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Deliberative Democracy and the Epistemic Benefits of Diversity

ABSTRACT

It is often assumed that democracies can make good use of the epistemic benefits of diversity among their citizenry, but difficult to show why this is the case. In a deliberative democracy, epistemically relevant diversity has three aspects: the diversity of opinions, values, and perspectives. Deliberative democrats generally argue for an epistemic form of Rawls' difference principle: that good deliberative practice ought to maximize deliberative inputs, whatever they are, so as to benefit all deliberators, including the least effective. The proper maximandum of such a principle is not the pool of reasons, but rather the availability of perspectives. This sort of diversity makes robustness across different perspectives the proper epistemic aim of deliberative processes. Robustness also offers a measure of success for those democratic practices of inquiry based on the deliberation of all citizens.

> A democracy would do well to apply a plan of compulsory attendance for the deliberative assembly. The results are better when all deliberate together; when the populace is mixed with the notables and they, in turn, with the populace. (Aristotle)

Although no friend of democracy, in the *Politics* Aristotle suggests that such an arrangement works best when *all* citizens deliberate.[1] It is clear that the benefits he has in mind are epistemic, that "the results are better" when notables and the populace deliberate together than when either one deliberates alone. The general nature of this argument for the superiority of inclusive deliberation has potentially quite broad application. If true, then the universal inclusion of all citizens in deliberation is not just a matter of fairness, but also improves deliberation epistemically. Unlike Condorcet, Aristotle does not specify the mechanism that produces such epistemic improvement, nor does he suggest whether this phenomenon applies to group cognition as such. Mill goes farther by suggesting that improvements in deliberation derive from the presence of the full range of opinions, good or bad, from which "the truth will out" in critical public discussion.[2] However, including all opinions in critical discussion alone does not seem to be a sufficient, much less a necessary, condition. Instead, I argue that epistemic diversity optimizes deliberation through the inclusion of all perspectives, rather than simply through the inclusion of all opinions, social groups or cultural identities. Perspectives, rather than identities or even opinions, provide the basis for epistemic improvement in the pool of reasons and provide the means for testing of outcomes.

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Inclusion is usually justified in terms of the moral commitments of democracy. Such justifications have in turn been intrinsic, instrumental, or both.[3] The most common arguments in favor of democracy are made in terms of its intrinsic value. One way or another, these arguments turn on the idea that intrinsic features of democracy systematically promote the requirements of justice. It could also be thought to be instrumentally valuable to the extent that deliberative democracy is a necessary means to achieve particular valuable ends such as peace or to avoid terrible evils such as tyranny or famines. Deliberative democracy incorporates these intrinsic features, but adds an important new instrumental justification. As with Aristotle's argument for optimal deliberation, epistemic justifications of deliberative democracy tend to be instrumental, in that under proper conditions deliberation can produce superior outcomes to mere voting, with its apparent irrationalities. From Plato to Madison, there is a long tradition of such arguments against democracy, often in terms of the epistemic superiority of experts or the propertied elite. In response, deliberative democrats point out the susceptibility of elites and experts to various forms of bias and the contestability of their criteria of good problem solving. If deliberative democracy is to be defended epistemically, it must be shown that the deliberation of all is superior to the deliberation of any subset of citizens. These benefits are not based on the superiority of collective reasoning as such, but collective reasoning in diverse bodies of citizens.

To be successful this line of argument must identify those benefits of diversity for public communication and testing that are available only through democratic norms of inclusion. Contrary to Mill, the object of such inclusion ought in the first instance to be citizens' perspectives rather than the diversity of their opinions and interests. If democracy is to promote good outcomes in the face of epistemic and value diversity, the process of public deliberation should include everyone as a potentially effective contributor. It must be common knowledge that all are to be so included and are thus able to propose a potentially decisive reason. Even if the process may thereby be more difficult, the outcomes of such inclusive deliberation are more likely to be believed to be legitimate and also more likely to be correct.

The instrumental argument that I am proposing for the epistemic benefits of diversity in deliberation has four steps. First, I clarify the concept of a perspective and argue that it is more salient than opinions and identities for making deliberation fully public. The diversity of perspectives, I argue, is not reducible to differences in opinions or interests, but is rather due to the distributed character of social knowledge and experience in modern societies across perspectives. This suggests an "epistemic difference principle," in which the diversity of perspectives, rather than of opinions or values, ought to be maximized in order to improve the condition of the least well off deliberators. Second, such conditions mean that the relevant experiential knowledge that informs reasons is distributed in such a way that the inclusion of new perspectives changes the pool of available reasons to be used as premises in reasoning about common problems. Third, democratic deliberation is best seen as a form of inquiry, the aim of which is to provide solutions to various problems. In the philosophy of

science, "robustness" in the broad sense signifies the ways in which conclusions are strengthened in light of evidence obtained through relatively independent techniques and theories. Accordingly, evidence for a theory is better when it is confirmed by multiple independent tests. Robustness in this sense is the primary epistemic virtue of outcomes of a process of scientific argument among actors with diverse commitments and when no one source of evidence is decisive.[4] In public deliberation, this epistemic situation is common. While convergence on particular reasons is also not always to be expected, citizens may come to agree about some policy or decision for different reasons. Here the multiple independent tests come from a variety of forums in which citizens with diverse perspectives deliberate together and from the institutionally diverse procedures of collective agents who are empowered to make decisions. In such cases, robustness across perspectives is certainly instrumental to democratic legitimacy in the face of persistent disagreement by making manifest that all citizens can have an influence upon public reasoning. Before elaborating this argument for the value of diversity, I turn first to the main opposing conception, which sees the epistemic virtues of deliberation in terms of normative constraints that restrict rather than open up deliberation to the "full blast" of diversity.

DELIBERATION, PUBLICS AND PERSPECTIVES

The democratic means by which such good outcomes are achieved on this account is not voting or any other aggregative mechanism, but rather the joint social activity of deliberation. Deliberative democracy, broadly defined, refers to any one of a family of views according to which the public deliberation of free and equal citizens is the core of legitimate political decision-making and self-government. Beyond this fundamental agreement, each of the terms of this definition are hotly debated among deliberative democrats, who have put forth a variety of conceptions of the deliberative process and its normative constraints. Various institutional and non-institutional locations for deliberation have been proposed and debated, as has been its practical feasibility.[5] At the core of deliberative democracy in any of its forms is the idea that deliberation essentially involves publicly giving and demanding reasons to justify decisions, policies or laws. Deliberation depends on finding sound reasons, in the hope that everyone, despite their divergent starting-points, will find them convincing. When put in the context of democratic procedures, the idea of such reasons brings together the *deliberative* benefits of collective reasoning with the *democratic* constraints of freedom and equality. Diversity seems at least initially to be a problem for this sort of practice, making it difficult to construct norms that do not disadvantage some citizens. What sort of diversity among citizens might promote better outcomes for such a deliberative process?

The aspects of diversity among citizens can be defined along cultural, social, and epistemic axes. Furthermore, each aspect of diversity can be measured along various deliberative dimensions: in terms of values, opinions and perspectives. These roughly correspond to the main *aspects* of diversity. Mill and others celebrate diversity of opinion

as important to deliberation. This is certainly true so long as deliberators can isolate disagreements along this dimension, and difficulties arise when issues include not just basic beliefs, but also beliefs about the way in which beliefs are justified. Differences in values are perhaps the most discussed aspect of diversity in debates about culture or religion. Values in this sense include basic moral norms, various cultural conceptions of the good and important political norms (including conceptions of the common good). Values of this sort inform many different aspects of political life and thus often redound across many different contexts and issues in unexpected ways. Finally, there is also a diversity of perspectives in any complex and pluralistic society, afforded by different social positions primarily emerging from the range and type of experience.[6] Such experiences form the basis of a practical point of view shared by some but not all citizens, even if they do not explicitly regard themselves as members of a specific group. Perspectives are thus not reducible to any particular set of values and opinions, but are the experiential source of them. While it might be thought that promoting diversity of all three kinds (of opinions, values and perspectives) is beneficial to the deliberative process, I argue that this role is achieved best by diversity of the right kind, the diversity of perspectives. Other kinds of diversity are not sufficient for achieving these benefits and promoting diversity *simpliciter* underestimates the difficulties of conflict for deliberation.

Conflicts of opinion are most often settled in fairly standard ways, using recognized procedures and assumptions. In order to promote epistemic values (such as avoiding selection bias), these procedures leave wide disagreements in place. In practices of inquiry, diversity of true and false opinion is instrumentally valuable, as Mill puts it, for "a benefit almost as great as truth," to be set right when one is wrong. That some opinion has withstood the test of being deliberated upon by all citizens makes it more secure against being wrong. But epistemic diversity also has a negative side that produces potential conflicts when it overlaps with other aspects of the fact of pluralism, such as the plurality of values. Epistemic diversity, narrowly understood, is valuable in the Millian sense only when there are shared commitments to procedures and practices of evidence. In Christian Science refusal cases, the conflict is not along a single dimension but involves overlapping disagreements of values and opinions (especially beliefs about how to settle differences of opinion). Indeed it might be thought that such opinions are clearly irrational and undermine deliberation. But such cases highlight the ways in which various perspectives serve as the source of opinions and values that are not easily disaggregated along a single dimension. Or, it may be thought the values expressed by Christian Science fall outside the limits of acceptable diversity. The diversity of values by itself is not problematic, in light of the range of values consistent with the commitment to democracy itself (which may permit some citizens to freely choose what is false in their private lives). Even so, the precise scope of reasonable disagreement about even central values such as freedom and equality remains underdetermined by any appeal to the democratic ideal.

In the face of such potentially intractable conflicts, it might be reasonable to try to limit the variety of reasons into deliberation for the sake of improving its quality. The

appeal of any such attempt runs into democratic constraints that clearly establish an equal entitlement of all citizens to introduce those reasons that they see as valuable. Given that the actual outcome of any free and open procedure may be wrong, it is often thought that the best way to deal with possible error is to impose *ex ante* limits on possible reasons or *ex post* constraints on outcomes. Such policies fail to promote sufficient diversity to avoid bias and other cognitive errors. Alternatively, we might, with David Estlund, adopt a policy that it would be best to maximize the quantity of available reasons, since judgments of quality might adversely affect the chances of the least influential to participate effectively in deliberation.[7] There are, however, many possible versions of this "epistemic difference principle," to use Estlund's term. Any such difference principle must identify the appropriate maximandum that would achieve this end. Otherwise, the policy suggested by a difference principle might be self-defeating. Maximizing all possible inputs, for example, may only increase manipulation. Given the analysis of epistemic diversity that I have offered, there are two main alternatives: reasons (understood as opinions, values or bundles of both) on the one hand or perspectives on the other. While reasons are items to be considered in deliberation such as opinions or values, perspectives are cognitive properties of deliberators. To have a perspective is, in Rawls' terms, to be "a self-originating source of claims," whose contributions also supply potential deliberative contexts in which such claims are meaningful.

The epistemic motivation in selecting such a difference principle need not be to directly aim at better outcomes so much as at avoiding some bad ones. This is because the relevant aspect of diversity that is necessary for improving the process of deliberation is not the pool of *reasons* as such but the availability of the *perspectives* that inform these reasons and give them their cogency. The pool of reasons can be increased even while still leaving out relevant perspectives. Before a reason can first be seen as a reason and then potentially as one that passes the critical scrutiny of all citizens, the perspectives of others and the experiences that inform them must be recognized as legitimate; in light of the inclusion of their perspective, groups are able to get uptake when they offer reasons and thus recognize for themselves that they are contributing to democratic decisions. Given the variety of topics of deliberation, it is not possible to decide in advance which among the potential candidate perspectives ought to be included, as Iris Young does when she argues that it is social perspectives defined by "objective structural positions" in a society that are worthy of inclusion for their distinctive contribution to the reduction of bias.[8] Most of all, it seems unlikely that citizens could agree upon which positions could best promote objectivity in this sense except through the deliberation of all.

Just as in arguments for the superiority of deliberation by a few, considerations of objectivity seem to suggest that certain perspectives are better than others, and the point of such deliberation would be to figure out which ones are somehow more likely to be correct or authentic. The point of inclusion, however, is not to find the right perspective but to have such perspectives interact and inform each other, and in that way open up deliberation, as it is currently constituted, to correction. Various

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experiments have been constructed to show how subjects find solutions to problems through novel information that is accessible only through the uptake of the perspectives of others.[9] It could be argued that such correction occurred in the early days of the HIV epidemic when patients had no say about the regime for testing experimental drugs. From the perspective of patients, the highest possible standards of statistical significance in random controlled trials were simply unacceptable as a social policy. In deliberation that included the perspectives of patients (who also make up the pool of participants in tests and as such must restrict their use of other possible remedies), doctors, researchers and policy makers, standards of validity were balanced with other values such as quicker availability of drugs, safety and effectiveness.

When taken together in inclusive deliberation, these values put in reflective equilibrium led to an outcome that produced a better solution, all things considered (although not necessarily from the point of view of any one perspective). On any single value, the outcome may be thought to fall short of the optimum, such as in this case the highest standards of statistical significance in a situation in which no effective treatments were yet available. But the fact that there were high standards of statistical significance that could be met even in shorter experimental trials allowed the perspectives of patients, experimenters and doctors to be joined in reformulating the conduct of clinical trials. Even if not guided by some highest-ranking value, the deliberative process found practical solutions to the problems that could accommodate various ends and were robust across the various relevant social perspectives. A deliberative decision is then robust in two senses: if the deliberation that formed it was inclusive of the range of perspectives, and if the outcome of that process could be informed by the broad scope of reasons originating in those perspectives.

As this example shows, perspectives are understood here in two main senses. First, perspectives are social, to the extent that they are practical stances towards the social world that are informed by experiences that agents have, often in common with others in their particular situation. Such practical stances inform our participation in the deliberative process and make up the background against which citizens find reasons or arguments compelling or not. In light of such practical knowledge, some may find certain reasons obvious and others not, as when we consider the costs of a tax policy or the consequences of tax cuts. But such practical knowledge is not determinate, since agents are able to adopt a variety of such reflexive stances, as citizens, experts, members of communities and so on. This ability suggests the second sense of perspective. Competent social agents are able to adopt and to employ a variety of social perspectives, often seeing some reason as convincing in deliberation precisely by taking up the perspective of others. Consider Mead's example of playing a team game.[10] Such an activity requires that we take the perspective of our own role within the team; but it also requires that we are able to take the perspective of each other player's role on the team, and the perspective of the team as a whole, the We that is the team. All of these together make up the "generalized other" in Mead's sense and they allow us to initiate play that is potentially novel and that can be responded to by others. Thus, deliberation is not just about offering and assessing our own reasons, but considering

the reasons of others. This means that even as we take up our practical stance informed by our experiences and practical knowledge, we also are able to take the perspectives of others to some degree or another, when we see reasons as convincing or change our minds. Changing our minds collectively is often simply the result of having a new perspective available to us distributively in such a way as to change what is salient and what is not.

If Mead is correct, then team sports are a good example of a multiperspectival practice. Many accounts of deliberation are not so conceived, as is the case of proponents of impartiality who argue that deliberation succeeds when "we the citizens" converge upon a reason that all can accept and constitute a common first person plural perspective; this captures only one meaning of the generalized other in Mead's sense, and not the only one relevant to the deliberative process. We might think of impartial deliberation as guided by a particular conception of the aims of democratic politics, such as consensus and agreement. Gerald Ruggie's masterful analysis of the organizational shifts that produced the territorial state and new forms of organization beyond it shows that the modern sovereign state and the social empowerment of citizens emerged within the same epistemic self-understanding as single fixed-point perspective in painting, cartography, and optics. "The concept of sovereignty then represented merely the doctrinal counterpart of the application of single point perspective to the organization of political space."[11] The state as an institution of sovereignty brought with it the assumption that problems were to be solved by arriving at the proper fixed point above competing perspectives. Democratic deliberation can no longer be organized in such a way, once citizens are heterogeneous across many different dimensions. Their popular sovereignty is more like the pooled sovereignty of the European Union, which Ruggie calls "the first multiperspectival polity to emerge in the modern era." A similar shift has been made when patients occupy positions on review boards for the sake of improving experimental practices beyond the single point perspective of experts, and make such evaluations multiperspectival and more robust.

Next I argue that the idea of a multiperspectival practice best captures the pragmatic idea that deliberation is a particular form of inquiry, including inquiry into the possibilities of extending democracy.

IMPROVING DEMOCRATIC PRACTICE

Pragmatists have long emphasized the relationship between democracy and science, an analogy that works in both directions once we see democracy as a form of inquiry and science as a cooperative enterprise. For deliberative democracy, this analogy does not go quite far enough, but is nonetheless an important part of the claim that public deliberation improves the quality of democratic decision making precisely because it is a form of inquiry. This kind of claim requires that we revise the epistemic conception of deliberative democracy so that it is no longer a single perspective ideal that cannot account for the benefits of diversity. Much like Young, Helen Longino argues that

democratic criteria, such as the inclusion of diverse perspectives, serve to limit bias and thus promote objectivity.[12] In this sort of social process, participants need not be either neutral or impartial in order to promote scientific objectivity. Both properly identify perspectives as the object of inclusion.

Inclusive deliberation cannot reap the benefits of diversity if it employs either of these aperspectival ideals, modeled on the juridical standards of disinterestedness and impartiality for testimony concerning matters of fact.[13] As participants in deliberation, citizens put forth claims that they endorse from their own perspective.[14] These juridical standards suggest that citizens are civil only if they offer reasons that they think are "public" or that are ones that "all could accept." Instead of these limits on diversity, the epistemic benefits of democracy derive from a practice of deliberation in which many different perspectives are brought to bear in an ongoing process of formulation, testing and revision, in which each participant proposes the very best outcome, as they understand and are able to express it. If all citizens fully deliberate together, each from their own perspective, they do not attempt to occupy the role of Adam Smith's "impartial spectator," who formulates reasons through the eyes of some neutral third person.[15] Mill's great achievement is to argue for the benefits of deliberation among citizens, who participate in discussion without having to renounce their concrete identities, interests and opinions.

Why is such a process democratic? A mode of inquiry is democratic not only if it fulfills the basic conditions of freedom and equality; if it does so, it is *eo ipso* "multiperspectival." In contrast to the single perspective of the expert or the impartial observer, a mode of inquiry is multiperspectival to the extent that it seeks to take into account the positive and negative dimensions of current social conditions as well as to incorporate the various perspectives of relevant social actors in attempting to solve a problem. According to Dewey, such a multiplicity of perspectives distinguishes a "public" from "mass" opinion. Dewey sees social facts as always related to "problematic situations," even if these problems are more felt or suffered than fully recognized as such. As Dewey suggests, such facts have practical significance in that they create a space of democratic possibilities, opening up some while foreclosing others: "facts are such in a logical sense only as they serve to delimit a problem in a way that affords indication and test of proposed solutions." [16] They may serve this practical role only if they are seen in interaction with our understanding of the ideals that guide the practices in which such problems emerge and for which neither fact nor ideal is fixed and stands in judgment over the other. Thus, democracy is a practice that is concerned with making something come about, the solution to a problem that is robust and consistent with fundamental democratic ideals, and not just with affirming or denying that something is or is not the case. In this case the solution is perspectively robust to the extent that it provides a new context for assessing and validating previously excluded diverse claims.

Even if democracy requires an inherently pluralistic ideal of deliberation, at any given time its practices may not be able to solve problems or sufficiently test current solutions. These difficulties are not a matter of some inherent restriction of citizens'

rationality, but rather related to the limitations of existing deliberative practices. Those limitations often involve restrictions in the availability of relevant perspectives that have two main sources. First of all, a deliberative body may not be sufficiently constituted to solve a particular practical problem, to the extent that important perspectives are left out and for that reason not addressed institutionally. In this case, democratic practice as it is currently structured is unable to afford diverse citizens the capacity to express their reasons and interests effectively.

The second way in which democratic practice can fail to be multiperspectival is because of institutional design. The lack of epistemic diversity may be procedural, as when there is insufficient diversity not just among deliberative participants, but also among the collective agents making various decisions (as is often promoted constitutionally through the separation of powers). Taken singly, collective agents are inherently limited by their procedures and aims. Good inquiry must take place in a variety of different institutional settings, the specific procedures of which delimit the perspective of the collective agent. Democratic practice is thus multiperspectival not just in its publics, but also when it constitutes a variety of collective agents via institutional differentiation and division of labor. The variety of institutional perspectives is important in this context not only for testing policies, but also as a means by which differently situated actors have the opportunity to introduce their perspectives and novel reasons through different kinds of procedures.

Both mechanisms promote corrections and revisablity internal to democratic practice. This is one of the reasons why Mill thought that we ought to promote diversity as a corrective to limitations in judgment. So long as human judgment "can be set right when it is wrong, reliance can be placed on it only when the means of setting it right are kept constantly at hand."[17] Once we achieve both a diverse public and a differentiated institutional framework for democratic inquiry, they constitute the main mechanism that promotes Mill's property of good human judgment and deliberation: results that are revisable and open to testing from diverse perspectives, some of which are "new truths" and may not yet have become publicly known.

Epistemic diversity is most salient in any given decision *ex post facto*. Democracy is thus another version of Neurath's boat, repairing itself at sea. The normative constraints that do apply are freighted with the contingent history of such self-corrections and revisions. While constitutions act as the formal framework for collective agents and the distribution of decision powers, almost all contain provisions for their amendment. This is yet another kind of *ex post facto* means by which the framework itself and not just individual decisions are reflexively tested democratically. This is not to say that the previous norms are no longer operative. Rather, in keeping with Neurath's metaphor, the process of constitutional revision is more holistic. As Rawls describes it, reflective equilibrium starts with "considered judgments" that are disturbed when new considerations and alternatives emerge. The ends that these new considerations suggest do not yet cohere with settled judgments of current practices of inquiry. In cases of deep conflict, more fundamental changes in judgments and procedures at the core of the democratic framework are up for deliberation. The deeper the change,

the more likely it is that new criteria of judgment are needed. Next I argue that such conflicts point to the fact that new perspectives often transform the democratic ideal in reflective equilibrium.

RETHINKING THE EPISTEMIC CONCEPTION OF DELIBERATIVE DEMOCRACY: NOVELTY AND ROBUSTNESS

Consider a case within a particular democratic polity that involves the recognition of previously epistemically unrecognized perspectives, reasons and obligations. The Canadian Supreme Court recently expanded some standards of justification concerning aboriginal claims by extending legal recognition to the stories of the Gitxsan people as legitimate evidence in land disputes. In discussing this case, Seyla Benhabib follows the standard collective conception of the Generalized Other and argues that "what lent legitimacy to the Canadian court's decision was precisely its recognition that a specific group's claims are in the best interest of all Canadian citizens."[18] This means that the perspective of the Gitxsan becomes a potential source of obligations precisely in being included in the sovereign collective will: the now more impartially constituted "We" of all Canadian citizens corrected the narrower, partial perspective constituted by their individual or group self-interests. But these interests are not the same after the decision. After the decision, the best interests of Canadians are now different, just as after *Brown v Board of Education* in the United States. In the Canadian case, in order to incorporate a new perspective, the Court had to consider the appropriateness of an entirely new form of evidence, tribal historical understandings.[19] When confronted with the fact that the Gitxsan only had such narratives as the available means to introduce their point of view, the Court ruled that prejudices were built into the idea of "evidence" in the Court of law that made it an inadequate forum to consider particular sorts of claims about past injustices. This challenge has potentially enormous consequences, from legal procedures to particular property rights. In this case, the challenge is raised from the perspective of those whose reasons cannot effectively influence the decisions of a particular collective agent in a democracy and this requires fundamental reform of the collective agent and its procedures.

How might this process be considered a form of reflective equilibrium? The appropriate form of justification under the conditions of deep conflict would be pluralist in the sense of allowing the widest possible range of perspectives to inform and influence the deliberation. It could do so only by regarding democracy as a complex ideal, that in any moment of legitimate challenge ought to seek reflective equilibrium among its competing dimensions. The salient feature of such justification is not only that there is no single set of reasons that can be appealed to relevant to any particular collective agent. The achievement of practices that permit multiple perspectives allows for practical, moral and epistemic improvement to the extent that testing and innovation is a matter of the interplay of different and sometimes new perspectives. Constitutional reform can be seen as just such a learning process by which the democratic ideal changes as the inclusion of more perspectives shifts

the dynamic reflective equilibrium of the deliberative community, which includes the power of amendment that enables the "reordering the order itself."[20]

This is not the only way to introduce fundamental democratic change. The other way is to introduce new collective agents or change the division of labor among current ones. Here the effects of the European Union are dramatic. The European Human Rights Court and the European Convention on Human Rights already entitles foreigners without nationality in any EU Member State to appeal to the European Human Rights Court and the EU Court of Justice for the ongoing juridical recognition of their rights, creating adjudicative institutions that build upon the constitutional traditions of member states even as they are extended to noncitizens, who now have a new forum in which their reasons are more likely to be given uptake.[21] The extension of human rights deliberation to the collective agents of the EU shows the advantages of realizing the opportunities for influence in many different institutions. Like democratic inclusion at the deliberative level, the principle of institutional differentiation best incorporates diverse perspectives as a source of novelty and reform. That a democracy is open to such a possibility also shows that its *ex post facto* mechanisms for revision are functioning well and that it is able to incorporate new perspectives into inquiry.

With this idea of democratic inquiry in mind, it is now more apparent why most of the standard epistemic justifications of deliberative democracy fall short. Simply requiring that participants offer reasons may serve as a check on irrationality and manipulation, but this in no way establishes that deliberation ought to aim at finding the single correct, true, or best answer that would apply in all such situations. Instead optimal deliberation is as Aristotle said it is: deliberation in which all participate and offer the best reasons by their own lights. I have provided the mechanism that shows how such optimal deliberation works. The deliberation of all has epistemic value because it is open to multiple perspectives and in that way follows Mill's dictum of having available the best means to correct failures of human judgment.

It is now possible to turn to the current debates between epistemic and proceduralist conceptions of deliberative democracy, which turn on issues related to objectivity: whether or not deliberation is to be judged by a standard independent of democratic procedures.[22] For the proponents of epistemic conceptions, the answer must obviously be "yes," or else deliberative democracy falls into incoherence. But just what is the single right answer according to some independent standard is relative to the available pool of reasons; if the right answer is not available in this pool, then deliberation is either inherently biased or completely unintelligible. Such an account is not epistemic enough, to the extent that it tells us nothing about what makes deliberation optimal. Perhaps it could fallibilistically counsel us to choose that reason which is nearest in some epistemic sense to the correct answer; or it tells us nothing at all. It could also demand that the pool of reasons be as capacious as possible. But the sort of capaciousness that has value for public deliberation is the availability of new perspectives, where perspectives are the source of novel reasons. These reasons provide evidence that is epistemically independent of the current framework for deliberation and can initiate its testing. In this way, new perspectives stand as independent sources

of evidence and reasons that call into question the coherence of the current reflective equilibrium as a corporate body in Quine's sense. Even if the ideals of freedom and equality are deeply embedded in the web of belief, their content is open to revision on the grounds of greater coherence. Nonetheless, keeping deliberation open to new reasons and perspectives is first and foremost a matter of democratic justice, and their epistemic value is instrumental to deliberating about these ends.

Most proceduralist interpretations of the value of deliberation do not make this error, but instead argue that democratic practice can be improved to the extent that actual practice approximates or mirrors the ideal procedure.[23] Putting aside problems of circularity, such a claim is not sufficiently informative to guide practice. Some improvement in practice would be closer to the ideal procedure only if it more fully realized particular values, such as greater equality or freedom. This would suggest that the best way to realize optimal deliberation is to optimize each and every particular forum in which deliberation takes place in the same way and make each one of them as nearly ideal as possible. Even if this were possible, it would still leave out important features of optimal deliberation. For even if each forum were nearly ideal, deliberation could still be improved by realizing reforms based on the principle of institutional differentiation. Deliberation does not only constitute publics; it also constitutes collective agents to the extent that it issues in decisions according to a variety of different procedures. Rather than have deliberative reform be based on having each forum approximate the ideal one, democratic practice is better served by institutional pluralism, in which there are a variety of overlapping and mutually checking procedures, each formulated according to its contribution to the division of decision making and epistemic labor within the system of deliberation as a whole. In this way, optimal deliberation is not a property of each individual forum, to the extent that democracy requires collective agents rather than merely publics. It is rather a matter of interaction among and testing across institutionally structured collective agents that yield epistemic gains and self-correction. It is not that there is some one of them, say the legislature that can best stand in for the whole or somehow better than or more closely approximates the ideal procedure. The issue here is not the incoherence of the idea of an ideal procedure, but rather its applicability as the appropriate standard for judging the quality of deliberation in the institutional system as a whole. The benefits of diversity in improving deliberation only accrue in systems that institutionalize diverse forms of deliberation in different types of forums at various levels of organization.[24]

The epistemic benefits of multiperspectival deliberation are not, however, merely tied to making manifest the political equality of citizens in the free expression of their opinions. It is rather that it enables democratic authority to be distributed among collective agents and the publics with which they interact. Institutional differentiation permits authority to be disaggregated and deliberative labor to be distributed among collective agents. This sort of distributive process depends on a deliberative division of labor, which takes advantage of the diverse circumstances and competences of variously composed publics and collective agents. Even when these publics are highly dispersed and distributed, deliberative institutions permit public testing and mutual

correction, even if they are not hierarchically organized. Such a collaborative process of setting goals and defining problems produces a shared body of knowledge and common goals, even if the solutions need not be uniform across or within various organizations and locations. Sabel calls this "learning by monitoring," and proposes ways in which administrative agencies could employ such distributive processes even while evaluating performance at lower levels by systematic comparisons across sites. Furthermore, innovative solutions are not handed down from the top, since interactive, collective learning does not assume that the higher levels are epistemically superior or that all democratic decisions necessarily lead to uniform policies, but the constant reflective adjustments of means and ends.

Understood distributively in the same way as in the design of collective agents, the best organization of the public sphere is as a public of publics rather than a distinctively unified and encompassing public sphere in which all communicators participate. Here there is also clear analogy to current thinking on human cognition. The conception of rationality employed in most traditional theories tends to favor hierarchical structures, where reason is a higher-order executive function. One might argue that this is the only real possibility, given that collective reasoning can only be organized hierarchically, in a process in which authority resides at only one highest level. The benefits of such a distributed system is that it can overcome some of the cognitive limitations of centralized decision processes, even while making the kind of opportunity for publics to influence decisions possible at multiple locations. This institutional structure suggests that democratic politics provides the forum in which publics act as intermediaries among civil society, markets and formal political institutions. In the absence of intermediaries, such a structure may make it difficult for citizens to translate deliberation into political influence in various domains.

The most direct consequence of thinking of the epistemic benefits of diversity in this way is to suggest that the institutional design of a deliberative democracy ought to take a distributive rather than a unitary form. The single perspective institutions of the state with the concentrated forms of political authority are not the best way to organize democracy epistemically; the rationality of such institutions is easily overwhelmed by deep conflicts and entrenched problems that evade requirements of impartial solution in the interests of all. While impartiality may sometimes be important for the procedures of some collective agents, political authority exercised in this fashion is not the best way to make such conflicts productive. In contrast to the impartialist demand for convergence on a single reason, multiperspectival inquiry creates the conditions for solutions that are *perspectivally* robust and potentially novel. Robust solutions are those that can be accepted from a variety of different perspectives; novel reasons may create this possibility when institutional mechanisms to promote diversity fail and a new context for claims is needed in which those perspectives are available. Just as evidence that crosses various theoretical approaches is often considered well-verified in the sciences, robust reasons that cross various perspectives provide the strong and well-tested basis for ongoing democratic legitimacy.

CONCLUSION: DIVERSITY AND ROBUSTNESS

If we follow this pragmatic line of argument, the epistemic benefits of multiperspectival inquiry can be seen in two dimensions: the micro-dimension of the sort of processes that constitute decision making and at the macro-dimension of the scale of interlocking levels of governance from cities to regions to global society. The first involves the recognition of the place of social perspectives in just and wise democratic decision making; the latter requires institutional differentiation sufficient to produce a variety of collective agents constituted according to different kinds of procedures. In these cases, it is necessary to understand agents and publics in a distributive rather than collective sense, where publics and agents interact with each other crossing and joining different perspectives. In optimal deliberation, we can expect that the continual inclusion of new perspectives will feedback upon the conditions of deliberation itself, using normative and institutional constraints to change these very same constraints in problematic situations.

Given the role of ongoing disagreement and the introduction of new perspectives within its practices of inquiry, democracy provides a model of the epistemic benefits of diversity. Perspectives are the sources of reasons and evidence. Epistemically good deliberation employs the corrective power of novelty and the instrumental value of seeking robust conclusions, particularly when outcomes are tested from diverse perspectives. In this way, robustness is the epistemic dimension of an overlapping consensus in Rawls' sense, except that the process of forming such a consensus is now dynamic by being subject to what Frank Michelman calls "the full blast condition" of publicity.[25] The outcomes of deliberation may not be for that reason necessarily more likely true or correct according to some independent standard, but they will often become more robust and provide a good basis for further inquiry. Solutions to problematic situations that are arrived at by means of less inclusive deliberation are likely to be less robust than democratic decisions that include all perspectives. When successfully organized and spurred by novelty to go beyond the existing framework, robustness across different perspectives captures the proper epistemic aim of deliberative processes that attempt to resolve deep disagreements. It also offers a measure of epistemic success for those democratic practices of inquiry based on the deliberation of all citizens.

NOTES

[1]   See Aristotle, *Politics*, IV 14, 1298b12–20.

[2]   J. S. Mill, *On Liberty and Other Writings*, ed. S. Collini (Cambridge: Cambridge University Press, 1989), particularly the second chapter of *On Liberty*, "Of the Liberty of Thought and Discussion."

[3]   On the distinction between instrumental and intrinsic justification of deliberative democracy, see Thomas Christiano, "The Significance of Public Deliberation," in *Deliberative Democracy*, ed. J. Bohman and W. Rehg (Cambridge: MIT Press, 1997), 243–279. Christiano argues that public deliberation is best regarded as having instrumental

value, to the extent that it promotes correct reasoning and good outcomes.

4 See William Wimsatt, "Robustness, Reliability, and Overdetermination," in *Scientific Inquiry and the Social Sciences*, ed. M. Brewer and B. Collins (San Francisco: Jossey-Bass, 1981), 124–163 and Alison Wylie, *Thinking from Things: Essays in the Philosophy of Archeology* (Berkeley: University of California Press, 2002).

5 For discussions of the varieties of theories of deliberative democracy, see, among others, James Bohman, "The Coming of Age of Deliberative Democracy," *Journal of Political Philosophy* 4 (1998), 418–443; Simone Chambers, "Deliberative Democratic Theory," *Annual Review of Political Science* 6 (2003), 307–326; and from a Rawlsian perspective, Samuel Freeman, "Deliberative Democracy: A Sympathetic Comment," *Philosophy and Public Affairs* 29 (2000), 371–418.

6 For a fuller development of the argument of this section, see James Bohman, "Deliberative Toleration," *Political Theory* 31:6 (2003), 757–779.

7 On "the epistemic value of quantity," see David Estlund, "Political Quality," *Social Philosophy and Policy* 17 (2000), p. 144; his "epistemic difference principle" is formulated on p. 147. More input is valuable from the participants' perspective only if it increases the possibility of each perspective being heard. Increasing input could be democratically justified to the worst off only if it increases the number of perspectives in discussion. In order that the worst off (here the least effective in deliberation) may accept the epistemic difference principle, the relevant value is the diversity of perspectives rather than quantity of input.

8 Iris Young, *Democracy and Inclusion* (Oxford: Oxford University Press, 2002), chapter 3.

9 Examples include such puzzles as the familiar case of the three people facing each other and who must (without directly communicating) figure out the color of the paint (red or green) on their own face, when given only the information that there is at most one with green. In fact, they all have red paint on their face. They can see the faces of the others but not their own. Initially, the task seems impossible, since seeing the others with red paint is both consistent with one's having red and consistent with one's having green. However, by taking the perspective of the others into account, they realize that the others cannot figure out the color on their own head, and thus gain new information, viz., that one's color cannot be green. For if one's own color is green, then the others would have been able to deduce that their own color is red. In this case, each gains novel information i* by recognizing the knowledge or ignorance of others in an initial state of information i, where i* otherwise would have been inaccessible without the uptake of alternative perspectives responding to i. Thanks to Joe Salerno for this example.

10 See George Herbert Mead, *Mind, Self and Society* (Chicago: University of Chicago Press, 1934), 153–155.

11 Gerald Ruggie, *Constructing the World Polity* (London: Routledge, 2000)*, p. 186. Besides its ultimate origins in George Herbert Mead, multiperspectival inquiry is common in feminist and democratic contexts, including multinational and transnational institutions. For a general account of multiperspectival inquiry as essential to practical and critical social science, see James Bohman, "Critical Theory as Practical Knowledge," in *Blackwell Companion to the Philosophy of the Social Sciences*, ed. P. Roth and S. Turner. (London: Blackwell, 2002), 91–109.

12 Helen Longino, *Science as Social Knowledge: Values and Objectivity in Scientific Inquiry* (Princeton: Princeton University Press, 1990). Longino defends democratic criteria for judging good scientific practice. My argument here does not depend on such a strong analogy between science and democracy.

[13] See Lorraine Daston, "Objectivity and the Escape form Perspective," *Social Studies of Science* 22 (1992), 597–618.

[14] On the distinction between neutrality and partiality, see Hugh Lacey, *Is Science Value Free?* (London: Routledge, 1999). For their use in a social scientific context, see Mark Risjord, "Race, Method, and Neutrality: Franz Boas' Critique of Evolutionary Anthropology," *The Philosophy of Social Sciences*, forthcoming.

[15] Adam Smith expresses this ideal in this way when considering two people with conflicting interests: "Before we can make any proper comparison of opposite interests, we must change our position. We must view them, neither from our place nor from his, neither with our own eyes nor with his, but from the place and with the eyes of a third person, who has no particular connexion to either, and who judges impartially, between us." Cited in Daston, "Objectivity and the Escape from Perspective," p. 605. Mill, to the contrary, argues that the business of government "is best left to those who are directly interested."

[16] John Dewey, *Logic: The Theory of Inquiry* in *The Later Works*. Volume 12 (Carbondale: Southern Illinois University Press, 1986), p. 499.

[17] Mill, *On Liberty and Other Writings*, p. 20.

[18] Seyla Benhabib, *The Claims of Culture* (Princeton: Princeton University Press, 1992), p. 140–141.

[19] See Frederick Schauer, "Amending the Presuppositions of a Constitution," in *Responding to Imperfection*, ed. S. Levinson (Princeton: Princeton University Press, 1995), 145–162. Thus, constitutional revision does not take place exclusively through the explicit amendment process or popular sovereignty, but also with the historical development of the community and its practices.

[20] Charles Sabel, "Constitutional Orders: Trust Building and Response to Change," in *Contemporary Capitalism,* ed. J.R. Hollingsworth and R. Boyer (Cambridge: Cambridge University Press, 1997), p. 159.

[21] Joseph Weiler points to the case of *Gayusuz versus Austria* that went to the European Court of Human Rights and led to the extension of social security benefits to third country nationals (p. 719). See Weiler, "An 'Ever Closer Union' in Need of a Human Rights Policy," *European Journal of International Law* 9 (1998), 658–723.

[22] On this as the central issue for epistemic conceptions, see David Estlund, "Beyond Fairness and Deliberation: The Epistemic Dimension of Democratic Authority," in *Deliberative Democracy*, ed. J. Bohman and W. Rehg (Cambridge: MIT Press, 1997), 173–204.

[23] For such an ideal proceduralist account, see Joshua Cohen, "Deliberation and Democratic Legitimacy," in *Deliberative Democracy*, p. 72–75.

[24] For an argument for this principle of institutional differentiation as promoting optimal deliberation, see James Bohman, *Democracy Across Borders* (Cambridge: MIT Press, 2007), chapter 4.

[25] Frank Michelman, *Brennan and the Supreme Court* (Princeton: Princeton University Press, 2002), p. 59.

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