). I conclude that although it is worthwhile to assess the relationship between preference formation in deliberative discourses and preference aggregation in majority decisions, deliberative democracy should be careful not to assign epistemic merits to aggregation itself rather than to the process of communicative interaction. While deliberation is about what to accept as true and right, majority rule is employed to decide what to do. Although they are equally important and constitutive of democracy, aggregation and deliberation cannot substitute for one another.

2. Models of Epistemic Democracy

Aggregative and Deliberative Epistemic Democracy

   In an important sense, the theory of deliberative democracy and what I have labeled „aggregative epistemic democracy" are different strands of epistemic democracy. They equally assume that the input to democratic political processes should be based on judgments over the common good rather than considerations of self-interest. Moreover, they both maintain that there exists such a thing as the

„common good" that democratic politics helps to realize. Whether or not decisions promote the common good is in both approaches seen as a function of political participation. Hence, they are both concerned with establishing a link between participation and epistemology: the more participation is given, the better the chances that truth will be tracked.

The first to advocate the relationship between participation and truth was Jean-Jacques Rousseau. Although his work is complex and allows for contradictory interpretations (cf. Estlund et al. 1989: 1322), there seems to be wide agreement over his claims that people should vote their judgments instead of their interests and that democracy, if rightly construed, can help to promote a common good. In these respects, „deliberative" and „aggregative" models of epistemic democracy jointly constitute part of an opposition against „liberal" conceptions of democracy, as advocated most famously by William H. Riker (1982). Riker draws on Kenneth Arrow´s finding about the impossibility of meaningful aggregation of votes - understood as expressions of preference rather than judgment -, exemplified by the occurrence of cycling majorities.

Theories of deliberative democracy have gained so much importance in the last 20 years that they have become the dominant school within democratic theory and are now far more influential than liberal conceptions like the one exemplified by Riker. Not all proponents of deliberation also adhere to an epistemic understanding of democracy, al-though most do more or less explicitly expect deliberation to yield superior outcomes. Aggregative models of epistemic democracy are rather marginal within democratic theory; they do not so much constitute a full-fledged and coherent theory, but rather an idea that floats in the debate, popping up every now and then. This idea has recently gained popularity in attempts to employ the Condorcet Jury Theorem (CJT) as an argument in favor of deliberative democracy and thus to reconcile aggregation and deliberation. As the main elements of deliberative democratic theory are now widely known and as numerous complex and in many respects heterogeneous approaches make up „the" theory of deliberative democracy, I will not discuss it in detail here. Instead, I will present the idea of aggregative epistemic democracy and point out the ways in which it has been linked with deliberative models, as well as the problems arising from this combination.

The Condorcet Jury Theorem

Like social choice theory and the normative models of liberal democracy that are based on it, aggregative epistemic democracy derives its foundations from findings by the Marquis de Condorcet. Condorcet was the first to draw attention to problems, such as cycling majorities, that can occur when aggregating votes. Kenneth Arrow later extended Condorcet´s findings to his impossibility theorem (Arrow 1963). While this result of Condorcet´s obviously has negative implications for democracy, a second one, the „jury theorem" yields a more positive picture. The reason for those differing verdicts on democracy lies, according to David Estlund, in the fact that the paradox of cycling majorities is based on a "preference conception" of democracy while the jury theorem applies an "epistemic conception" (Estlund et al. 1989: 1317). Estlund argues that in order to be aggregable (and hence to constitute a possible input to majority decisions), votes must constitute answers to the same question (Estlund 1990). As questions about individual preferences (desires, interests) "what do you want for yourself?" as well as their answers always contain indexicals („you", „I", „my"), they actually concern different issues: what A wants for A, what B wants for B, and so on. Only answers to the question "what is in the common interest?", Estlund argues, can escape the indexicality problem, only these are truly answers to the same question and hence aggregable. Where votes are answers to the same question, moreover, certain preference orders that otherwise allow for the occurrence of cycling majorities are less likely to be met with, hence ensuring the possibility of meaningful aggregation.

The jury theorem shows that once it is ensured that all votes constitute answers to the same question, meaningful aggregation is not only possible, but may in itself enhance truth. The theorem is based on three premises. First, it must be provided that there exists "an independent standard of correct decisions" and "voting expresses beliefs about what the correct policies are according to the independent standard" (Cohen 1986: 34). In its original version, the jury theorem assumes a jury that is faced with a binary choice. Estlund points out that for such a choice truth and falsity need not necessarily apply (1997: 173/4). The epistemic (or: correctness) interpretation, however, is the most common and most plausible one in the context of democratic theory, as no independent standard be-sides truth seems to be available from an observer´s perspective. Secondly, voters must on average be more likely to

be right than wrong. Finally, individual judgments must be independent of one another, as statistical interdependence reduces the effective number of votes.

The CJT shows that if every member of the jury has a probability better than chance (.5) of being right than wrong, then not only is the majority more likely to be right than wrong, but it follows from the simple law of large numbers that the majority is more likely to be right than each of the individuals for themselves. As the size of the electorate grows, so does the probability of the majority tracking the truth. For electorates of the size of modern democracies, this probability is near certainty (1.0). The same result still holds if voters have differing probabilities of voting correctly, as long as the average is above .5. As List and Goodin (2001) show, the jury theorem can also be extended to cases with more than two options. The only precondition here is that the average probability of being chosen is higher for the correct option than for any other one of its alternatives. However, if the average probability of choosing the correct option is smaller than that of choosing (one of) the wrong option(s), the corresponding negative result will set in: with a probability approaching 1.0 as the size of the electorate grows, the majority will opt for the false answer. The promise Condorcet´s Jury Theorem offers to democracy hence depends on the answers to the questions of whether voters are better or worse than chance at choosing the correct option, whether their judgments are formed independently and whether there are truths to be tracked by political decisions.

It seems that one of the reasons why aggregative epistemic democracy has found little support as an independent theory of democracy is that the theorists drawing on Condorcet´s jury theorem are reluctant to embrace the epistemic optimism required to advocate aggregation as a "truth-tracker" (Goodin 2003, ch. 5). David Estlund, although he appreciated Grofman and Feld´s early approaches towards aggregative epistemic democracy (Estlund et al. 1989), has recently declared the CJT to be "irrelevant" to democratic theory (Estlund 2008, ch. 12).

List and Goodin (2001) do not comment on the issue explicitly but rather present their extension of the jury theorem in a „given-that" style, concluding nonetheless that "[a]ssuming that there are any truths to found through politics, democracy has great epistemic merits, in any of its many forms" (ibid. 295). Richardson is optimistic that representatives" competence will be higher than average voter competence (and > .5), but points out that "[b]ecause there is no way of telling for which issues a fair

majoritarian process decides the truth about what we ought to do, accepting its normative fruitfulness does not disturb our regarding it as fallible" (2002: 211/2, emphasis added).

Goodin and Estlund (2004) present the question in a reverse fashion: rather than deriving the probability of a correct outcome from the probability of each individual voting correctly, they take the outcome to display possible conclusions about individual probability. If, for instance, in a decision over a binary (yes/no) issue, 40% vote for one option and 60% for the other, that implies that voters are either 60% likely to be wrong or 60% likely to be correct. This reframing of the question seems to render the suggestion that the majority is correct more compelling, particularly for landslide victories. Nevertheless, it seems that none of these authors openly makes a case for the majority being more likely to be right than wrong, probably because of the authoritarian element implied in this claim (cf. Estlund 1993).

Communication and Interdependence

The relationship between aggregative and deliberative epistemic democracy is not with-out problems. If Condorcet´s Jury Theorem and the conceptions of democracy derived from it are understood as a formalization of Rousseau´s general will (Grofman / Feld 1988), a combination of aggregative and deliberative democracy will need to address the problems Rousseau saw with public deliberation. Rousseau is usually understood to have believed that public discussions lead to manipulation, and that deliberation had better take place within individuals than between them.

The requirement that opinions must be arrived at independently is in keeping with the jury theorem´s implication that the larger the electorate, the higher the probability of the majority being correct. If voters aggregate their judgments in smaller groups before a majority vote of the entire electorate is taken, the effective number of judgments entering the ballot is reduced. Consequently, the effect of the law of large numbers is reduced as well, in the worst case limiting majority competence to individual competence. What the CJT"s independence condition requires is thus that individual votes are independent from each other, conditional on the state of the world. However, Estlund (1994) has shown that the independence condition can be relaxed to permit the influence of opinion leaders. His argument is based on the observation that the judgments of two individuals i1 and i2 may both be influenced by

the judgment of an opinion leader (OL) and yet remain independent with regard to one another:

Figure 1: Influence of an opinion leader
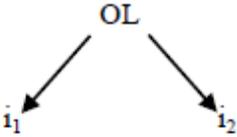
Under some demanding, but not entirely unrealistic restrictions, the CJT thus retains its positive result for democracy when the influence of opinion leaders is permitted. What is central, however, is that the influence is unidirectional: the judgments of individuals i1 and i2 must not in turn affect the opinion leader´s judgment, so that there is no aggregation of judgments before the aggregation of votes. If influence between i1 and OL became mutual, i2´s judgment would be rendered conditional on i1´s (as well as OL´s). If i1 and i2 were to communicate and influence each other´s judgment, their votes would equally become conditional upon one another. Where votes are no longer conditional on common causes (the state of the world and the opinion leader) alone, though, the independence condition is in danger.

What Estlund (1994) proposes, in essence, is to allow opinion leader´s judgments to feature in the role of evidence in individual judgment formation. Recently, Dietrich and List (2005) have argued that the original model of the jury theorem neglects the fact that opinions cannot be assumed to be directly caused by a state of the world. Rather, they should be regarded as a function of the available evidence. The body of evidence, they claim, must be included in the model as an intermediate cause between the state of the world and individual opinions:

Figure 2: Opinions as functions of available evidence
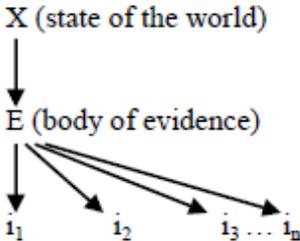
(cf. Dietrich/List 2005: 241)

Their model interprets each juror´s vote as "a signal, not primarily about the state of the world, but about the body of evidence, which in turn is a signal about the state of the world" (ibid. 242).

If individual votes constitute signals about a body of evidence, however, they have evidential quality themselves. This is the idea behind a Bayesian extension of the CJT proposed by Goodin, which seeks to reconcile aggregation and deliberation (2003, ch. 6). Goodin argues that if we suppose that votes constitute reports of the voters" experiences and perceptions, then voters should take other´s reports as evidence confirming or challenging their own experience. If voters revise their opinions when confronted with such new evidence according to Bayes` formula, majority opinion is a compelling indicator of rational belief (ibid. 109/110).

Bayesianism assumes that people start a process of belief-formation with a „prior probability" assigned to a given proposition, which, by a value between 0.0 and 1.0, de-scribes how likely they hold this proposition to be true. In cases where no evidence for or against a proposition has yet been taken into consideration, 0.5 seems a reasonable value to begin with, although it does not matter if prior probabilities vary across people. Con-fronted with evidence from own perception and experience as well as from the reports of others, people adjust their prior probability to this evidence according to Bayes` formula. Given that all are exposed to the same evidence, people will „update" their beliefs in the same direction, eventually ending up with more or less the same judgments.

Exposure to evidence may occur both in direct communication with others and as acknowledgement of a majority opinion. Public deliberation thus seems an optimal way of adjusting individual judgments to the collectively available evidence. If only people are allowed to deliberate long enough, they should all end up with the same, true opinion on a given issue. As time available for deliberation is usually a scarce resource, aggregation may nonetheless be necessary before everybody has updated their beliefs thoroughly. Some members of the community may have started with an unreasonably high or low prior probability or happened not to have been confronted with the same amount of evidence as others. In such cases, aggregation could function as a serviceable substitute for further deliberation, reliably revealing truth as long as deliberation has sufficiently up-dated individual beliefs to raise the average probability of being correct above .5. The differences between individual histories of

belief formation would still allow for at least a degree of independence. After majority decision, the minority would therefore have to take the result of the vote as particularly strong evidence for having been mistaken and update their beliefs accordingly. According to Goodin´s account, deliberation and aggregation seem by no means in conflict, but instead to constitute a lucky combination in pursuit of the collective goal of truth. However, an assumption that voters report honestly and do not try to manipulate one another must be introduced and justified separately.

Dietrich and List point out that if opinions are conditional on the available evidence, the probability of the majority tracking the truth (given that competence is above 0.5) reduces to the probability of the evidence not being misleading (2005: 187). If the body of evidence is misleading, insufficient, or deliberately misrepresented with regard to the state of the world (or specific aspects of it), this problem cannot be avoided by adding more jurors and aggregating their judgments. Nevertheless, as long as deliberators may be expected to report their judgments faithfully and not strategically, epistemic optimism seems an overall plausible choice where purely factual questions are concerned.

Things are different where not the truth of a proposition is to be established, but where practical or moral questions are to be decided. What counts as evidence for claims about what "should" or "ought" to be done? Is a convincing argument for a given course of action evidence for its being "good" or "right"? Or is the mere fact that a person holds a moral belief evidence for its "moral truth"? Goodin remains skeptical with regard to such a moral epistemology. He therefore limits the application of his Bayesian model to factual questions and proposes a different model for questions of value. Although he concedes that values and facts are often difficult to keep apart, he seems to insist that politics is, at least partly and sometimes, about establishing the truth of a proposition and maintains that in these cases, the CJT provides an additional justification for majority rule. In the following section, I will refer to Habermas` Theory of Communicative Action and Robert Brandom´s normative pragmatics in order to argue that for practical and moral questions, communication produces a kind of interdependence between votes that is likely to be in-compatible with the CJT. I further advocate a clear distinction between practical and theoretical rationality and argue that political decisions should be interpreted as decisions about what to do, as practical rather than doxastic matters.

3. Deliberation and Voting

Deliberation and Interdependence of Judgments

In his Theory of Communicative Action, Jürgen Habermas described deliberative dis-courses as a game of giving and asking for reasons. Habermas draws on speech act theory in the tradition of Austin and Searle, an approach that has more recently been taken up by Robert B. Brandom, who develops a comprehensive theory of discursive practice and commitment (Brandom 1994).

Brandom points out that when people make claims (in Habermas` terminology: validi-ty claims), they undertake commitments. When speakers are able to justify their claims by naming reasons for them, they are attributed entitlement to these claims. When they fail to discharge their commitment by naming reasons, they are denied entitlement. The function of claims, or assertions, is to make sentences available for use as premises in inferences to be drawn either by the speaker himself or by other speakers. If entitlement to a claim has been demonstrated by justifying it, other speakers can inherit this entitlement. Entitlement inheritance simply means that an assertion that has been vindicated by one speaker need not be vindicated again by subsequent speakers:

The communicative function of assertions is to license others who hear the claim to reassert it. The significance of this license is that it makes available to those who rely on it and reassert the original claim a special way of discharging their responsibility to demonstrate their entitlement to it. ... B´s responsibility can be discharged by the invocation of A"s authority, upon which B exercised the right to rely (Brandom 1994: 174/5).

Making an assertion without being able to justify it appropriately constitutes an inappropriate move in this game and is met by sanctions. However, as the example of inheritance shows, what is appropriate or inappropriate and what claims speakers are entitled to or not entitled to depends on the „score" of the game, which is a result of linguistic interaction. An assertion that is inappropriate at t0 – because the speaker fails to justify it sufficiently – may be appropriate at t1, when the same or another speaker has defended the entitlement to it. The assertions that can appropriately be made are very likely to correspond to the beliefs that can – from a subjective perspective – rationally be held. Both depend on the present score of the discourse

within which assertions speakers are entitled to are in numerous ways inferentially interrelated.

Whereas Habermas tends to leave the regress problem of inferential justification open, Brandom stresses the importance of observation. Observation provides not only a foundation for empirical knowledge, but also a "regress stopper" for individual and public justification (Brandom 1994: 222). Given the diversity of experiences and observations, individuals may either choose to "make up their own minds" entirely or engage in an updating process as described by Goodin. Both options are compatible with the CJT. However, they only work for very basic factual questions. As soon as inference, causality and probabilistic statements come into play, discursive interaction as described by Brandom and Habermas is likely to render individual judgments interdependent in a way no longer compatible with the jury theorem.

The reason why such more complex questions cannot be captured within an updating model and thus evade application of the CJT is that they have essentially practical and normative aspects: When is an inference valid? What serves to establish causality? What inferences may be drawn from a probabilistic premise? Brandom"s particular focus is on the question of how transitions between assertions are normatively regulated. So is, if less explicitly, a central concern of deliberative democracy. Contributions to a discourse are not in the first place regarded as observation reports, but as naming, requesting and challenging reasons to accept factual or normative assertions as true, or actions as justified. Inferential relations between such acceptances (because p, q) are discursively evaluated (is p a good reason, a poor one or none at all?), but they cannot be entered into an updating function.

The normative quality of rules specifying the conditions under which inferences are valid is especially important to note where transitions between a propositional and a deontic logic (from "is" to "should") are concerned. Deliberative democracy is concerned with political decisions and thus with the coordination of action plans rather than truth as an end in itself. If political decisions that establish norms are regarded as inherently normative, however, observation reports lose their central role. In normative or moral questions, they cannot function either as a foundation of knowledge or as regress stoppers for justification.

Although empirical claims may be used to justify normative ones, the validity of

transitions from "is" to "should" is interactively assessed and established. Once a normative assertion has been successfully vindicated on the basis of reasons, all speakers engaged in the interaction are – at least socially – committed to it. Commitment and entitlement to assertions are not a matter of degree, but a categorical matter. Which assertions speakers are committed to as premises for further deliberation and action depends on the course and properties of the discourse that produces them. Discursively incurred commitments must thus be regarded as a path-dependent product of social interaction, rendering individual judgments and voting decisions highly interdependent.

Deliberation and Voter Competence

The judgments constituting the product of discursive interaction are not necessarily epistemically superior to the ones making up the input to the discourse. Rather, the epistemic quality of judgments should be regarded as depending on properties of the discourse it-self. As Brandom indicates, when commitment (to an assertion) is attributed to an interlocutor, entitlement is often attributed as well, "by default" (1994: 177). Giving reasons is only obligatory when they have been asked for, which very commonly is not the case (178). Linguistic interaction in which every single assertion is challenged seems indeed an arduous task for participants: default attribution of entitlement displays an attitude of charity that may be necessary to keep communication going. The point in deliberative interaction, however, is just to break with this default mode.

Habermas distinguishes between communication as a means of coordinating action plans and communication as an end it itself. The latter, which he refers to as „conversation", may be necessary to "make communication possible and stabilize it", but it is not the kind of communicative interaction to which he assigns epistemic benefits (Habermas 1984: 327). To assess assertions, they must be questioned and defended, and it is the assessment of claims that enables epistemic progress. In Habermas` ideal of the „power-free discourse", validity claims are conscientiously challenged, regardless of their authors. In Brandom´s terms, whether entitlement to an assertion is attributed should be irrespective of the speaker who undertakes the commitment to it. For the discourse to be truly driven by the „force of the better argument" alone, unequal distribution of resources and social power structures must be without effect. Every possible speaker is supposed to have the same opportunity

to participate and the word of every speaker is to count as much as that of any other speaker.

It is easy to see how specific conditions of interaction can impair its epistemic potential and in effect the competence of voters. A powerful or popular interlocutor, an alleged expert or opinion leader, may be attributed entitlement to her assertions by default while a less respected interlocutor is at the same time denied entitlement by default. In addition to this, opportunities to speak at all are scarce and unequally distributed: some people´s assertions, although they could be vindicated, are not admitted to the discourse and can therefore not serve as premises for further argumentation. Cass Sunstein´s work on group polarization (Sunstein 2003) illustrates how „enclave deliberation‟ in which participants draw from a biased „argument pool‟ can induce transformation of acceptances not to-wards truth but rather towards the most extreme positions maintained in the group (which could of course be true as well). The point in this case is not to increase the number of participants but to increase the heterogeneity of views and arguments entering the discourse.

Iris Marion Young (2001) and Lynn M. Sanders (1997) have pointed out that certain interests and opinions are systematically underrepresented in „deliberative‟ fora and fail to attract deliberators‟ attention. In particular, women, non-whites and people without college education are less successful in getting their issues on the agenda and vindicating their positions. White upper and middle-class men, by contrast, typically act as chairs of forums (and thus decide who is to speak and who is not) and also tend to assume the role of opinion leaders: they are assigned more authority than other speakers, regardless of whether the belief in their superior competence is justified or not (Sanders 1997: 363-9). Habermas has discussed these phenomena as „systematically distorted communication‟.

While communicative interaction generally tends to render individual judgments in-terdependent, social dynamics and power structures can in this respect have the same effect as the "force of the better argument". The quality of judgments evolving from a discourse depends on its freedom and fairness as well as on sufficient participation and heterogeneity. As Sanders puts it, "one cannot counter a pernicious group dynamic with a good reason" (1997: 354). The lesson is hence to pay more attention to the circumstances under which people deliberate and form judgments

rather than to the question of whether voter competence is on average better or worse than chance.

Truth and Decision

Related to the problem that in normative or practical questions, the CJT"s independence condition tends to be violated, another problem pertains to the third of the CJT"s premises. The CJT"s interpretation as a positive result for democracy requires the assumption that there exists an independent standard by which decisions can be either correct or in-correct. As argued above, the most obvious candidate for such a standard is truth. How-ever, some doubts are in order with regard to whether this standard can be applied to political decisions.

Political decisions are about collective action that establishes collectively binding norms. Although true premises are instrumental to rational decision, they apparently can-not replace it. Theoretical reason, concerning the rationality of beliefs, can inform practical reason, concerning the rationality of actions, but there is no convincing argument that the latter can be reduced to the former. Practical reason, though, lacks the kind of in-dependent standard that truth constitutes for theoretical reason. Whereas we can plausibly return a verdict on what someone else should rationally believe, advice on what they should rationally want is a more precarious issue.

In Rousseau´s times, when collective decisions predominantly concerned pure public goods such as internal and external security, it may have been easier to presuppose a joint goal for a given electorate. Today, where most political decisions have redistributive con-sequences, politics seems better described as a reconciliation of conflicting interests than as the pursuit of a joint goal. If the object of political decisions is collective action, and in the absence of a joint goal, however, the input to democratic aggregation is better conceived of as preferences than as judgments. Discursive transformation of judgments may, both normatively and empirically, be expected to result in the transformation of preferences over courses of action. Doxastic commitments are premises for practical ones and thus for preferences. Sticking to the view of voting as preference aggregation does not rule out moral and epistemic benefits from deliberation, but avoids a conflation of practical and theoretical reason.

Besides the distinction between practical and theoretical reason, there are further

conceptual arguments for deliberative democrats to adhere to a non-epistemic interpretation of majority rule. If the act of voting is not interpreted as an expression of judgment (which Estlund 1989 forcefully argues for), but as an expression of rationally motivated preference, Rousseau´s dangerous step of reducing individual freedom and autonomy to collective freedom and autonomy can be avoided. In the following famous quote, Rousseau draws a conclusion that seems perilous to the liberal foundations of democracy:

> [E]ach by giving his vote gives his opinion on this question, and the counting of votes yields a declaration of the general will. When, therefore, the opinion contrary to mine prevails, this proves only that I have made a mistake, and that what I believed to be the general will was not so. If my particular opinion had prevailed against the general will, I should have done something other than what I had willed, and then I should not have been free (Rousseau 2004: 127).

As Goodin emphasizes, the rationalization of persisting opposition is a central requirement for normative democratic theory and liberal democratic societies (2003: 146). Such a rationalization seems impossible in Rousseau´s terms as well as in Goodin´s updating model: someone who does not defer to the majority verdict will inevitably be behaving foolishly under these assumptions. This is why Goodin reserves his model for purely factual matters and proposes a different one for questions of value.

The assumptions of individual rationality and autonomy can be preserved and paternalistic conclusions can be avoided in an epistemic model of democracy only if it forgoes further justification from aggregation through the CJT. As Habermas points out, what majority decision demands from the minority is conditional assent into a practice, not admission of an error (Habermas 1994: 614). If voters are assumed to express their preferences for collective action rather than their beliefs, they are regarded as exercising their individual freedom in voting. While acceptance of premises is to some degree discursively enforced (although everybody is free to avoid challenge of their assumptions), the step from judgment to preference leaves room for individual freedom and voluntary decision. As argued before, one may nonetheless hope that deliberation produces „better" (truer, more justified) judgments to constitute premises for preferences and enables better or fairer decisions. If the roles of deliberation and aggregation are kept apart, the epistemic focus remains on the processes preceding decisions while the decision itself creates space for the

exercise of individual autonomy. As Christopher McMahon (1994: 148) points out, "[a]lthough democratic deliberation could have epistemic virtues, improving the judgments of a group´s members, the argument for voting must be the same as that which justifies it when votes merely express preferences".

This does not imply, however, that deliberative democracy can or should remain un-concerned with voting. Deliberative democrats have always realized and pointed out the necessity of aggregation before consensus can be reached. As time is scarce and non-decision usually constitutes a decision in favor of the status quo, which may in some cases be the least desirable option, majority decision remains indispensable. Dryzek and List (2003) have shown that, rather than substituting majority rule, deliberation might constitute a prerequisite for majority decision in that it enables purposeful aggregation of votes. They counter the common claim in epistemic democracy that preferences, in contrast to judgments, cannot be meaningfully aggregated, which Arrow´s impossibility result (Arrow 1963) seems to indicate. The coordination (and hence interdependence) of judgments through deliberation thus becomes a benefit to meaningful aggregation of preferences. This is constitutes a further reason to regard deliberation and aggregation through voting as complementing rather than substituting for one another.

4. Conclusion

I have distinguished two strands of epistemic democracy, deliberative and aggregative epistemic democracy, arguing that although they share a number of assumptions, they may not be as easily compatible as it seems. The most important feature the deliberative and aggregative approach share is the hope that democratic participation will somehow enhance the quality of political decisions. They differ essentially, however, with regard to the democratic processes to which they assign epistemic merits.

Drawing on Condorcet´s jury theorem, aggregative epistemic democracy sees benefits in aggregation itself, while deliberative democracy assigns the merits to the deliberative discourse in which validity claims are raised and challenged. There are increasingly at-tempts to integrate the CJT into deliberative theory and thus to add epistemic benefits from aggregation to those from deliberation. The conflict between communicative interaction and the CJT"s independence condition, however, cannot

be as easily smoothed out as models by Estlund (1994) and Goodin (2003) propose. Deliberation, understood as a process of giving and asking for reasons is likely to produce a kind of interdependence of judgments that seems incompatible with the CJT.

Moreover, the epistemic interpretation of voting entails an amalgamation between theoretical and practical rationality that is in some respects problematic. I have argued that a democratic theory to which the idea of individual autonomy is central should refrain from this amalgamation as well as from the interpretation of voting as an expression of judgment rather than preferences which is connected with it. If the epistemic focus is on the political discourses that precede decisions rather than on the aggregation of votes, answers to questions about individual competence and information can and should be conditionalized: Whether or not the individual judgments emerging from a discourse are likely to embody truth or morality would then be viewed as depending on properties of the discourse itself and on the institutional context within which it takes place. By con-trast, the shift of epistemic hopes from discourse to aggregation rather seems to take an edge off the critical potential entailed in deliberative democracy. Mere affirmation of what is comparatively easy to realize (majority voting), should not replace the critical fo-cus on the complex processes wherein political opinions, programs and strategies are formed.

5. References

Arrow, Kenneth 1963 [1951]: Social Choice and Individual Values, New York.

Bohman, James 1996: Public Deliberation. Pluralism, Complexity, and Democracy, Cambridge / Massachusetts.

Bohman, James / Rehg, William (eds) 1997: Deliberative Democracy, Cambridge / Massachusetts.

Bovens, Luc / Rabinowicz, Wlodek 2003: Complex Collective Decisions. An Epistemic Perspective, Associations 7, No.1, 37-50.

Brandom, Robert B. 1994: Making It Explicit. Reasoning, Representing, and Discursive Commitment, Cambridge / Massachusetts.

Cohen, Joshua 1986: An Epistemic Conception of Democracy, Ethics 97, 26-38.

Dietrich, Franz / List, Christian 2005: A model of jury decisions where all jurors have the same evidence, Synthese 142 (Issue on Knowledge, Rationality and Action), 175-202.

Dryzek, John S. 2000: Deliberative Democracy and Beyond, Oxford.

Dryzek, John / List, Christian 2003: Social Choice Theory and Deliberative Democracy: A Reconciliation, in: British Journal of Political Science 33 (01/2003), 1-28.

Elster, Jon 1995: Strategic Uses of Argument, in: Arrow et al. (ed.): Barriers to Conflict Resolution, New York, 236-257.

Elster, Jon (ed.) 1998: Deliberative Democracy, Cambridge.

Estlund, David M. 1989: The Persistent Puzzle of the Minority Democrat, American Philosophical Quarterly, 26 (2), 143-150.

Estlund, David M. 1990: Democracy Without Preference, The Philosophical Review, No. 3, 376-424.

Estlund, David M. 1993: Making Truth Safe for Democracy, in: Copp, David / Hampton, Jean / Roemer, John E.: The Idea of Democracy, Cambridge, 71-100.

Estlund, David M. 1994: Opinion Leaders, Independence, and Condorcet´s Jury Theo-rem, Theory and Decision 36: 131-162.

Estlund, David M. 1997: Beyond Fairness and Deliberation, in: Bohman / Rehg 1997, 173-204.

Estlund, David M. 2008: Democratic Accountability. A Philosophical Framework. Princeton and Oxford: Princeton University Press.

Estlund, David M. / Waldron, Jeremy / Grofman, Bernard / Feld, Scott L. 1989: Democratic Theory and the Public Interest: Condorcet and Rousseau Revisited, American Political Science Review, Vol. 83, No. 4, 1317-1340.

Fishkin, James S. / Laslett, Peter (eds) 2003: Debating Deliberative Democracy, Malden / Massachusetts.

Gaus, Gerald F. 1996: Justificatory Liberalism, Oxford.

Goodin, Robert E. 2003: Reflective Democracy, Oxford.

Goodin, Robert E. / Estlund, David M. 2004: The persuasiveness of democratic

majorities, politics, philosophy & economics, 3 (2), 131-142.

Grofman, Bernard / Feld, Scott L. 1988: Rousseau"s General Will: A Condorcetian Pers-pective, American Political Science Review, Vol. 82, No. 2, 567-576.

Gutmann, Amy / Thompson, Dennis 1996: Democracy and Disagreement, Cambridge / Massachusetts.

Habermas, Jürgen 1984 [1981]: The Theory of Communicative Action, 2 Volumes, Boston.

Habermas, Jürgen 1985: Vorstudien und Ergänzungen zur Theorie des kommunikativen Handelns, Frankfurt am Main.

Habermas, Jürgen 1994 [1992]: Between Facts and Norms, Cambridge / Massachusetts.

Lehrer, Keith 1997: Self-Trust. A Study of Reason, Knowledge, and Autonomy, Oxford.

Lehrer, Keith / Wagner, Carl 1981: Rational Consensus in Science and Society, Dor-drecht.

List, Christian 2002: Intradimensional Single-Peakedness and the Multidimensional Arrow Problem, Theory and Decision, 52 (3), 287-301.

List, Christian / Goodin, Robert E. 2001: Epistemic Democracy: Generalizing the Condorcet Jury Theorem, The Journal of Political Philosophy, Vol. 9, No. 3, 277-306.

Macedo, Stephen (ed.): Deliberative Politics. Essays on 'Democracy and Disagreement', Oxford.

McMahon, Christopher 1994: Authority and Democracy. A General Theory of Govern-ment and Management, Princeton.

Pettit, Philip 2003: Deliberative Democracy, the Discursive Dilemma, and Republican Theory, in: Fishkin, James / Laslett, Peter (eds.): Debating Deliberative Democracy, Malden / Massachusetts, 138-162.

Richardson, Henry S. 2002: Democratic Autonomy. Public Reasoning about the Ends of Policy, Oxford.

Riker, William H. 1982: Liberalism Against Populism, San Francisco.

Rousseau, Jean-Jaques 2004 [1762]: The Social Contract, transl. Maurice Cranston, Lon-don: Penguin Books.

Sanders, Lynn M. 1997: Against Deliberation, Political Theory, Vol. 52, No. 3, 347-376.

Sunstein, Cass R. 2003: The Law of Group Polarization, in: Fishkin, James / Laslett, Peter (eds.): Debating Deliberative Democracy, Malden / Massachusetts, 80-101.

Young, Iris Marion 2001: Activist Challenges to Deliberative Democracy, Political Theory, Vol. 29, No. 5, 670-690.