**Chapter 4.2: Epistemic Peerhood in Practical Reasoning**

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--------------- 1st Draft ----------------

In the second chapter I have argued that many theories of justice and democracy at least implicitly acknowledge a duty to treat our fellow citizens as Equal Epistemic Authorities concerning practical reasoning. Subsequently, in the third chapter I have shown that to posit this duty is perfectly in line with the phenomenology of and our intuitions about disagreement. This duty makes the epistemological debate about the significance of disagreement relevant to political theorizing. The epistemological debate about peer disagreement consequently constituted the subject matter of the first part of the fourth chapter. In this second part of the chapter I bring the conclusions drawn from said debate to bear on our commitment to treat our fellow citizens as Equal Epistemic Authorities (EEAs), i.e. to regard them as equally reliable in their practical reasoning and moral judgments (reliable in an epistemic sense).

In pursuing this strategy, I first offer a primer on why we need to argue for the plausibility of the claim that we ought to treat each other as EEAs. I then develop four arguments that make our commitment to treat others as EEAs plausible. In addition, a fifth argument is available, which I summarize but do not develop in detail. Subsequently, I elaborate on the analogies and disanalogies between the two types of reasoning. Eventually, I evince how the dynamic model of peer disagreement in theoretical reasoning sketched in Chapter 4.1 can be applied to cases of 'comprehensive disagreements' in practical reasoning.

1. **A Very Brief Note on Metaethics**

moral realism and its alternatives

moral realism and the problem of disagreement

moral realism and the problem of epistemic access

Assumption of cognitivism as the standard attitude in political argument > reconstructive approach!

1. **The Need for An Argument for Epistemic Peerhood in Practical Reasoning:**

Before I jump into the discussion, let me quickly note why I think in the first place that arguments are needed that make the demand voiced from the standpoint of political morality plausible from a non-normative perspective.

One might simply say that the question whether we ought to recognize a moral duty to treat others as EEAs does not depend on whether others are *in fact* EEAs. There are a few examples which show that we sometimes think, act, and argue this way. We ordinarily think of humans as equals in fundamental respects. We demand that all humans are treated as equals in fundamental respects and often act that way ourselves. And philosophers of course argue we ought to treat all human beings as equal in fundamental respects. A Kantian, for instance, might hold that while a certain form of dignity-based recognition respect is due in equal shares to all human beings based on their capacity to reason or the potential thereof, we nevertheless ought to extend this respect and the relevant behavior to people suffering from dementia or are in other ways severely impaired in their intellectual abilities. Hence Kantian argue that we ought to treat a subset of people as required by a kind of respect which is usually based on capacities *they do not in fact possess*. They nevertheless are due that kind of respect even though they have lost the intellectual capacities and even the potential for them in order to still count as sufficiently competent reasoners and hence possess that elusive moral attribute of dignity.[[1]](#footnote-2) Whatever might justify such a move – one could sensibly invoke largely instrumental secondary reasons for the rigidity of the species boundary[[2]](#footnote-3) - its plausibility rests on the claim that *the standard case* is one in which we have reason to believe others do *in fact* have the necessary capacities to deserve the recognition respect in question. If the case for a generally demanded equal dignity-based respect did not have this firm ground, it would not be able to accommodate non-standard cases or even be able to distinguish non-standard cases (since there is no standard case left). Assume that we knew that the Kantian criteria for dignity-based respect are not fulfilled by the majority of human beings. The case for a general duty to treat all human beings with equal dignity-based respect would then probably strike as very weak if not wholly implausible.

Imagine a sect which imposes on its members a duty to make sacrifices to a particular deity while its members including the spiritual leaders all agree that the deity in question does not exist. It is difficult to conceive the members of such a sect being cognitively able to recognize their duty to make sacrifices. This is precisely because their beliefs about what facts obtain in the world do not cohere with their prescribed practical beliefs and attitudes.

The basic point is the same in both cases, namely that our theoretical beliefs about what facts obtain in the world have to cohere with our practical beliefs and attitudes.[[3]](#footnote-4) In more abstract terms, one cannot take oneself to be under a duty to do *x* if doing *x* requires believing *p,* and one does not believe that believing *p* is justified.[[4]](#footnote-5) better: one cannot take oneself to be under a duty to do x if doing x requires believing p and one does not take oneself to be justified in believing p.

There is then something extremely puzzling about the idea that we might have a moral reason to treat others as EEAs, i.e. as epistemic peers in practical reasoning without *any* plausibility to the claim that they are *in* *fact* epistemic peers. How can we take ourselves to have a moral duty to do something that requires a belief in a proposition we regard as completely unjustifiable on epistemic terms (in other words, that we believe to be *false*)? The answer is that we cannot.[[5]](#footnote-6)

It follows that the recognition of a duty to treat others as EEAs requires that we take ourselves to be justified in believing that they are EEAs. If we cannot sensibly conceive them as such, the claim to be under said duty would be fatally undermined. Hence, we face a need to at the vary least make the claim more plausible than it might intuitively seem to be. It deserves mentioning, however, that it does not strike everyone as intuitively implausible at all.[[6]](#footnote-7) Hence, the arguments I develop are addressed primarily to those who believe in moral elitism.

1. **Five Arguments for Epistemic Peerhood in Practical Reasoning**

The arguments I develop the following:

1. The Argument from Complexity
2. [[The Local Knowledge Argument]]
3. The Practice-based Argument
4. The Debate Room Argument
5. The Institutional Argument
6. The Argument from Opacity Respect

The first two arguments establish the claim that for any reasoner, it is irrational to have a high initial credence in their judgment about matters of justice. Thus from the outset, differences in expected reliability between reasoners should be expected to be limited.

Arguments three and four establish the claim that the gap in epistemic reliability that might nevertheless exist between reasoners is closed by practices of deliberation and the egalitarian epistemic benefits provided by democratic institutions.

Together, these arguments support the plausibility of the assumption that in a sufficiently deliberative democracy, a sufficiently large part of citizens are *in fact* epistemic peers in practical reasoning. This allows for the recognition of a duty to treat others as EEAs.

The last argument is a moral one and could be seen as a kind of back-up argument to argument (3) and (4). It aims to establish that even if the assumption of a perfect epistemic symmetry between reasoners might be implausible, the fact that their competence passes a relevant threshold grounds the *moral* duty to treat them as epistemic peers. While I elucidate the main thrust of the argument, I do not elaborate it in detail and ultimately shy away from fully endorsing it.

* 1. **The Small Differences**

The first two arguments are *epistemic.* The idea is roughly this: If we take into account the precariousness of our status as competent reasoners about the social conditions of perfect justice and the complexity of the subject matter, we ought to acknowledge that nobody can reasonably claim to be highly reliable in their judgments about justice. Instead, from the outset all we are entitled to is a relatively low credence in our beliefs about justice. The comparison of our cognitive abilities starts at the bottom, so to speak, rather than at the top of a scale rating the competence of moral reasoners.

The argument offers two considerations why we should regard be skeptical of our own ability to arrive at truths about justice as an ideal regulating social institutions.

The first consideration is to take into account the enormous complexity of the subject matter. Justice as an ideal regulating social institutions is bewilderingly complex, a fact often understated by philosophers. To order the various normative demands that arise from the various dimensions [spheres; contexts] of justice in a coherent set under the guidance of basic principles is a task that takes us to the limits of our cognitive abilities.

The second consideration takes into account our limited ability to oversee decentered practices of collective reasoning.

A further consideration are our cognitive biases in reasoning about justice. We face epistemic shortcomings that are independent from the problem of complexity. Furthermore, they are presumably distributed evenly in a society.

**The Argument from Complexity**

Looked at from a certain angle, the idea that we could order our perceived normative demands in a coherent set with the help of a few basic principles arrived at in reflective equilibrium or through some other method seems preposterous. What is more likely is that no matter how much we try, we end up juggling various demands and, if we are lucky, arrive at a theory that leaves many questions, including the relative ordering of many of these demands, unanswered. It actually seems that the more we reflect about justice, the more difficult it gets to arrive at a clean-cut picture of what justice requires of us.

To illustrate the complexity, suppose that we, as philosophers, would face the task of arriving at an answer to the the question: “What is justice?” (which we arguably do[[7]](#footnote-8)). Just take a moment to think about what philosophers of our days discuss under the heading of justice. Topics include, to name just a few, political justice, social justice, gender justice, historical justice, global justice, environmental justice, justice towards future generations. As if this incomplete list was not enough, we could further subdivide categories. Social justice by itself, for example, includes a whole range of issues surmised under this heading such as the justice of health care, the economic order, the tax system, etc. The justification of a free market economy arguably would also have to take into account the effects of capitalism on the human psyche (an ofter voiced point of criticism of liberal political theory). Global justice, on the other hand, covers issues ranging from the redistribution of resources to freedom of movement and the legitimacy of borders, and the justice of global political institutions. In short, each subdivision raises a wide array of issues on its own. Furthermore, all of these dimensions [spheres; contexts] of justice and the issues arising within them are intertwined which further adds to the complexity of our task. The justice of migration policy is intertwined with the legitimacy of national legislation (does the national polis have the right to determine its migration policy unilaterally? Do they have the right to close their markets to products produced abroad?), social justice at the national level (if society is a system of cooperation why would outsiders have a right to enjoy the benefits of cooperation?), the global redistribution of resources (e.g. a duty to compensate for inequalities or harms done to others), historical justice (e.g. colonialism), environmental justice (e.g. climate change), the justice of global political and economic institutions (including the lack thereof), etc. This is but one example but I trust that it suffices to get the point across.[[8]](#footnote-9) My fellow philosophers, I know our tasks already looks like a unachievable feat but do not despair just yet - for there is more to come. At least some of the questions we face are complicated by our limited ability to presage the future of humankind and the world it will inhabit. Suppose a hundred years from now the technology will exist to allow future generations to reverse the effects of global warming.[[9]](#footnote-10) Or suppose that genetically modified grain will grow in areas that would be inarable given current conditions. How should these possibilities affect our current course of action? Should we assign relatively limited resources to research institutions dedicated to the problem instead of using a relatively vast amount of resources to fight climate change?

In light of all this, if asked “*What is justice?*”, it seems the most reasonable answer a contemporary philosopher could give is this: “*It's complex*.”

I say 'contemporary' because the task has not always *seemed* socomplex. Philosophy, scientific progress, and emancipatory social movements all have contributed to a greatly enlarged notion of justice and the common good. We have broadened the reach of our reflections about the demands of justice to include the interest of those who have been neglected locally as well as of those who have been neglected globally and the interests of future generations. Even philosophers who do not subscribe to a version of cosmopolitanism nowadays have to be cosmopolitan in their thought in the sense that they have to develop a view which takes these considerations into account if only to refute them eventually. If there is progress in political philosophy, a big part of it is the insight that justice is an ideal which pertains to many more issues than previous generations have thought and that we developed a much deeper understanding of our moral commitments and what they entail. While these developments should be hailed as progress, they surely do not make it easier to conceive a just world. We now see ourselves confronted with a plethora of moral demands and duties, some of which we already acknowledge ourselves, other which are made by others[[10]](#footnote-11) and which we at the very least take to deserve very careful scrutiny. This fact about the increased complexity of our moral orientation imposes severe cognitive burdens on us. Thus, even if it might be hard to admit, especially for philosophers who spend their whole life working out and refining their favorite conception of justice, it nevertheless is a basic truth of modern life that most of our moral judgments are made under circumstances of extreme uncertainty. The idea that we could easily arrive at a coherent framework which integrates the various moral demands we are facing (even taking into account only those we already acknowledge) seems preposterous.[[11]](#footnote-12)

The crucial point is that, while we need to at least try to develop such a coherent framework, it is clearly unreasonable to advocate our conclusions with great confidence.[[12]](#footnote-13) The correct epistemic attitude is one of severe modesty. In other words, we ought to ascribe a low level of expected initial reliability of our judgments about justice. For this reason, even if there might be differences in reliability, these differences are bound to be subtle.

Another aspect of the complexity of our thinking about justice is that conceptions of justice are embedded in political theories which are themselves interpretations of a complex conceptual web including a host of concepts and conceptions thereof which inform each other. Political theorizing can be helpfully analyzed as attempts of producing a coherent cluster of conceptions of such concepts as liberty, equality, authority, legitimacy, power, etc. Justifying a contested conception of justice, one quickly enters a terrain of interrelated conceptions appeal to which only reveals more disagreement.[[13]](#footnote-14)

Philosophers often cite the complexity of an issue to explain the fact of persistent disagreement between competent reasoners. The argument can be turned around, however. The fact that there is persistent disagreement between competent reasoners about an issue is itself evidence that the issue is complex. Hence, the disagreement itself should lead a realization that a high level of credence is inadequate when judgments about such issues are made.

**Cognitive biases**

[[This section will list several cognitive biases that affect our ability to reason reliably. Some of these apply to reasoning in general, others to practical reasoning in particular.]]

Importantly, the limits to our ability to reason reliably about justice are limits that apply to all of us. We all share the fallibility and the cognitive limits of human beings entangled in a complex net of discourses about justice and faced with an enormous complexity of the subject matter.

* 1. **Closing the Gap**

**The Practice-based Argument:**

The second argument is *practice-based.* Participants to the deliberative practices of a well-ordered democratic society[[14]](#footnote-15) increase their competence in moral reasoning and their factual knowledge base and develop and further a shared sense of justice. It is the practice of deliberation itself which levels competence in moral reasoning.

The idea is a simple one. Recall the example Debate Room used in Chapter 2/above to illustrate the idea that we only possess local knowledge about informal discourses about justice. The example can easily be expanded to convey the idea that political participation increases and levels the relevant competences over time.

**Debate Room**. In the imagined setting, a group of people is randomly assigned seats at different tables in the same room. They then proceed to discuss the justice of a proposed policy for a limited amount of time. We now expand this setting and suppose that the session does not stop after one round of debate. Instead, the whole procedure is repeated numerous times with the debates covering a wide array of issues.

As the number of rounds increases, so does the participants' exposure to various moral considerations pertaining to the various matters at stake. They become acquainted with divergent perspectives from which moral considerations are voiced. They learn about multiple arguments for or against these considerations. Last but not least, they gain knowledge about a great number of instrumental considerations and obtain factual information bearing on the issues at stake. [[I elaborate the dispersion of theoretical knowledge in the chapter on the institutional implications of the conciliatory democracy conception.]] Importantly, they also become increasingly aware of the interconnectedness of the various issues under discussion and the considerations voiced in the many rounds of debate. Over time, they develop a more and more coherent and integrated moral outlook from which to approach questions of political morality.

As the example illustrates, the general competence of the participants increases with each round of debate and existing gaps in the expected reliability of judgments between participants are narrowed. In other words, differences in expected reliability between reasoners should be expected to shrink over time. Sustained participation closes the moral competence gap.

This is not a particularly novel argument, and I do not believe it is in need of much elaboration. It has been made time and again, paradigmatically by thinkers such as Rousseau, J.S. Mill, and Rawls, and the idea is present in every contemporary theory of deliberative democracy.[[15]](#footnote-16)

 [Insert a setence about Rawls and reference to TJ > what did I have in mind here? Sense of justice??]

**An Interlude on J.S. Mill on the Presupposition of Moral Competence and Effects of Participation.** Instead of elaborating on what I take to be an uncontroversial point, I focus on how this dynamic unfolds in and ultimately threatens to undermine the theory of representative democracy advocated by J.S. Mill, one of the forerunners of the deliberative democracy school. A particularly interesting illustration of this dynamic are J.S. Mill's arguments in his *Thoughts*[[16]](#footnote-17) and *Considerations*[[17]](#footnote-18)and Iwant to take a moment to show why this is so.

Mill famously argues that while the suffrage ought to be extended to (almost[[18]](#footnote-19)) everyone, not everyone ought to be given an equal vote. Those with a higher degree of knowledge and moral sophistication - including both moral competence and moral motivation - are to be given more votes than the less educated.[[19]](#footnote-20) This is to be to the benefit of the intellectually inferior classes and Mill assumes that they would ultimately agree to his voting scheme given the transparency of the beneficial effects the outcomes of the thus instituted political process would have for society as a whole.

Mill points out that one central benefit of democratic participation and by extension of democratic political regimes is the education of the citizenry. To deprive citizens of their opportunities for participation deprives them of one of the central means to further their intellect and moral competence. In criticizing the idea of a benevolent despot, he makes the point negatively stating that if a despot was to rule – benevolent as she may be -,

"the public at large [would] remain without information and without interest on all the greater matters of practice; or, if they have any knowledge of them, it is but a *dilettante* knowledge, like that which people have of the mechanical arts who have never handled a tool. Nor is it only in their intelligence that they suffer. Their moral capacities are equally stunted. Wherever the sphere of action of human beings is artificially circumscribed, their sentiments are narrowed and dwarfed in the same proportion."[[20]](#footnote-21)

A little further into his argument for democracy, he states the same idea positively arguing that

"Still more salutary is the moral part of the instruction afforded by the participation of the private citizen, if even rarely, in public functions. He is called upon, while so engaged, to weigh interests not his own; to be guided, in case of conflicting claims, by another rule than his private partialities; to apply to every turn, principles and maxims which have for their reason of existence the common good: and he usually finds associated with him in the same work minds more familiarized than his own with these ideas and operations, whose study it will be to supply reasons to his understanding, and simulation to his feeling for the general interest. He is made to feel himself one of the public, and whatever is for their benefit to be for his benefit. Where this school of public spirit does not exist, scarcely any sense is entertained that private persons, in no eminent social situation, owe any duties to society, except to obey the laws and submit to the government."[[21]](#footnote-22)

**Citizens as Subjects and Agents of Justification.** One could read Mill as exclusively speaking of participation of the private **citizen** in his capacity as a voter.[[22]](#footnote-23) In this capacity, general participation in representative democracies is indeed rare. And Mill undoubtedly took even very limited participation to have great effects and this very strong emphasis on the influence public institutions can have on those subject to them again strengthens his ties to thinkers such as Rousseau and Rawls.[[23]](#footnote-24) However, the public function of citizens and their participatory actions are not exhausted by casting a vote. Instead, the public role of citizens as voters casts them into a complex net of justificatory practices including rights to justification and duties to justify their own actions undertaken in that capacity. Citizens *qua* voters are “answerable to the public”[[24]](#footnote-25) at large and have a duty to justify their actions to those whom they disagree with. In this respect voting for political representatives differs from voting in private associations because in the former case voting “is strictly a matter of duty; he [the voter] is bound to give it according to his best and most conscientious opinion of the public good.”[[25]](#footnote-26) The duty to justify ones vote derives partly from the instrumental value of publicity for the common good orientation of citizens voting behavior.[[26]](#footnote-27)

Secondly, **representatives** have to justify their actions to their constituency (and to everyone else). While due to their superior intellect their justifications might not need be couched in terms of reasons which their electorate can accept, they have to at least make their deliberations transparent to the electorate.[[27]](#footnote-28) Mill avoids the charge of circularity by arguing that the citizens' ability to effectively criticize those who hold higher function does not qualify all citizens for the exercise of those higher functions. Nevertheless, the representatives' duty of justification only makes sense in light of the presupposition that citizens can at least evaluate whether the representative's decision was based on grounds that appropriately take their interests into account and fulfill the criterion of common good orientation.[[28]](#footnote-29)

Thirdly, the way their role as voters is conceived including the unequal distribution of votes has to be justified to them. This latter arrangement has to be justified to the intellectually inferiors in terms of moral reasons. Not only does this have to be done in terms of moral reasons, but in terms of **reasons *they could accept***as establishing the moral worth of the arrangement. Mill states that „[i]t is [...] necessary that this superior influence [of the intellectual superior] should be assigned *on grounds* which he [the intellectual inferior] can comprehend, and *of which he is able to perceive the justice*.“[[29]](#footnote-30) Mill of course thinks that his own theory establishes the moral grounds of the arrangement which implies that the intellectual inferiors have to at least be capable of understanding the aspects of the theory that do so.[[30]](#footnote-31) The voting scheme has to meet this publicity condition based on a form of moral respect owed to all persons. According to Mill, "[e]very one has a right to feel insulted by being made a nobody, and stamped as of no account at all."[[31]](#footnote-32) I venture that for Mill this holds just as much for the right, though not an equal right, to have a say in decision-making as for the need to justify the way political power is distributed in terms of reasons all members of society can accept.

Hence, contrary to the popular reading of Mill as a radical proponent of moral elitism, his conception of democracy includes a strong justificatory dimension, which in turn presupposes a significant level of moral competence on part of the intellectually inferior.

**Mill and epistemic peerhood**. The picture of political participation that emerges from these aspects of the public function as voters and citizens to whom justification is owed and from whom they can be demanded, is much more complex than citizens simply casting a vote for a candidate. The rights and responsibilities coming with the public status as voter already by themselves presuppose a high degree of moral competence. Up to a point, voters are conceived to be Equal Epistemic Authorities *in the negative sense* that they, as subjects of justification, are able to comprehend the justifications offered to them and acknowledge them as establishing the moral worth of the political institutions they are subject to and the actions of their representatives. To the degree that they are conceived as capable of justifying their own actions to others, i.e. as agents of justification, their moral competence exceeds the passive competence of the negative conception of EEA. Hence, political participation even by ordinary citizens presupposes a relatively high level of moral competence.

Furthermore, political participation drastically enhances the moral competence of citizens. Mill in fact recognized that increased participation brings groups closer towards epistemic peerhood in practical reasoning because it ingrains in them a sense of justice and an orientation towards the common good and transmits knowledge about means-end relations between the members of the groups. In light of this, one might wonder why Mill did not in fact endorse epistemic peerhood in practical reasoning.

Putting epistemic peerhood in practical reasoning on trial, one can be surprised to find an unexpected witness for the defense in Mill. Consider the following quotes:

“It is by political discussion that the manual labourer, whose employment is a routine, and whose way of life brings him in contact with no variety of impressions, circumstances, or ideas, is taught that remote causes, and events which take place far off, have a most sensible effect even on his personal interests; and it is from political discussion, and collective political action, that one whose daily occupations concentrate his interests in a small circle round himself, learns to feel for and with his fellow-citizens, and becomes consciously a member of a great community."[[32]](#footnote-33)

In this passage, Mill argues that political participation can greatly expand the intellectual faculties even of those intellectually most disadvantaged.[[33]](#footnote-34) He even goes so far as to explicitly state that on certain questions, the socially and intellectually near to lowest classes can approach epistemic peerhood:

"When a subject arises in which the labourers as such have an interest, is it regarded from any point of view but that of the employers of labour? I do not say that the working men's view of these questions is in general nearer to truth than the other: but it is sometimes quite as near [...]."[[34]](#footnote-35)

However, since he thought that a plural voting scheme would have to be of a permanent nature, he cannot have thought that the gap between intellectual capabilities would disappear completely over time. Presumably then, he either thought that the benefits of political participation for workers hit a ceiling beyond which no further benefits are incurred, or that opportunities for participation have a natural limit in modern society, hence limiting the opportunities for increasing one's competences. His argument for *representative* democracy provides evidence for the latter. This is apparent in his summary of the argument, where he remarks that

"the participation should everywhere be as great as the general degree of improvement of the community will allow [...] but since [in large republics] all cannot [...] participate personally in any but some very minor portions of the public business, it follows that the ideal type of a perfect government must be representative."[[35]](#footnote-36)

Keeping in line with Mill's thinking, one might conjecture that workers actually have a much steeper learning curve and that the transmission of knowledge is asymmetrical since they would learn much more from their intellectual superiors than the other way around. On the other hand, in Mill's scheme the intellectual superior have much greater opportunities for political participation and hence much more opportunity to develop their sense of justice and incur factual knowledge about means-end relations. In a sense, in Mill's own frame of thought this is a perverse effect as it establishes a system in which the net sum of the educative effects of political participation are not maximized.[[36]](#footnote-37) Furthermore, it is worth noting that the intellectual superiors would also face limits grounded in the limit of their intellect and of their potential participation with only the representatives left as those fully dedicated to political decision-making.[[37]](#footnote-38)

In any case is it crucial to note that even for Mill the near-to-lowest classes count at least as EEAs *in the negative sense* in that they are able to understand and reliably evaluate the merits of political justifications addressed to them. To the extent that they are thought capable of justifying their actions to others, their competence presupposed for and enhanced through political participation exceeds the negative conception of EEA.

**Mill and the Problem of Disagreement among Representatives.** There is another inconsistency in Mill's account. According to him, the constituents ought to defer to the opinion of the representative in many instances. This is because they can discern their representative's intellectual superiority without it necessarily being the case that they agree with them on many issues. However, they presumably can also discern the intellectual superiority of the representatives of other constituencies or at least trust in that the election process is reliable in selecting the intellectually superior to be the representatives of other constituencies.[[38]](#footnote-39) An parliament thus elected will include some representatives who disagree with their own representative and more closely mirror their own original opinion. According to Mill, the intellectually inferior constituency ought to defer to and display an attitude of epistemic trust towards their representative. However, they also register the disagreement among the representatives of different constituencies. Why, then, should they defer to *their* representative and not feel encouraged to hold on to their opinion in light of the fact that representatives of other constituencies, themselves intellectually superior to them and often at least equal to their own representative, agree with them?

This is a further point where Mill's conception of democracy runs into problems. Even if we grant intellectual asymmetries, the fact of disagreement among representatives and the baseline of considerable presupposed moral competences of the electorate can justify that those who make up the latter hold on their opinions.

The aim of this interlude has been to illustrate how the effects of participation can dramatically narrow asymmetries in moral competence using the example of a philosopher who is widely read as endorsing a far-reaching moral elitism. J.S. Mill thought that, to a great extend, the point of democracy is to foster moral competence and intellectual development of the citizenry. Even though one might disagree with his political perfectionism, it is hard to deny that a sufficiently deliberative democracy would have these effects.

**The Debate Room Argument**

In addition, we onlyhave **local knowledge** of debates > should also limit our confidence

also instability of wide and general reflective equilibrium and the fact that coordinated action is not possible by the means of rational coordination of action alone!! > use this as a common thread in the rawls/habermas chapter and in this chapter

see paper for ladwig colloq

* disagreement in decentered deliberation is itself evidence for complexity and limited cognitive resources of individual resources

[[In fact, no cognitive error could have occurred at all!!! In the case of decentered public deliberation between peers, the whole story of peer disagreement could be explained in terms of the assumption of unequal but comparable, i.e. epistemically symmetrical evidenc!!!!!!!!!!! ]]

**The Institutional Argument**

A multi-party system and the institution of representative democracy create epistemic surplus value, e.g. theoretical knowledge, knowledge about means-end relations, but also enhance the coherence of conceptions of justice by integrating a set of values and formulating policy proposals across different areas of public policy. This epistemic surplus value is then equally 'distributed' amongst the electorate. The party machinery with its working groups, specialized committees, and incorporation of individual expertise can effectively gather information and integrate it into a coherent conception of justice now enriched with detailed knowledge of means-end relations.

Likewise the representative's much more intense deliberative engagement with the public policies at stake gives them an edge over the ordinary citizen. In modern societies, however, even the representative's competence faces severe limits. Normally, she cannot develop in-detail knowledge about more than a few fields of public policy. Like the ordinary citizen, she relies heavily on the epistemic benefits provided by their political party. This is a further proof that a theory of democracy, and especially an epistemically informed one, should not neglect the fundamental role of parties.

The epistemic benefits of multi-party systems and the institution of representative democracy are provided to the citizenry at an equal degree as the party position and the representative's judgment are available to and voted on by all. As a consequence, these institutional arrangements further level the epistemic competence of citizens in a well-ordered democracy. This primarily concerns their role as voters but includes their role as part of a deliberatively engaged public.

[I elaborate the institutional argument in the section on the institutional implications of the conciliatory conception of democracy.]

In other words, the practice of deliberative democracy justifies an attitude that is its own presupposition.[[39]](#footnote-40)

**The Argument from Opacity Respect**

The fifth argument is a *moral argument* and might serve as a back-up against the skeptic about epistemic peerhood in practical reasoning.If the other arguments did not convince them already, this last argument aims to establish a moral duty to treat others as EEAs even though a fine-grained evaluation of their capacities might reveal that differences remain even in the deliberative setting assumed in the practice-based argument. This moral argument for EEA draws on the idea of opacity respect as the basis of equality in an egalitarian moral theory. Here, the idea is that if persons pass a certain threshold of a capacity for a sense of justice and a capacity for a conception of the good, they are due opacity respect which is the moral right not to have one's competences and capacities evaluated in a more fine-grained manner. It establishes an equality of moral personhood, which in turn serves as the foundation of egalitarian moral and political theories. The argument is then reformulated as an argument not for equality of moral status but for epistemic peerhood in practical reasoning. Thus appropriated for the context of discussion of EEA, the argument reads that a sufficient degree of competence in moral reasoning, of which a capacity for a sense of justice and a conception of the good are components, serves as the basis for a claim to opacity respect, which in turn grounds the claim to be treated as *equally* competent in practical reasoning, i.e. as an Equal Epistemic Authority.

I first lay out the argument from opacity respect in greater detail and in another step elucidate its appropriation for the context of our discussion of epistemic peerhood in practical reasoning.

Ian Carter identifies a lacunae for egalitarian theories of justice in the lack of a plausible basis of equality.[[40]](#footnote-41) The problem is particularly grave for Kantian approaches to political theory although not limited to them.[[41]](#footnote-42) Given the rejection of Kant's two-world metaphysics which underpinned his moral philosophy, modern-day Kantians run into trouble when challenged to point to an empirical property on which to base their egalitarian morality. One way to respond to the challenge is to invoke a concept such as dignity supposedly possessed equally by all in virtue of their capacity for moral agency. However, the immediate rejoinder of the skeptic about egalitarian morality is to point out that the capacity for moral agency is not in fact equally possessed by all. Hence, the premise of the moral egalitarian falls through. They are left without an egalitarian basis for the basis of equality.[[42]](#footnote-43) The quintessence is that granting the skeptic about moral equality his premise that no morally relevant property is equally possessed by all, amounts to a challenge not easily overcome. More specifically, in the example just given, the challenge is to explain why the morally relevant property is dignity and not moral agency in virtue of which dignity is possessed. Why should our evaluation of moral status focus on the egalitarian property of dignity and not on the more fundamental property of moral agency which is possessed to different degrees by different agents?

Working towards a more satisfactory answer to the skeptic, it will prove useful to introduce a bit of technical vocabulary at this point. In the above example, dignity is what is called *a range-property*. A range-property is a binary property, i.e. a property which can either be possessed or not but whose possession does not permit for degrees. This binary range-property is possessed in virtue of the possession of some other scalar property, i.e. a property whose possession permits for degrees, above a given minimum threshold. In other words, the binary range-property supervenes on a scalar property.

The skeptic can launch a double-barreled attack against moral equality. He has in his arsenal two challenges for a strategy to base an egalitarian morality on a range property. They are 1.) to explain why the range-property and not the subvenient scalar property is morally relevant to the evaluation of moral status; and 2.) to explain why the evaluation of moral status ought to be based on the range-property exclusively rather than on a combined assessment of supervenient and subvenient properties. What the moral egalitarian needs is a way to block the move from the analysis of the range-property which is to serve as the basis of morality to an analysis of the scalar property in virtue of which the scalar property is possessed. This is what the argument from opacity respect aims to establish.

In his presentation of the the argument, Ian Carter starts by revisiting Rawls's conception of the basis of equality.[[43]](#footnote-44) Rawls argues that the relevant binary range-property property is moral personhood. Hence, being a moral person is treated as the basis of equality of moral status. The subvenient scalar properties on which the property of moral personhood supervenes are a capacity for a conception of the good and a capacity for a sense of justice. Stating that “individuals presumably have varying capacities for a sense of justice,”[[44]](#footnote-45) Rawls acknowledges that these latter properties are not usually possessed to an equal extent. However, to have moral personhood, only “a certain minimum”[[45]](#footnote-46) of a capacity for a conception of the good and a capacity for a sense of justice need be present in an individual.[[46]](#footnote-47) According to Rawls, equality of moral status is based on equality of moral personhood which is based on meeting a minimum threshold of the two capacities.

So far nothing has been said that would placate the skeptic about egalitarian morality. They would again point to the fact that the subvenient properties are not possessed equally by all and that an analysis of what individuals are due should plausibly be based on these more fundamental categories. This is where the notion of 'opacity respect' becomes pertinent. 'Opacity respect' expresses the idea that if we stand in certain relations to others, we ought to refrain from evaluating the capacities of these individuals in a too fine-grained manner. In some situations, we ought to adopt a stance of “evaluative abstinence”[[47]](#footnote-48) as Carter aptly puts it. Respect often requires us to keep a distance to others. Opacity respect, as the name indicates, requires that we treat others as opaque. To treat others as opaque is to regard only their outward agency and not the features of their personality on which it supervenes. Or,

“[m]ore precisely, while we may see behind these exteriors (for to do so is often unavoidable), if and when we do perceive people’s varying agential capacities we refuse to let such perceptions count as among the reasons motivating our treatment of those people. In other words, we avoid evaluating people’s agential capacities as an aid to deliberation about alternative courses of action.”[[48]](#footnote-49)

Opacity respect thus conceived serves to defuse the skeptic's two challenges. Of moral relevance is the status of moral personhood which once obtained proscribes a further scrutiny of the property in virtue of which it is possessed. This precludes a reduction of the analysis of moral status to the subvenient properties as well as the combinability of supervenient and subvenient properties.

It is a further question, however, why and when opacity respect is the demanded attitude towards others. The “why” translates into the question, 'What makes opacity respect attractive, i.e. why is 'evaluative abstinence' ever the appropriate attitude towards moral agents?' The “when” asks, 'In what relations must we stand towards others in order for opacity respect to be appropriate?'

A way to address the “why” question is to spell out what role opacity respect is supposed to play in our moral practices. The exclusion from sight, so to speak, of everything internal to an agent is meant to protect the agent in an important respect. What opacity respect is meant to protect is a kind of dignity that is different from the agential dignity based on his moral agency and moral personhood. This latter kind of dignity is possessed if the minimum threshold of the subvenient property is met and cannot be taken away by an intrusive evaluation of that property. Opacity respect protects not the agential dignity of moral persons but dignity in the sense in which it is ascribed to persons on the basis of the relations in which they stand to others. If agents are respected as moral agents and not regarded as objects of scrutiny, they incur a different kind of dignity, one which can be lost and which ought to be protected. Opacity respect provides that protection and ensures that agents be properly concealed. Importantly, the relational dignity that is to be respected equally is a response to moral agency *as such* and its correlates moral personhood and agential dignity. It therefore does not presuppose the equality of moral agency but provides itself the basis of egalitarian moral attitudes if agents stand in certain relations with each other.

This leads straight to the second, the “when” question. What kind of relations must persons be in in order for opacity respect to be the morally demanded attitude? One example of such relations are the relations with which we are concerned with most: the relations between citizens and their political institutions. We do not approve of an overly intrusive behavior of the state in terms of a public assessment of our individual capacities. The publicity of tests for intellectual capacities required by Mill's plural voting scheme, for instance, would confer a stigma on the intellectual inferior. This is one reason why we deem it reprehensible. The state is ultimately the institutional platform which mediates the relations between citizens. The objections against public intrusions translate into the demand that aspects of the personality deemed private be concealed from the public eye of others in their role as citizens.[[49]](#footnote-50)

The adaptation of the argument so far for the purposes of our discussion is straightforward. If one thinks that it is part of the equal respect due to persons to treat them as Equal Epistemic Authorities, the above considerations could be used to establish the claim for the relevant kind of epistemic equality. If one furthermore thinks that the equal respect due to persons is based on them passing a certain threshold in their capacity of practical reasoning, the arguments given above to establish the plausibility of the claim to treat others as EEAs can be used to argue that ordinarily people are likely to at least pass that threshold.

I offer the Argument from Opacity Respect for consideration only to make the position that we might be under a moral duty to treat others as EEAs even though we do not believe that they are *in fact* EEAs more plausible. For the reasons mentioned in the starting pages of this chapter, I do not think that an exclusively moral strategy can carry the weight some people might want it to do. Without some plausibility to the claim that we are *in fact* EEAs, we do not achieve the necessary coherence between our moral attitudes and theoretical beliefs. If, on the other hand, others are content with the argument, so much for the better of my overall project.

**The (un)reasonableness of disagreement in public deliberation**

There is two more noteworthy consequences of the above arguments. Of particular interest here are the practice-based argument, the argument from complexity, and the local knowledge argument. As argued above, the former is part of a justification of the standard attitude to treat most people we disagree with in political debate as EEA, i.e. as our epistemic peers in practical reasoning.

[[refers back to chapter 2 and the assumption of disagreement]] The argument from complexity and the local knowledge argument, however, do not only serve as arguments to establish the small differences between reasoners. They also explain why *disagreement is the standard case* of any decentered reasoned debate with a sufficient level of complexity *even under ideal circumstances*. By extension, this holds equally for public deliberation, which is simply a special case of a debate with these characteristics.Importantly, the conditions under which public deliberation proceeds are such that 1.) participants are exposed to nonidentical evidence, and 2.) the assumption is justified that this evidence is comparable, i.e. epistemically on par with the evidence all other participants obtain throughout the process. Hence, the disagreement in question need not be irrational, e.g. the product of cognitive error, or insincere reasoning on part of the participants. Rather, it is disagreement between epistemic peers which obtain nonidentical but epistemically symmetrical evidence. Both points are born out by the Debate Room Argument presently presented.

**The Debate Room Argument**

There is two more noteworthy consequences of the above arguments. Of particular interest here are the practice-based argument, the argument from complexity, and the local knowledge argument. As argued above, the former is part of a justification of the standard attitude to treat most people we disagree with in political debate as EEA, i.e. as our epistemic peers in practical reasoning.

[[refers back to chapter 2 and the assumption of disagreement]] The argument from complexity and the local knowledge argument, however, do not only serve as arguments to establish the small differences between reasoners.

The Debate Room Argument is an expansion of the Local Knowledge Argument. It is an argument to the effect that disagreement is the expected outcome of any decentered reasoned debate with a sufficient level of complexity. This holds *even under ideal circumstances.* This disagreement need not be irrational or the product of insincere reasoning on part of the participants.

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The last section … blabla... Building on the above arguments, I presently advance an argument showing why *disagreement is the standard case* of any decentered reasoned debate with a sufficient level of complexity *even under ideal circumstances*. By extension, this holds equally for public deliberation, which is simply a special case of a debate with these characteristics.

Furthermore, the argument explains why the *disagreement* in question *need not be irrational*, e.g. the product of cognitive error, or insincere reasoning on part of the participants. Rather, it is disagreement between epistemic peers which obtain nonidentical but epistemically symmetrical evidence.

**The Debate Room Argument**

The following example will help to bear out these conclusions.

**Debate Room**. In the imagined setting, the members of a relatively large group comprised of persons of various background roughly mirroring the pluralism of modern-day societies are randomly assigned seats at different tables in the same room. They then proceed to discuss the justice of a proposed public policy for a limited amount of time with the persons who they find at their respective table.[[50]](#footnote-51)

Round 1

After a certain amount of time, these groups are dissolved and each person is again randomly assigned seats at different tables in the same room. The make-up of the tables will now be very different than in the first round of debate. Everybody now proceeds to discuss the justice of the proposed public policy for a limited amount of time with these different persons who they find at their respective table.

Round 2

Imagine that this process of deliberation with randomly assigned others continues for various rounds of debate.

The debate room example aims to mirror the decentered deliberation under ideal conditions that the inhabitants of a decentered public sphere engage in in a deliberative democracy as Habermas and others envision it.[[51]](#footnote-52) More specifically, each table represents the center of one of many deliberative spheres which taken together constitute the decentered public sphere all participants inhabit together as members of a deliberative community.[[52]](#footnote-53) The random assignments of seats at the different tables is due to the assumption that citizens of a deliberative democracy are maximally open towards differing perspectives and arguments made by others. Taken together, they represent the whole pluralistic spectrum of perspectives present in modern societies. At no table, however, are in any single round all perspectives present. While the deliberators are maximally open to others and the deliberation itself maximally open to input by all members of society, there are natural limits to how much input can be absorbed synchronously in any deliberative sphere. This is simply due to the fact that a decentered deliberation can, by definition, not be all-encompassing. Hence, there are structural limits to the comprehensiveness of decentered deliberation. However, the division in different groups at different tables also aims to take into account the cognitive limits of individual participants to absorb the complete set of information exchanged in the room (the public sphere). Due to these constraints, the information available at each table is necessarily incomplete.

To illustrate.

**Debate Room. Round One**. Participants do not learn of all arguments and cannot familiarize themselves with all perspectives in the first round of debate.

* + (complexity; pluralism of modern societies > cognitively overburdened); The cognitive resources of collaborative collective reasoning are spread out across various deliberative contexts; this is what the separation of th tables is meant to model.

Notice, however, that in each round of debate, each person only has knowledge of the current and the previous rounds of debate they have participated in. They only have knowledge of the debates others have engaged in to the degree that the persons now at their table feed that information into the current debate. [Local Knowledge Argument]

Assume, however unlikely that might strike you, that a **Habermasian** **consensus** (an agreement for the same reasons) forms at each table. Due to the fact that, at each table, participants are exposed to arguments bearing on the issue and to perspectives reflecting a limited spectrum of the pluralism of modern societies, it is likely that in deliberation of this type, the participants at different tables arrive at judgments that differ from those made at other tables. Hence, any consensus formed under these conditions would be restricted to each table and proof to hold only locally. In other words, in the debate room, any consensus arrived at would be a **local consensus** and a consensus contested by other locally confined processes of deliberation. This simply follows from the assumption that in the first round of debate, the different information available to different groups makes it rational to arrive at conflicting judgments.

Of course, these processes of deliberation are not closed to other participants and they are certainly not assumed to be in the ideal theory of deliberation [[make this a technical term??]] where participants are conceived as maximally open to new input and all perspectives and arguments potentially receiving uptake by each participants.[[53]](#footnote-54) Hence, we can imagine new deliberative spheres forming as participants tap into processes they have not previously been a part of.

To illustrate.

**Debate Room. Round Two**. Some participants are selected and randomly assigned a seat at different tables. After in this way being introduced to a new deliberative sphere, they learn of different arguments and perspectives bearing on the question. These arguments might attack assumptions underlying their opinion or might stand on independent grounds. The exposure to new perspectives might expose them to claims for recognition which provide yet another challenge to previously held beliefs. Importantly, participants can gain a deeper understanding of the complexity of a question also by understanding the interconnectedness with other issues. This, of course, also holds for the reverse. The newly introduced participants communicate information they have obtained in the previous round of debate and which was not present within the deliberative sphere they now find themselves in. Hence, being the ideally open-minded deliberators they are, some or all participants are likely to adjust their views upon the new information they obtain. The same process of information exchange simultaneously takes place at all the tables in the room, including at the one the participants were part of in round one. Thus, the fluidity of judgments is a comprehensive phenomenon in the debate room. As in the first round of debate, we can in principle imagine local consensuses forming at the various tables.

Again, however, these will differ in correspondence to the information available in each deliberative sphere (which is assumed to be different and necessarily incomplete in each sphere).

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While we try to discuss the justice of a proposed policy with as many people, try to consider as many arguments, and try to include as many different perspectives as we can, we will never be able to achieve global knowledge of the deliberative process and the validity status of arguments. This is exactly what it means to engage in 'decentered' deliberation. Rather than observing the *centered* deliberation of a small number of representatives who all, to stay with the debate room metaphor, sit around the same table, we engage in a *decentered* deliberation, sit around different tables without knowing and being able to know what is going on at the different tables. While a decentered deliberative setting has epistemic benefits as more arguments can be voiced and more perspectives made visible, the setting also increases our cognitive burdens in that it makes it impossible to absorb all that might be relevant to the formation of our judgment of the issue at stake.

Hence, I am not warranted to assume, that I have at any point, through my own knowledge of the debate and that communicated by others, gained global knowledge of the process of deliberation and the global deliberative status of validity claims. Within a decentered public, this god's eye view on the deliberative process is not available to anyone.

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**Global Consensus and The Entropy of Reason**. By itself, of course, the process described above does not guarantee the persistence of disagreement over time, however. One could argue that after a sufficient number of rounds of debate all participants at all tables would be familiar with all or nearly all arguments made as, after a certain number of rounds of debate, all could have at least indirectly learned of the arguments made by all others. In such a state of full information, the argument provides no reason why a *global* consensus between all participants could not, in principle, be possible.

This objection, however, is ill advised. It assumes that the information exchanged in the totality of the deliberative process is *static* when it reallyis *dynamic.* Let me explain. If the information we are confronted with was static, our situation would be one where each reasoner starts out with a subset of information *In* concerning an issue. The complete set of information in the debate room would comprise the subsets *Ia–z* present at the beginning of the deliberative process *t1*. The process of deliberation could then lead up to each reasoner obtaining the information *Ia-z* either directly or indirectly through others. A consensus would form if all participants evaluated the complete set of information in the same way.

Reasoned debate with a sufficient level of complexity, however, is inherently dynamic in the sense that it reasoners are likely to construct[[54]](#footnote-55) new arguments which they have not, previously, been aware of.[[55]](#footnote-56) Hence the new information they obtain and process collectively leads to a new set of information *Iα* which is not identical to *Ia+b* but includes new information they were not previously aware of. Thus, the complete set of information processed in public deliberation at the later point *t2* is *Ia-z+α.*[[56]](#footnote-57)If we generalize the two person case to include all participants, we gain an understanding of the dynamic growth of the complete set of information processed in reasoned debate. Due to this dynamic growth, the information participants are confronted with does not display a tendency to form a unified set of static subsets which have been collectivized at the global level. Instead, reasoned debate about complex issues produces *additional* information. After each round of deliberation in the debate room, then, participants will have altered and *expanded* subsets of information on which to base their judgments. These new subsets provide other deliberators at their table with additional information or are formed in a process of dialogical reasoning.

Thus again, in the standard case, after each round of debate, participants base their judgments on different, only locally available sets of information and, accordingly, ought to arrive at different judgments about the issue at stake. Due to the dynamic growth of information, which could be called *the entropy of reason*, the information available in each deliberative sphere is necessarily incomplete after any number of rounds of debate.[[57]](#footnote-58)

**The point at infinity we can never reach**. The argument shows why *wide and general reflective equilibrium* is, indeed, as Rawls stated “a point at infinity we can never reach”[[58]](#footnote-59). This also means, however, that *full justification* is just as much a point at infinity we can never reach. The point can be put even stronger. The Debate Room Argument helps to illustrate why disagreement is to be the expected outcome of deliberation in a decentered public *even under ideal circumstances* without the constraint of the limited time available in real-world deliberations. It illustrates the entropic nature of the force of reason.

**Diachronic Reasoning and Atemporality of Reason**. [[this should also be in the LKA]] A further aspect of reasoned debate is important for our purposes. It is the fact that the unfolding of reasoned debate has a temporal dynamic that the inferential relations between propositions lack. As we have already noted, the subset of information available at any table at *t1* is different than that at  *t2.*

At each table, to stick with the example, new arguments are made which might defeat arguments currently thought to be persuasive at a different table or arguments previously made in order to defeat a certain position which now, at least locally, regains its respectability. In a word, the dialectic of reason does not unfold neatly over time but subverts the chronological order in which arguments are made. The inferential relations between propositions hold independently from the order in which they appear in actual deliberations. Given this dynamic of reason at work in each deliberative sphere (at each table) and the fact that the realization of the dialectical relations between different arguments does not develop simultaneously at each table and in all participants, disagreement between the groups at different tables – even if consensus is reached at each table taken separately – is the result to be expected. [explicate above] The problem for each participant / the group at table *T1* is that its members do not know which direction the discussion has taken at tables *T2-6* and are left with the reservoir of ideas presently available at their table. This is a further point which supports the conclusion reach above, namely that the dynamic unfolding in a sufficiently complex, decentered debate limits the knowledge of participants *in principle* to locally available evidence which, in what must be presumed to be the standard case, is contested in other localities. *Even if* deliberation was to go on for an infinite amount of time, it would be impossible for participants to gain global knowledge of the global validity status of their arguments.

**Consensus as the motivational requirement and the telos of deliberation**. There is another worry. If disagreement is the expected outcome of deliberation even under ideal circumstances, why engage in deliberation at all? Is the motivating force to do so the hope to convince others of the truth of my opinion? If, due to the complexity of contested issues and the nature of decentered deliberation, I cannot reasonably hope to convince others of my opinion, why should I make the effort to do so?

A first point to note here is that we do not need any special insights into expected outcomes of deliberation under ideal circumstances in order to recognize this question as pertinent. Under the very real circumstances of actual deliberation, we regularly encounter persistent disagreement with other competent reasoners. However, we also see that deliberation remains a stable practice over time in spite of this fact. Thus, the expectation to convince others cannot be our sole motivation to engage in deliberative practices.

Furthermore, if consensus is not to be expected, we cannot expect that the public use of reason leads us to converge on a truth that will be recognized as such by all. Hence, our desire to gain a level of certainty in a belief based on the fact that the public use of reason leads to such a shared recognition cannot be the only motivation at work either. Even worse, persistent disagreement between competent is often seen as putting into question the truth-aptness of an issue all together.[[59]](#footnote-60)

However, the lack of agreement does not put into question the epistemic credentials of public deliberation *tous court.* As John Stuart Mill points out,

“The beliefs which we have most warrant for, have no safeguard to rest on, but a standing invitation to the whole world to prove them unfounded.”[[60]](#footnote-61)

To expose our beliefs to criticism has epistemic benefits even if agreement with others is not reached. *In a first step* in the dialectic of disagreement, the fact that, from *our* perspective, our own beliefs survive the criticism voiced by others is a reason to belief that we are warranted in holding them. However, the fact of disagreement gives us all the more reason to acknowledge our own fallibility. Another view deserves a hearing because it

“may possibly be true. Those who desire to suppress it, of course deny its truth; but they are not infallible. [...] To refuse a hearing to an opinion, because they are sure that it is false, is to assume that their certainty is the same thing as absolute certainty.”[[61]](#footnote-62)

To engage in deliberation is not only an attempt to convince others of one's own beliefs but also, and crucially, to expose these beliefs to criticism and give other opinions the hearing they deserve in an attempt to arrive at the most justified beliefs judged *from our perspective*. From this perspective, deliberation is an epistemic resource for us to arrive at beliefs on a rich informational basis which includes the perspectives of others. This self-interest in arriving at well justified beliefs in the face of opposition provides a plausible motivational basis for our continued engagement in deliberative practices. Given our cognitive imperfections and the structural limits of our acquisition of information, it is an adequate expression of epistemic humility and respect for the opinions of others.

Furthermore, our effort to treat others justly is itself bound up with our effort to arrive at well justified beliefs about what is just. If we were not to make a sincere effort to arrive at well justified beliefs about what justice requires of us, we could not be said to make a sincere effort to treat others justly in a more substantive sense at all. If part of making a sincere effort to arrive at well justified beliefs about what justice requires of us is to expose our view to public criticism, to engage in deliberation is part and parcel of a duty to justice that extends beyond a duty to justification.

As the last sentence indicates, this need not be, and is unlikely to be, the only motivation to engage in deliberation. As I argued earlier, our efforts to justify our actions to others and to listen to their justifications is a way of treating others according to a conception of equal respect widely shared in democratic communities.

**Rational and Reasonable Disagreement and Symmetrical Evidence**. So far, I have employed the Debate Room Argument to show that disagreement as the outcome of decentered reasoned debate is to be treated as the standard case *even under ideal circumstances*. I said earlier, however, that the argument also explains why *the disagreement* in question *need not be irrational*, e.g. the product of cognitive error, *nor unreasonable*, e.g. insincere reasoning on part of the participants. Rather, the disagreement can be explained in terms of the different information participants in deliberation are confronted with. It should by now be easy to see that this second claim follows from the way in which the persistence of disagreement over time was explained and I want to refrain from repeating myself. However, up until now, I have said nothing in support of the further claim that persistent disagreement is not only a rational outcome of decentered debates on complex issues, but, at least in the case of public political deliberation, can be regarded as *disagreement between epistemic peers* which obtain *nonidentical but epistemically symmetrical evidence*.

What, in addition to the arguments made in favor or the assumption of EEA, supports this last claim, is that the conditions under which public deliberation proceeds are such that 1.) participants are exposed to nonidentical evidence, and 2.) the assumption is justified that this evidence is *comparable*, i.e. epistemically on par with the evidence all other participants obtain throughout the process. I have already argued for the first point extensively. The second assumption follows from the way the debate room example is set up. The public sphere is inhabited by persons who regard each other as equally competent reasoners and who are in persistent disagreement with each other. Crucially, however, they do not know the grounds for the disagreement with persons who are not members of their deliberative sphere. This follows from the fact that they have, at any point *t* in the deliberative process, only local knowledge of the information available to them in their respective deliberative sphere.

In this setting, participants are not warranted to assume that their evidence is epistemically superior to that available in other deliberative spheres. Recall the **Independence** principle introduced in the last chapter. The principle states that locally downgrading your opponent is permissible only if your reason to do so is independent of your and her reasoning that let you to make your respective judgments. The purpose this principle serves is to preclude the arbitrariness of downgrading the epistemic status of a presumed peer's judgment simply on the basis that you disagree with them. The impermissibility of downgrading your presumed peer's judgment based on an arbitrary presumption that, because you disagree, their evidence must be inferior is simply an extension of the Independence principle. Given the fact that you justifiably regard other participants as epistemic peers (see the arguments above) and the fact that evidence is widely distributed among participants, the presumption towards the evidence available to your epistemic peers ought to be that their evidence is on par with yours. The assumption of asymmetric evidence is analogous to the arbitrary downgrading of the epistemic status of persons we find ourselves in disagreement with.[[62]](#footnote-63)

Interestingly then, we can describe disagreement which is the outcome of decentered reasoned debate with a sufficient level of complexity as a case of peer disagreement which need not be the result of erroneous reasoning or cognitive errors on part of the participants.

Futhermore, the persistent *fact of disagreement* between competent reasoners in any *actual* decentered deliberation with a sufficient level of complexity should put in doubt the notion that the information locally available to each participant is sufficient to judge the issue at stake with a high level of confidence. *Actual disagreement* between competent reasoners points to either a cognitive mistake made by some of the participants or the availability of comparable, i.e. epistemically symmetrical evidence available to different participants supporting different conclusions.[[63]](#footnote-64) In other words, the argument shows that the persistent actual disagreement encountered in decentered public deliberation is an epistemically worrisome feature which ought to effect the credence level that participants assign to their beliefs.

This is an extremely interesting result in its own right. However, it leads back to a question we have already been concerned with in the last chapter and which will concern us presently: how ought we to rationally react to peer disagreement?

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The fact that disagreement is the expected result of public deliberation has severe implications for the reading of deliberative standard of legitimacy which centers on a theoretical amalgam of actual and hypothetical consensus.

1. **The Dynamic Model of Epistemic Peerhood in Practical Reasoning:**

I now turn to the application of the dynamic model of epistemic peerhood in theoretical reasoning developed in the last chapter to practical reasoning. In the course of the discussion, I employ the conception of what I call a well-ordered democracy.[[64]](#footnote-65) I call a democracy well-ordered democracy a democracy whose justificatory discourses are governed by a Democratic Public Reason, the content of which will become clearer momentarily. I argue that citizens of a well-ordered democracy face strong pressures towards conciliation on many matters of social justice. The disagreement among citizens on these questions is framed by Democratic Public Reason. Furthermore, I claim that it is rationally permissible for citizens of a well-ordered democracy to globally downgrade individuals who, epistemically speaking, stand outside Democratic Public Reason.

**The Adaptation of the Dynamic Model of Epistemic Peerhood**

I argued in the last chapter that the main drivers in a dynamic model of epistemic peerhood are high-confidence dis-/agreements. It is a history of repeated high-confidence dis-/agreements which makes global down- and upgrading rationally permissible. Recall the simplified matrix of constellations of dis/-agreement pairs:

|  |  |
| --- | --- |
| 1.) High-confidence agreements and low-confidence agreements | 2.) High-confidence disagreements and low-confidence agreements |
| **3.) High-confidence agreements and low-confidence disagreements** | 4.) High-confidence disagreements and low-confidence disagreements |

Of particular interest for a conception of Democratic Public Reason is the dis/-agreement pair 3.) high-confidence agreements and low-confidence disagreements. I have argued in the section … that,

“In this case, the high-level dynamic is the same as in 1.). High-confidence beliefs mutually reinforce each other. The high reliability each of you assigns to your own respective judgments is transferred to an assumption of an equally high reliability of the person we agree with which pushes us towards an ascription of peerhood status.[[65]](#footnote-66) In addition, this now triggers a high-to-low-level dynamic. Granting peerhood status based on high-confidence agreements exerts pressure to be conciliatory in cases of low-confidence disagreements.”[[66]](#footnote-67)

Democratic Public Reason, I want to suggest, is framed by high-confidence agreements about some issues which are accompanied by low-confidence disagreements on many other issues. The upshot is that citizens of a well-ordered democracy face strong pressure towards conciliation at the low-confidence level.

* 1. **The Epistemic Frame of Disagreement: Democratic Public Reason**

We now face a question regarding the content of high-confidence agreements and low-confidence disagreements in Democratic Public Reason. At this point, it is useful to invoke Rawls's concept of '**considered judgments**'.[[67]](#footnote-68) According to Rawls, considered judgments are those which survive a process of reflection, of working 'back and forth' between moral judgments we hold with extreme confidence and principles of a conception of justice which allows us to coherently order these judgments. The starting point of this process of reflection are those moral judgments we hold with extremely high confidence. Many of these judgments are bound to survive the process of reflection thus molding the conception of justice we are willing to endorse and imposing limits on the acceptability of conceptions of justice. Among these considered judgments are the condemnation of institutions such as, e.g., “slavery and serfdom, religious persecution, the subjection of the working classes, the oppression of women, and the unlimited accumulation of vast fortunes, together with the hideousness of cruelty and torture, and the evil of the pleasures of exercising domination”. However, Rawls acknowledges that we hold judgments “at many levels of generality, from the more particular to the most abstract.” We do not only have strong beliefs in the injustice of certain particular institutions but equally so in abstract principles such as the equal moral worth of all.

Since Rawls assumes that the state of reflective equilibrium might indeed be reached and offers *A Theory of Justice* and *Political Liberalism* as candidates. When reflective is reached, the high confidence we have in our initial judgments is at least partly transferred to the conception of justice we hold in reflective equilibrium together with our considered judgments. This is because a theory of justice which coherently orders our initial high-confidence judgments is supported by the fact that it is compatible with many or most of our high-confidence judgments. Likewise the fact that many or most of our high-confidence judgments can be coherently ordered by a conception of justice supports these judgments. Hence, Rawls seems to think that we are justified in having a high-confidence in both, our considered judgments *and* the conception of justice we hold in reflective equilibrium.[[68]](#footnote-69)

It is interesting to note that *before* wide and general reflective equilibrium is reached, Rawls makes a clear distinction between the levels of confidence we have in different kinds of moral judgments. Before we enter into reflective equilibrium, there are some judgments which we take to be those least likely to be made under distorting influences such as 'an excessive attention to our own interests'. He names our belief in the injustice of religious intolerance and racial discrimination as examples. Remarkably, he explicitly excludes beliefs about the correct distribution of wealth and authority from those judgments we can hold with high-confidence. [citation]

I have argued above that Rawlsian reflective equilibrium is inherently unstable [see the Local Knowledge Argument in Ch. 2 and above]. If this is true, the link between high-confidence beliefs about baselines of just institutions and beliefs about the correct distribution of resources is broken. The argument from complexity furthermore supports the assertion that we are not warranted in holding high-confidence beliefs about [many matters of] justice. What remains is the 'extremely high confidence' we have in some judgments before we enter reflective equilibrium and which are provisional fixed points in moral reasoning and extremely unlikely to be changed in the course of further deliberation (though this is not impossible, of course).

A further point is worth pointing out. The deliberation of citizens of a well-ordered democracy does not happen in a vacuum. They do not arrive at high-confidence beliefs without engaging in comprehensive deliberation with their fellow citizens.[[69]](#footnote-70) Hence, their high-confidence beliefs are 'considered' in the sense that they have already survived extensive moral deliberation and have shown themselves to be very resilient after citizens have worked 'back and forth' between them and the results of public deliberation. While this not the same as the epistemic support a conception of justice fit to coherently order high-confidence beliefs grants to considered judgments, it is plausible to assume that in this case, too, citizens are justified in maintaining their high confidence. Hence, a division between high-confidence beliefs formed and confirmed in deliberation with once fellow citzens and low-confidence beliefs, which neither enjoy the stable support [instability of reflective equilibrium] nor are the focus of agreement between citizens, can be maintained.

The question, however, is what dis-/agreement constellation citizens of a well-ordered democracy find themselves in if we thus analyze public discourse. I have claimed above that the relevant constellation for an analysis of Democratic Public Reason is that of high-confidence agreements and low-confidence disagreements (option (3) in the above matrix). This claim obviously needs to be argued for.

Adopting a reconstructive approach in *Political Liberalism*, Rawls turns to “the public culture itself as the shared fund of implicitly recognized basic ideas and principles.”[[70]](#footnote-71) In his words, “[w]e *collect* such settled convictions”[[71]](#footnote-72) from the public culture of liberal democracies. The support I offer for my claim likewise comes from a reconstruction of the normative and epistemic attitudes towards political disagreement shared by citizens of a well-ordered democracy. If this reconstruction is correct, citizens hold the considered judgment that they ought to treat each other as Equal Moral Authorities and as Equal Epistemic Authorities. They endorse the view that nobody should be discriminated against on the basis of their conception of the good. Other stable high-confidence beliefs in democracies as we know them are, among others, the once pointed out by Rawls. We object, e.g., to the killing of innocents, torture, religious intolerance, discrimination on the basis of race, gender, or on other arbitrary grounds, and many other plainly unjust practices and institutions.[[72]](#footnote-73) While the argument from complexity shows that, as Rawls asserts, we are not before entering into a state of reflective equilibrium warranted to hold high-confidence beliefs in the just distribution of resources, at least a high-confidence belief in an egalitarian distribution of authority is supported by its fit with our high-confidence belief that we ought to treat others as EMAs and EEAs.[[73]](#footnote-74) As I have shown in Ch. 3, these commitments provide the basis for an argument for democracy (I develop a further argument for democracy on the same basis in the next chapter) and a protected private sphere. The reconstruction of the shared attitudes of citizens in a well-ordered democracy towards disagreement uncovers convictions held with a high level of confidence. Hence, citizens in a well-ordered democracy are in high-confidence agreement concerning their basic beliefs and moral attitudes towards each other.

At the same time, they are in low-confidence disagreement. They are in *disagreement* because of the fact that disagreement is an irreducible part of the political life even in ideal circumstances [see Ch. 2]. They are in *low-confidence* disagreement because they disagree on many issues on which they are not entitled to hold high-confidence beliefs (see the argument from complexity and the local knowledge argument) and they recognize this fact.

As, in a dynamic model of epistemic peerhood and absent independent reason making downgrading permissible, high-confidence agreement / low-confidence disagreement constellations put reasoners under pressure to seek conciliation at the level of low-confidence beliefs. According to the arguments made in this chapter, citizens of a well-ordered democracy ought to regard one another as epistemic peers (see the argument from complexity, the local knowledge argument, the practice-based argument, and the institutional argument) and are not justified in holding a wide range of beliefs about justice with high-confidence (see the argument from complexity, the local knowledge argument). According to the dynamic model of epistemic peerhood, they are under pressure to seek conciliation on those questions of justice over which there is low-confidence disagreement. This is an important **conclusion.** I elaborate its consequences in the subsequent chapter where I outline my conception of conciliatory democracy.

An additional and no less important consequence of the dynamic model of epistemic peerhood and the conception of Democratic Public Reason concerns **the permissibility of globally downgrading anti-democrats**. In a well-ordered democracy, the shared high-confidence beliefs held by citizens provide the epistemic markers of Democratic Public Reason. These considered judgments are the frame of Democratic Public Reason and allow us to spell out an epistemically informed conception of **reasonableness** which promises to be more than dogmatic liberalism.[[74]](#footnote-75)

**The Nazi**. Imagine, for instance, an incorrigible Nazi. Such an ardent believer in Nazi ideology rejects a great many beliefs a citizen of a well-ordered democracy - let's call this latter person 'democrat' for short-hand - holds with great confidence. The Nazi rejects the democrat's firmly held convictions that discrimination on the basis of race and religion is unjust; that cruelty and torture are moral evils without exception; that slavery and serfdom are moral wrongs without exception; that men and women ought to be equal in important respects, and many more. In particular, the Nazi rejects the idea that political disagreement has a special significance because the judgments of one's opponent ought to be respected in a special manner. He rejects the idea that persons ought to be treated as EMA and EEA in a political context. Subsequently they also reject the idea that an egalitarian distribution of political authority is justified on this basis. What is more, they reject an egalitarian distribution of political authority altogether.

The democrat and the Nazi thus enter into a constellation of high-confidence disagreement combined with either low-confidence agreement or low-confidence disagreement:

|  |  |
| --- | --- |
| 1.) High-confidence agreements and low-confidence agreements | 2.) **High-confidence disagreements and low-confidence agreements** |
| 3.) High-confidence agreements and low-confidence disagreements | 4.) **High-confidence disagreements and low-confidence disagreements** |

As argued in the last chapter, in 4.) the pressure to conciliate at the level of low-confidence beliefs becomes substantially weaker as does the justification to increase the confidence at this level in cases of agreement in 3.).

The citizen of a well-ordered society is now permitted to downgrade anti-democrats from peerhood status and exclude these groups from the epistemic compromise they are seeking. This move is warranted from the standpoint of rationality. It is *this* standpoint from which the doctrine of the anti-democrat appears as unreasonable.[[75]](#footnote-76)

In the preceding chapter I have argued that, in the case of 2.), if many high-confidence disagreements arise, we can *either* maintain our high-confidence beliefs and globally downgrade our opponent *or* seek high-level conciliation if we do not. [...] this is presumably a gradual and coarse-grained matter where *at some point* the balance tilts towards global downgrading. Our confrontation with the Nazi is a case in which the balance has clearly tilted towards global downgrading due to the number and the intensity of our high-confidence disagreements with them.

This conception of a Democratic Public Reason has two important **consequences**. The first concerns **the *justification* of political institutions** itself. Without independent reason to believe otherwise, it is permissible for the democrat to globally downgrade the Nazi and maintain his high-confidence belief in, e.g., the legitimacy of democratic institutions. The persistence of high-confidence disagreements absolves the democrat from the duty to seek a high-level epistemic compromise which would affect the justification for democracy on the basis of their commitments to treat others as EMAs and EEAs. The second consequence concerns the democratic ***practice* of seeking a low-level epistemic compromise** with one's epistemic peers.[[76]](#footnote-77) Persistent high-confidence disagreements absolve the democrat from seeking low-level epistemic compromises with the Nazi. This makes it permissible and even rationally warranted to exclude the Nazi's low-confidence beliefs from the democratic practice altogether as their input would distort the epistemic compromise democrats ought to seek with their epistemic peers.

Hence, this epistemic conception of Democratic Public Reason and reasonableness helps us to see how democrats can be rational in sticking to their guns when confronted with anti-democratics who reject their justification for democratic institutions. This is a welcome reassurance of the democrats position in the face of radical disagreement. In this sense, the epistemic conception of Democratic Public Reason and the justification of democracy spelled out in terms of this conception are self-insulating.[[77]](#footnote-78) [[78]](#footnote-79)

**Democratic Public Reason and Rawls's Public Reason**.

Quick note on Rawls:

* how does Democratic Public Reason differ from Rawls's PR: no completeness condition

**Democratic Public Reason and Habermas's Public Use of Reason**.

Quick note on Habermas:

* how does Democratic Public Reason differ from Habermas's PUR: no consensus expectation

>> Democratic Public Reason is true to the fact of disagreement

* 1. **Epistemic Compromises about Questions of Justice**

In an article on peer disagreement, Richard Feldman notes two different attitudes towards disagreement. In political debates, he states, “victory is the measure of success”[[79]](#footnote-80), whereas nowadays the common consensus on religious disagreement is an attitude of toleration.[[80]](#footnote-81) My argument so far has been that a third attitude is available. We can and ought to seek an epistemic compromise on issues subject to low-confidence disagreement between epistemic peers.

There are a few things to note about this proposed alternative attitude towards political disagreement. First, so far we have been left in the dark as to what an epistemic compromise on political matters could look like. Secondly, it seems to preclude the possibility of reasonable disagreements. Thirdly, it is not at all clear to what extent political disagreements are analogous to disagreement in theoretical reasoning. Concerning this last point, a major concern is that there does not seem to be an analogue to the agnosticism sometimes warranted in theoretical reasoning.

**No Behavioral Analogue to Agnosticism**. Consider the Horse Race example. The two disagreeing friends came to the conclusion that none of them is justified in holding a belief on which of the two horses won. They withhold their judgment about the issue. Alternatively, we could assign different credence levels to each person with the compromise consisting in 'splitting the difference'. If one friend believes that Horse A has credence of 0,8 and the other has a credence of 0,4 in the same believe, the compromise would be that one friend lowers whereas the other raises their respective credence with both arriving at a credence of 0,6.

Disagreements in practical reasoning have a different structure. They are disagreements about what decision to take, what to *do,* in a given situation. Suppose you and your friend are hiking and arrive at a fork in the trail which is not indicated on the map. You face a decision about which trail to follow. Your friend chooses the trail on your right while you decide to choose the trail on your left. While you can make different choices, neither one of you is warranted in believing that she has made the right choice. Neither one of you knows which trail is the right one to follow, hence from a theoretical perspective you ought to remain agnostic. Given the fact that you have to continue your hike, that you have to arrive at a decision about what to do, your agnosticism cannot be translated into a behavioral analogue.[[81]](#footnote-82) While we could do nothing, i.e. decide to remain where we are and wait for a fellow hiker to come along or look for shelter, the example presumes that we do have a reason to choose either path. If this is the case, we cannot do nothing and the theoretical stance of agnosticism does not find a correlate in a practical attitude.

However, in the cases of practical disagreement we are concerned with, namely practical disagreements about the justice of the social order of our society, could we just not do anything? The answer is that we could not. The reason in these cases is not that, from a practical perspective, we could not decide not to do anything. Rather, it is the fact that that decision, too, would be a normative choice analogous to choosing a third path rather than remaining where we are. Hence, from a normative perspective, we cannot just not do anything. Let me illustrate this point with the help of what in this context might be called the anarchist's fallacy.

**The Anarchist's Fallacy**. Assume that we disagree on what social order to live in. You and I have starkly opposed views on the nature and legitimacy of political authority with one of us leaning towards the libertarian end and the other towards a socialist end of the political spectrum. We discuss our positions but to no avail. Both of us maintain our positions with equal confidence. Then a common friend of ours comes along. After hearing us out, he explains that this strikes him as a case of peer disagreement for surely none of us thinks the other to be his intellectually inferior (or superior) and we both assume the other's familiarity with the relevant evidence. Of course, we concur. He now explains that if this is the case, we ought to remain agnostic about what social order to institute. Furthermore, he explains that this theoretical stance entails a practical attitude. Since all other positions on legitimate authority are equally contested among other persons whom we also regard as our epistemic peers, we ought to refrain from instituting *any* of them.[[82]](#footnote-83)

But surely this cannot be right. The problem with this conclusion, of course, is that not instituting any social order is itself a normative position, one equally contested between persons who, in the above example, regard each other as epistemic peers. The point is that *any* social order is a normative order as it excludes other social orders and even if not based on normative assumptions, it is more in line with some such assumptions than it is with others. In the above scenario, it is easy to imagine a further person entering the scene who advocates just this position based on normative assumptions.[[83]](#footnote-84) Though we can make choices without consciously endorsing a reason to act in that way, we cannot act without making a normative choice.[[84]](#footnote-85) Hence, whatever order we institute, we act *in compliance* with some reasons and not with others. Our friend is mistaken in proposing inaction as an epistemic compromise.[[85]](#footnote-86) In conclusion, in cases of peer disagreement about matters of justice, agnosticism cannot translate itself into a practical analogue.

This is not to say, however, that the lessons drawn from the discussion about peer disagreement in theoretical reasoning cannot be applied to peer disagreement in practical reasoning. What we need is a set of examples which integrate the characteristics of practical disagreement, most importantly the need of arriving at a decision.

A good way to approach the problem is to see how far our understanding of theoretical reasoning alone can be made analogous to practical reasoning. Also in theoretical reasoning, we can ourselves in circumstances, in which to remain agnostic is excluded from the set of epistemic attitudes available to us. Allow me to briefly illustrate this idea with an example.

**Counting Deers**. Assume a setting similar to the Hazy Clearing examples in the preceding chapter. You and your friend are on an outing in the woods and overlook a clearing in the hope of observing deer. In this example, however, it is more than just a recreational activity. You both volunteered to gather data on the local deer population for an environmentally oriented NGO. This time, you both see a deer and you agree that you saw a deer. You turn to the document the NGO supplied you with and fill out/in all the fields including the number of deers seen, the location of the sighting, etc. You than hit a question about **the size of each deer you sighted**. There are only three boxes and you are asked to check one of them. You are explicitly reminded to check one box and not to leave the question unanswered. The options are “small”, “medium”, and “big”. You and your friend, however, disagree about the size of the deer spotted. While you think the deer was rather small, your friend thinks it was rather big.

In this situation, what is the rational reaction to your disagreement? Without having to answer the question, you would have remained agnostic about the size of the deer. Now, however, you have to make a decision to the best of your knowledge. After a short exchange of words, you and your friend decide to check the box “medium”. Neither one is perfectly comfortable with this choice knowing that you should remain agnostic about the size of the deer. However, given the constraint of having to make a choice, the choice you made was the rational one to make. It was the only epistemic compromise available to them.

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This case can be generalized to disagreement in theoretical reasoning about any scalar property of an object when there is agreement that the object exists and has the property in question.[[86]](#footnote-87) In such a case, agnosticism about the property is an attitude that is made unavailable by the agreement between the peers on just that question. As in the above example, the only epistemic compromise possible is about which point on the scale the property occupies in the case of the object under discussion.

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From this generalization, we can see that the nature of an epistemic compromise in theoretical reasoning is not fundamentally different from that in practical reasoning. Let me illustrate the analogous structure of the compromise with an example of an epistemic compromise in the latter kind of reasoning.

**Bob vs. Jerry on Social Justice**. Assume that two persons, called Bob and Jerry, agree that the distribution of resources in their society raises normative concerns. However, they strongly disagree on the question which distributional/distributive pattern is justified in terms of considerations of justice. Bob believes that the distribution of resources ought to be regulated by the mechanisms of a free-market economy exclusively - the only way that, according to him, respects the natural rights of persons and their self-ownership. In other words, Bob believes that any redistribution by the state is unjust. Jerry, on the other hand, believes that the distribution of resources ought to conform to the norms of socialist equality – the only way that, according to him, morally arbitrary differences between persons are compensated for and the only that enables persons to live in community with others. In other words, Jerry believes that justice demands that the state undertake a massive redistribution of resources. Assume further that Bob and Jerry regard each other as epistemic peers.

In this example, Bob and Jerry agree that *any* distribution of resources in a given society raises demands of justice. Hence, agnosticism does not enter the picture as a possible response to their dispute. What they disagree about is *how much* distribution by the state can be justified in terms of considerations of justice. In other words, they disagree about what point on a scale of possible redistribution by the state justice specifies. It is this scale that opens the door for an epistemic compromise between epistemic peers on the question of how much distribution is justified. The epistemic compromise reached in their practical reasoning is structurally similar to that in theoretical reasoning.

Notes

* Citizens ordinarily take themselves to be EEAs at least in the *negative* sense that they could be persuaded by the better arguments. They might not necessarily view themselves as EEAs in the *positive* sense that they could have the insights leading to the argument.
* In certain deliberative conception [call the justificatory conceptions?] especially, people are viewed as EEAs. Their objections to justifications offered are counted as defeating the objection [only if its actual concensus?]
* this shouldn't come as a surprise because the whole idea of self-determination and the struggle for democracy is based on the idea that there is no privileged elite that has a deeper insight into matters justice and the common good. It rejects the Platonic conception.

Analogy in theoretical reasoning:

* same belief (seen sth, yes/no), bayesian analysis, agnosticism or decrease or increase in credence

Feldman: Epistemological Puzzles about Disagreement:

* 2 kinds of attitudes: 'victory' as a kind of success vs toleration, p. 414

William James (1911): when a decision is live, forced, and momentous, then making a choice is reasonable even if there is no intellectual basis for that choice.

Gideon Rosen (2001, p. 88, cited in Feldman: ep. Puzzles): ‘Nominalism, Naturalism, Philosophical Relativism’. *Philosophical Perspectives*, 15: 69-91.

 on disagreement in ethics:

“If, after reflecting on the rational tenability of an ethos that prizes cruelty, cruelty continues to strike me as self-evidently reprehensible, then my conviction that it is reprehensible has a powerful and cogent ground, despite my recognition that others who lack this ground may be fully justified in thinking otherwise. “

Feldman: Puzzles, 433:

exp about a fork in the road w/o it being indicated on the map > we have to chose but should go ahead w/o the belief that we are on the right path.

“In this case, **there is no good behavioral analogue to suspending judgement**. And this undermines the view that important choices like this provide the basis for a defense of reasonable disagreements.”

disagreement in cases where we want the minority to hold on to their opinion

* class of cases: Ptolemaic world view; slavery

in both cases, we have strong independent reason to disregard the opinion of others > biased by interests and dogmatism (cite Brecht's Galileo > the cleric refuses to look through the telescope)

* class of cases: lonely scientist

challenging conventional wisdom is a precondition for scientific progress. Hence, we want people to continually submit views dissenting from mainstream views. and we admire the person for holding on to his convictions. However, what we admire in that person is not an epistemic virtue but his authenticity and bravery (facing the sanctions of the scientific community).

what counts as **“comparable” evidence** in reasoning about justice? It might the the comparable positions in the deliberative process different persons occupy. They are exposed to different arguments but the deliberation they supposedly participate in is the the overall package of evidence. They are exposed to different parts of it.

Also, experiences of injustice might count as evidence in reasoning about justice > this might lead to the conclusion that privileged classes not only have a moral but also a theoretical/epistemic reason to listen to the underprivileged and give their views extra weight even when they don't share the evidence.

**Literature**

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Cf. Thomas Nagel (2002): pp. 3 – 26. ., “Concealment and Exposure,” in Concealment and Exposure and Other Essays (Oxford: Oxford University Press, 2002), 3–26.

Rawls (1971)

1. [↑](#footnote-ref-2)
2. [↑](#footnote-ref-3)
3. [↑](#footnote-ref-4)
4. [↑](#footnote-ref-5)
5. [↑](#footnote-ref-6)
6. [↑](#footnote-ref-7)
7. [↑](#footnote-ref-8)
8. [↑](#footnote-ref-9)
9. [↑](#footnote-ref-10)
10. [↑](#footnote-ref-11)
11. [↑](#footnote-ref-12)
12. [↑](#footnote-ref-13)
13. Gaus (2000) [↑](#footnote-ref-14)
14. [↑](#footnote-ref-15)
15. [↑](#footnote-ref-16)
16. [↑](#footnote-ref-17)
17. [↑](#footnote-ref-18)
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46. [↑](#footnote-ref-47)
47. [↑](#footnote-ref-48)
48. [↑](#footnote-ref-49)
49. [↑](#footnote-ref-50)
50. It is assumed that issue at stake is sufficiently complex in the rough sense that the deliberation cannot produce a consensus between participants in a short period of time. Actual, observed disagreement on political questions is an indicator that public deliberation on political issues is sufficiently complex in this sense. [↑](#footnote-ref-51)
51. The fact that, at some point, everybody engages in a discussion with everybody else certainly already is an idealization of existing deliberative practices which are often restricted to social circles or milieus and do not easily open up to input from outsiders. Most people, for instance, read the newspapers that most reflect their opinions rather than confronting themselves with different points of view they do not share. [↑](#footnote-ref-52)
52. The analogy for a centered deliberation would be a debate organized around a single table. [↑](#footnote-ref-53)
53. Due to the cognitive limits of participants and the structural features of decentered deliberation, however, it is *not* the case that all arguments and perspectives can, even potentially, receive uptake by all participants at once. [↑](#footnote-ref-54)
54. Or discover. [↑](#footnote-ref-55)
55. This point might be so obvious that it is not worth pointing out. On the other hand, it might be too obvious for it not to be overlooked. Every time you learn of an argument or a reason you have not previously been aware of and say, “Oh, but if that is true, then *p*.”, and the person you converse with replies, “I didn't realize that *p* is entailed by what I said.”, the two of you have witnessed the inherent dynamic of reasoned debate. Of course, this dynamic can also unfold the individual case when I become aware of a consideration or an entailment that leads me to change my original belief. I focus on deliberation between groups of reasoners as I believe this to be the case in which the dynamic growth of information is more severe. Regarding the observation that even monological reasoning displays a similar dynamic, so much for the assumption of static information. [↑](#footnote-ref-56)
56. It could be said that everything that is entailed by the original complete set of information *Ia-z* is part of the original set which is why the distinction between this set and another set including *Iα* is illusory. However, it is hard to see how an entailment I am not aware of, can be said to be part of the information I am *confronted* with in deliberation. [↑](#footnote-ref-57)
57. As philosophers should know best, the intellectual forces at work in such debate between competent reasoners are capable of producing new arguments bearing on the issue. In fact, they produce a virtually ever-expanding reservoir of arguments, of reasons supporting a wide array of views. I say “virtually” because the set of arguments bearing on a question is surely finite. In that sense, the relevant information really is static. However, the information we are confronted with in deliberation is not. Given our limited understanding of complex issues, we find ourselves in a situation in which the reservoir of reasons bearing on them *seems* infinite even after extended debate. For an example of this phenomenon, please consult the history of philosophy. It tells the *virtually* never-ending story of reason. [↑](#footnote-ref-58)
58. PL, Reply to Habermas, 385 [↑](#footnote-ref-59)
59. See arguments for anti-realist positions in metaethics. [↑](#footnote-ref-60)
60. John Stuart Mill, On Liberty, in John Gray, ed., On Liberty and Other Essays (New York: Oxford University Press, 1991), p. 26 (Ch. 2, para. 7). [↑](#footnote-ref-61)
61. [John Stuart Mill, On Liberty, in John Gray ed., On Liberty and Other Essays (New York: Oxford University Press, 1981), chap. 2, para. 3.] [↑](#footnote-ref-62)
62. See the chapter on epistemic peerhood and the Independence condition especially. [↑](#footnote-ref-63)
63. Or both, obviously. [↑](#footnote-ref-64)
64. [↑](#footnote-ref-65)
65. [↑](#footnote-ref-66)
66. [↑](#footnote-ref-67)
67. [↑](#footnote-ref-68)
68. [↑](#footnote-ref-69)
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80. [↑](#footnote-ref-81)
81. [↑](#footnote-ref-82)
82. [↑](#footnote-ref-83)
83. [↑](#footnote-ref-84)
84. There is a question of whether making a decision without endorsing reasons which support it, can meaningfully be called a choice or decision at all. [↑](#footnote-ref-85)
85. [↑](#footnote-ref-86)
86. Does not work for other properties as there is no room for compromise. Exp.: agreement that an object has a color + disagreement about which color it has > agnosticism about which color is the right compromise. [↑](#footnote-ref-87)