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Robert B. Talisse

From pragmatism to perfectionism

Cheryl Misak's epistemic deliberativism

Abstract In recent work, Cheryl Misak has developed a novel justification of deliberative democracy rooted in Peircean epistemology. In this article, the author expands Misak's arguments to show that not only does Peircean pragmatism provide a justification for deliberative democracy that is more compelling than the justifications offered by competing liberal and discursivist views, but also fixes a specific conception of deliberative politics that is perfectionist rather than neutralist. The article concludes with a discussion of whether the 'epistemic perfectionism' implied by the pragmatist argument could be endorsed by liberal democrats.

Key words deliberative democracy · epistemology · liberalism · Cheryl Misak · Charles Peirce · perfectionism · pragmatism · truth

Cheryl Misak has recently proposed a compelling argument for deliberative democracy. In a nutshell, her argument is that 'deliberative democracy in political philosophy is the right view, because deliberative democracy in epistemology is the right view' (2004a: 15). Given the nature of Misak's inference, we can say that she is offering an *epistemic* argument for deliberative democracy, as opposed to the more typical moral argument.¹ Although she is not alone in advancing an epistemic argument,² her view is distinctive in that it is based in the epistemology of C. S. Peirce, the founder of pragmatism.³

Misak's view is rooted in her forceful reconstruction of Peirce's theory of inquiry. According to Misak, the pragmatist holds that 'A true belief is such that, no matter how much further we were to investigate and debate, it would not be overturned by recalcitrant experience and

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argument' (2004b: 150; cf. 2004a: 9–10; 2004c: 42; 2000: 49). Conjoining this formulation with the observation that beliefs aim at truth, Misak concludes that proper epistemic practice – proper believing, asserting, arguing, and investigating – commits one to a deliberative democratic politics; 'the requirements of genuine belief show that we must, broadly speaking, be democratic inquirers' (2000: 106).

In this article, I shall not address Misak's pragmatism, with which I am sympathetic. My aim instead is to engage her pragmatist deliberativism from the point of view of current political theory. I shall argue that Misak has not drawn out fully the significance of her view, and that when the further consequences are drawn, an interesting result emerges, namely, that a pragmatist deliberativism of the sort she advocates involves commitments that conflict with popular forms of neutralist liberalism. To be specific, if Misak is correct that the justification of deliberative democracy is that it is the political entailment of proper epistemology, and if Misak and Peirce are correct that proper epistemology is a matter of adopting proper methods of inquiry, then Misak is committed to a politics that aims to enable and encourage those practices. Consequently, a pragmatist must endorse what I shall call *epistemic perfectionism*. Like all perfectionisms, epistemic perfectionism runs afoul of neutralist and later-Rawlsian, 'political' versions of liberalism.⁴ Thus if Misak is correct about deliberative democracy, then proper democracy cannot be neutralist. As neutralist liberalism remains the dominant philosophical framework for democratic theory, many will see this conclusion as unfortunate for Misak. At the end of this article I shall say something about the shape of the kind of epistemic perfectionism I believe Misak is committed to with a view towards addressing some typical misgivings.

Pragmatism between liberalism and discursivism

I begin with a canvass of Misak's position. At the heart of Misak's pragmatism are the following four Peircean insights:

- 1 To believe that p is to hold that p is true (cf. Wiggins 1998 and Haack, 1998: 8).
- 2 To hold that p is true is to hold that p 'is a belief that cannot be improved upon, a belief that would forever meet the challenges of reason, argument, and evidence' (Misak, 2000: 49).
- 3 To hold that a belief would forever meet such challenges is to engage in the project of *justifying* one's belief, what Peirce called 'inquiry'.
- 4 One cannot determine on one's own when all the best reasons and evidence have been considered, so the project of squaring one's beliefs

with the best available reasons and evidence is an ongoing and *essentially social* endeavor that requires participation in what Peirce called a 'community of inquiry'.

Summarizing, we can say that to be a believer is to be a truth-seeker, to be a truth-seeker is to be an inquirer, to be an inquirer is to be a reason-giver, and to be a reason-giver is to be a reason-exchanger, a participant in a community of inquirers. Misak writes:

What it is to assert, to make a claim, to believe, to judge is also to be engaged in a process of justification. It is to commit oneself to giving reasons – to be prepared, in the appropriate circumstances, to justify the claim to others, and to oneself. (2000: 94; cf. 2004c: 192)

Since believing 'involves being prepared to try to justify one's views to others and being prepared to test one's beliefs against the experience of others' (Misak, 2000: 94), every believer is committed, by virtue of the fact that he or she holds beliefs, to the enterprise of justification (ibid.: 74). The enterprise of justification is that of hearing and responding to objections and challenges *from all quarters*; since to believe is to aim at truth, and to aim at truth is to involve oneself in the enterprise of justification, believing 'requires us to listen to others' and to recognize that 'anyone might be an expert' (ibid.: 96). Even the *critic* of democracy, insofar as she or he holds beliefs at all, 'is committed to having her [or his] beliefs governed by reasons' so such a critic 'is committed, whether [she or he] acknowledges it or not, to debate and deliberation' (ibid.: 106). The commitment to 'debate and deliberation' is a commitment to the basic features of democracy: deliberators are equal participants in the discussion whose voices must be listened to and whose considerations must be addressed.

To further clarify Misak's view, let us consider the influential version of deliberative democracy proposed by Amy Gutmann and Dennis Thompson. They write:

Citizens who owe one another justifications for the laws that they seek to impose must take seriously the reasons their opponents give. Taking seriously the reasons one's opponents give means that, at least for a certain range of views that one opposes, one must acknowledge the possibility that an opposing view may be shown to be correct in the future. This acknowledgement has implications not only for the way they regard their own views. It imposes an obligation to continue to test their own views, seeking forums in which the views can be challenged, and keeping open the possibility of their revision or even rejection. (2000: 172)

Elsewhere, they explain:

The process of mutual reason-giving further implies that each participant involved take seriously new evidence and arguments, new interpretations

of old evidence and arguments, including moral reasons offered by those who oppose their decisions, and reasons they may have rejected in the past. 'Taking seriously' means not only cultivating personal dispositions . . . but also promoting institutional changes . . . that encourage reconsideration of laws and their justifications. (2003: 43)

Gutmann's and Thompson's position is different from Misak's in an important respect. When Gutmann and Thompson are pushed on the question of why each citizen must 'take seriously' the others' views, they offer an account that presumes a commitment on the part of deliberators to characteristically liberal values such as reciprocity, publicity and accountability (2000: 167–70). According to Gutmann and Thompson, these values are 'partly independent' of the deliberative process, but they nonetheless *shape* and *constrain* it (1996: 366, n. 18).

But what warrants the presumption of *these* values? Gutmann and Thompson are clear that their model of deliberation will preclude the positions of those who advocate racism (1996: 69) and those who 'claim that God is speaking literally through the Bible'; they claim that such views are beyond the pale of democratic discussion because the reasons offered in their support 'can be shown to be rationalizations' (1996: 70). Hence the structural constraints imposed by Gutmann and Thompson have an effect upon the types of deliberative *outcome* that are possible. This aspect of Gutmann's and Thompson's view invites the objection that their deliberativism is in fact rigged to favor liberal voices and outcomes (Fish, 1999; Shapiro, 2003: 22–6).⁵ This is, to be sure, an ironic feature of a view that is motivated by the depth of moral and political disagreement in contemporary society and a perceived need for citizens to 'reason together to reach mutually acceptable decisions' (Gutmann and Thompson, 1996: 1).

By contrast, Misak's pragmatic justification for deliberative democracy does not presume a prior moral agreement upon a set of values (Misak, 2004a: 12), but begins with the epistemic practice of seeking justifications for political and moral assertions; the claim is that this very process implicitly commits one to the central principles of deliberative democracy. Misak thus avoids rigging the deliberative process in favor of the liberal's political program.

Hence it may appear that Misak's argument is closely allied with the discourse-theoretic arguments advanced by Habermas (1990; 1996). According to Habermas, democracy is a necessary *presupposition* of all proper communication, for communication *itself* requires that 'participants coordinate their plans of action consensually, with the agreement being reached at any point being evaluated in terms of the intersubjective recognition of validity claims' (1990: 58). That is, proper communication is necessarily non-strategic and aimed at reasoned consensus among equal discursive participants rather than mere persuasion and manipulation.

This entails that radically anti-democratic speech involves what Habermas calls a *performative contradiction* – the act of expressing a radically anti-democratic position is *inconsistent* with the conditions under which such speech-acts are possible.

Misak is critical of Habermas. In response to Habermas' view that there are 'inescapable presuppositions' of discourse (Habermas, 1990: 89), Misak replies: 'it seems that people do communicate – do speak and utter statements to others – without presupposing the things that Habermas . . . [insists] are undeniable' (2000: 41). She continues: 'those who think that only people of a certain genetic character are worthy of rights and participation in the community, simply refuse to adopt Habermas' norms' (2000: 41). The likely discursivist rejoinder that anyone who does not adopt the discursivist's norms thereby 'voluntarily terminates his membership in the community of beings who argue' (Habermas, 1990: 100) introduces the same problem of circularity that confronts the liberal deliberativisms. Whereas Gutmann and Thompson hold that proper deliberation must respect a set of liberal values, the discursivist invokes a conception of communication designed to 'stipulate [anti-democrats] out of the game by defining the game in a way that precludes them' (2000: 42).

Instead of seeking for a transcendental *proof* of the legitimacy of democracy, Misak offers a naturalist (2000: 156) argument that appeals only to common practices of belief and assertion. As such, her justification of democracy cannot muster the tone of metaphysical necessity that accompanies the Habermasian view. But Misak contends that she need not therefore resign herself to the presumptions of Gutmann and Thompson. That is, Misak maintains that the pragmatist can hold a middle ground between the ambitious claim that democratic commitments are necessary prerequisites for all communication and the suppositious claim that characteristically liberal values may be built into the very structure of political deliberation.

Can such a middle ground be established? Consider a criticism. Misak's view seems to entail the extraordinary claim that no one actually holds anti-democratic beliefs, that insofar as one is an anti-democrat, one is not a believer. Here Misak invites the same kind of criticism that she launched against Habermas. Just as Misak criticizes Habermas for holding a view of communication according to which 'being a communicator seems to mean arguing in the way Habermas . . . advocates' (2000: 42), one could charge Misak with employing a conception of belief according to which being a believer means inquiring in the way she advocates. To press the criticism more directly, Misak holds that 'A belief, in order to be a belief, must come with a commitment to give reasons' (2000: 162, n. 41), yet it seems obvious that anti-democrats *do* hold beliefs despite the fact that they reject the pragmatist's norms of inquiry.

This criticism forces Misak to make explicit a distinction between belief *de facto* and *de jure*. That is, her precise view is that *genuine* believers (2000: 106) must be democratic inquirers. Her criticism of anti-democrats, then, is that they are *specious* believers, they hold their beliefs improperly. The challenge is that of producing an argument in support of the distinction that preserves the implication from epistemology to democracy but does not involve the circularity that one finds in the moral arguments of the sort advanced by Gutmann and Thompson. That is, the argument for treating certain instances of belief as genuine and others as specious must not turn on the presumption that some characteristically democratic value is shared by all believers. Such an argument can be extracted from Peirce's (1877) 'The Fixation of Belief'.

Proper inquiry, genuine belief, and epistemic agency

'The Fixation of Belief' is a notoriously puzzling essay.⁶ I have attempted elsewhere (Talisce, 2001) to reconstruct and evaluate Peirce's argument, and shall not rehearse the matter here. What is important for present purposes is that Peirce's epistemology is focused on what I shall call *epistemic agency*. To explain: Peirce begins from the observation that we are *reasoning* creatures. We engage in acts of inferring, deducing, guessing, hypothesizing, and experimenting with a view towards predicting future happenings. When events surprise us, we are disturbed; such disturbance is what Peirce called 'doubt' (5.372).⁷ When belief is unsettled we must respond by casting about for a new belief. In this way, Peirce's epistemology begins not with armchair analyses of the familiar concepts of epistemology, but instead with the actual human 'struggle to attain a state of belief' (5.374). On Peirce's view, epistemology is something we – *all* of us – *do*; epistemology is *behavioral*, it belongs to the study of *conduct*.⁸ Accordingly, as Misak notes, Peirce is very much in line with Joseph Raz's (1999: 10) view that beliefs are 'active'; that is, 'Beliefs do not just come upon us – we reach for them' (Misak, 2004a: 13).

This 'reaching' for belief is what Peirce called *inquiry*, and inquiry can be undertaken in different ways. The principal aim of 'Fixation' is to identify and evaluate some of the common ways in which individuals set about inquiry. It is important to note that a method of inquiry is not simply an algorithm that an inquirer enacts when confronted with doubt; a method of inquiry entails a wide range of habits and commitments that run beyond the particular beliefs it produces.⁹ An analogy with moral theory might prove useful here. As several commentators have emphasized, utilitarianism is not simply a decision rule for moral action, but an entire way of living that determines not only what we

do, but how we understand ourselves and how we relate to others.¹⁰ Similarly, the different methods of inquiry identified by Peirce do not simply specify how one gains belief when confronted by doubt. One's method determines also one's *relation* to one's beliefs: the lengths one will go to protect one's beliefs from unsettlement, what one will count as appropriate sources of evidence, how, when, and whether one changes belief, and how one views opposing beliefs and those who promote them. One's method of inquiry determines one's *epistemic character* (Hookway, 2000: 254f.).

Given influential developments in philosophies of language and science in the past 60 years, the term 'method' may be misleading.¹¹ Richard Rorty, for example, has charged pragmatists of Peirce's ilk with 'methodolatry', claiming that it is 'difficult' to 'take the notion of "method" seriously' (1999: 36; cf. Rorty, 1991). I think that the methods Peirce discusses are better understood as four epistemic character-types, four *kinds of believer* or *ways of belief*. The first three ways seek to preserve existing beliefs (Misak, 2004c: 64) by contriving ways of avoiding doubt: the *tenacious* believer avoids doubt by ignoring everything that runs counter to his or her belief, the *authoritarian* believer avoids doubt by appealing to some supposedly higher authority as the final arbiter of truth, and the *a priori* believer avoids doubt by surrounding herself or himself with the polite company of like-minded conversationalists. The *scientific* believer, by contrast, attempts not to preserve existing beliefs, but to discover beliefs that will not occasion doubt. To accomplish this, the scientific believer seeks beliefs that are 'sensitive' (Misak, 2004c: 66) to reasons, evidence and argument (2004a: 12–13). Given the tight connection the pragmatist sees between truth and this sort of sensitiveness, only the scientific believer actually pursues truth.¹²

What must be established next is that it is proper for believers to aspire to truth. Here the pragmatist argument turns on what we may call the psychology (Misak, 2004a: 13) or phenomenology (Misak, 2000: 52) of belief.

There are two points to be made. First, non-scientific ways of belief are in practice parasitic on scientific believing. The tenacious believer must draw distinctions between friends and foes of his or her cherished beliefs, and these are distinctions that she or he must attempt to *draw correctly*. Similarly, he or she must be able to identify potentially doubt-occasioning situations in order to succeed in avoiding them; again, it is essential that she or he identify these situations *accurately*. The authoritarian believer must aspire to interpret the official doctrine *correctly*; even the most thoroughgoing Orwellian state must aspire to determine the *truth* about how best to propagandize the populace. The a priori believer is concerned not with beliefs that only *seem* to cohere with her or his general sense of what is 'agreeable to reason' (5.382), but with

beliefs that *actually* cohere; similarly, he or she is concerned to keep company with others who not only *seem* to agree with her or him, but who *actually* agree with her or him. In all of these cases, the non-scientific believer must attend to reasons, argument, and evidence in order to make the proper discriminations. If she or he fails to do so, her or his way of belief is undermined. Thus it is not possible to be a *thoroughgoing* non-scientific believer; the practice of a non-scientific way of belief requires the practice of scientific belief.

Second, the non-scientific ways of belief cannot be reflectively endorsed (Hookway, 1985: 51ff.). No one who practises such ways of belief takes himself or herself to be doing so; as Peirce recognized, belief usually recedes once the believer acknowledges that it was produced by means of a method that has no truth-tracking or reason-responsive propensities (Misak, 2004c: 61).¹³ That is, just as 'everybody conceives himself to be proficient enough in the art of reasoning' (5.358), non-scientific believers *take themselves* to be scientific inquirers.¹⁴ Hence, one can persist in being a tenacious, an authoritarian, or an a priori believer only for as long as one is unaware or mistaken about one's epistemic character. The non-scientific ways of belief hence require epistemic delusion, one who practises them is necessarily lacking in an important kind of self-knowledge. Put otherwise, non-scientific ways of belief involve a kind of paradox: they depend upon and encourage epistemic failure, and so are self-defeating.

Together, these considerations suggest that 'the scientific method is more than just a good strategy; we cannot help but generally adopt it' (Misak, 2004c: 85). Misak develops this point by saying that responsiveness to reasons is a *constitutive norm* of belief. She writes:

A belief, in order to be a belief, is such that it is responsive to reasons and evidence. That is a very part of what it is to have a belief – a *constitutive norm* of belief is that a belief is something that one holds for reasons. . . . Some cognitive states – those not appropriately connected to reasons – are not deserving of the label 'belief'. (2004a: 12)

But this is to overstate needlessly the case in the direction of discursivism. The psychology of belief shows that reason-responsiveness is a constitutive norm of belief only in the sense that all believers (at least implicitly) accept that norm as governing their beliefs. This is not to say that reason-responsiveness is necessary for a cognitive state to be a belief; it is rather to say that we are psychologically bound to endorse the norm of reason-responsiveness, even though we may in practice fail to respect it. Accordingly, anti-democrats surely hold anti-democratic beliefs, but such beliefs violate the epistemic norms that they endorse. Hence the distinction between genuine and specious belief rests upon norms that are internal to even the anti-democrat's epistemic practice.

Genuine beliefs are those that do not resign when the believer recognizes the way in which they were generated. Thus, the distinction between genuine and specious belief comes to the distinction between self-aware and deluded epistemic agents. Misak's argument, then, is that self-aware epistemic agents – agents whose epistemic practice reflects their epistemic commitments – must be deliberative democrats.

What of those who deny that they aspire to avoid delusion? What about those who deny that they pursue truth? Misak correctly acknowledges that on her view,

Wanting to get the truth is something which cuts across whatever divides us from others . . . we are indeed hard pressed to find opponents in our moral and political lives who do not assert or believe or claim that their position is true, or best, or that which ought to be enforced. (2000: 105)

However, she also points out that the pragmatist 'is not committed to a "we must talk with everyone all the time" attitude' (2000: 148); there are some persons in some contexts who the pragmatist might reasonably refuse to engage. We take such matters on a case-by-case basis; the pragmatist attempts to find *some* level at which the radical anti-democrat properly asserts a belief and engages there. The expectation is that there will be some point at which even the most radical anti-democrat will commit to the truth of his or her beliefs, and consequently take herself or himself to be in a significant disagreement with the democrat; insofar as he or she acknowledges disagreement, she or he is bound to involve himself in the process of reason-giving and argument.¹⁵

Epistemic perfectionism and the politics of deliberation

Misak's argument for deliberative democracy has wide-reaching implications for democratic theory, for it is not simply a new *justification* of deliberative democracy, but is in part a new *conception* of deliberative democracy itself. We now turn to an examination of the implications of this new conception.

We have seen that Misak argues that certain epistemic norms are entailed by 'the kind of beings we are' (2004a: 19), and that these norms license a specific sort of epistemic practice. As this epistemic practice involves a perpetual readiness to engage in the process of reason-exchanging and argument, it prescribes a mode of epistemic agency that requires a thoroughgoing openness to disagreement, an eagerness to listen carefully to opposing views and dissenting arguments, and a preparedness to revise one's own view in light of such arguments.¹⁶ Further, proper epistemic practice requires us to regard others as fellow inquirers and equal participants in the processes of reason-exchange, for if inquirers

do not take seriously the perspectives and arguments of others, 'reaching for the best or the true belief is not on the cards' (Misak, 2000: 94). That is, Misak's view entails a particular conception of political engagement; this conception is well captured by Iris Young's depiction of the 'reasonable' citizen. Young writes:

Reasonable participants in democratic discussion must have an open mind. They cannot come to the discussion of a collective problem with commitments that bind them to the authority of prior norms or unquestionable beliefs. Nor can they assert their own interests above all others' or insist that their initial opinion about what is right or just cannot be subject to revision. To be reasonable is to be willing to change our opinions or preferences because others persuade us that our initial opinions or preferences . . . are incorrect. . . . Being open thus also refers to a disposition to listen to others, treat them with respect, make an effort to understand them by asking questions, and not judge them too quickly. (2000: 24)

The proper believer hence is committed to a view of citizenship, one that is *comprehensive* in the Rawlsian sense: it specifies 'what is of value in human life', it prescribes 'ideals' of 'personal character' and of 'associational relationships', and it contains 'much else that is to inform our conduct' (Rawls, 1996: 13). It follows from Misak's view that those who simply assert their raw preferences in political debate are failing at democratic citizenship in the same way that the tenacious believer is failing at inquiry. Similarly, those who derive their political positions from some supposed authority, such as a religious text or figure, are enacting a specious mode of political engagement. More importantly, this view of proper citizenship is fully *public* in that it entails a political commitment on the part of individuals to a state that *promotes* this specific view of citizenship.

To see this, consider that, on Misak's view, since proper belief requires *reason-exchanging*, one cannot be a genuine believer in isolation from others. Further, since proper belief requires that what gets exchanged are *reasons* rather than slogans, insults, or threats, one cannot be a proper inquirer in the absence of *other proper inquirers*. Hence a *community* of proper inquirers is necessary for there to be *individuals* who are genuine believers. Moreover, given that we are both individually and collectively vulnerable to the kinds of epistemic self-delusion that make possible the non-scientific ways of belief, the community of proper inquiry must be cultivated and *maintained* by social institutions that encourage the *exercise* of proper belief. Insofar as we are individually committed to proper epistemic practice, we are committed to a certain kind of community and a kind of politics that enables such a community to endure and flourish.¹⁷

Neutralist liberals reject this commitment. Recall that on the neutralist view, 'the state should not favor, promote, or act on any particular

conception of the good' (Sher, 1997: 1; cf. Dworkin, 1985: 191 and Nozick, 1974: 33). The precise meaning of the doctrine of neutrality is something about which liberals disagree (Waldron, 1993: 143ff.; Rawls, 1996: 191f.); however, it is frequently understood as a principle of political justification, 'a constraint on what factors can be invoked to justify a political decision' (Larmore, 1987: 44). This constraint has it that the *justification* for a political policy, institution, or decision must not rely upon any particular conception of the good. Of course, this is not to say that political decision and policy must not *in fact* favor some visions of the good over others – this kind of neutrality is impossible (Rawls, 1996: 194). Rather it is to say that the state must avoid instituting policy *for the sake of* some such conception; that is, the liberal state must be neutral in *aim* (ibid.: 193).

This view of neutrality drives Rawls' influential model of 'public reason' (1996: 212ff; 1999).¹⁸ According to this model, citizens must 'conduct their fundamental discussions within the framework of what each regards as a political conception of justice based on values that the others can reasonably be expected to endorse' (1996: 226). In public political discussion, citizens 'should be ready to explain the basis of their actions to one another in terms each could reasonably expect that others might endorse as consistent with their freedom and equality' (ibid.: 218). As liberal citizens disagree at the level of the good, they 'are not to appeal to comprehensive religious and philosophical doctrines' in properly public discussion (ibid.: 224). Hence public reason forbids citizens from endorsing or promoting a political policy on the basis of their vision of the good; political justification properly invokes only those principles implicit in the public culture of a liberal society (ibid.: 224). Positions that cannot be formulated within these constraints are not properly public, and are therefore not admissible in public political discourse.¹⁹

The precise details of Rawlsian public reason cannot be examined here. The point is not only that Misak's position must reject the *ex ante* constraints upon political debate introduced by public reason, but that her pragmatism violates the neutralist doctrine in that it attempts to justify a specific mode of democratic politics and a model democratic citizenship by way of an appeal to a more general conception of the (epistemic) good. To put the point differently, the pragmatist endorses a specific model of democracy and citizenship *for the sake of* proper epistemic practice; to recall a comment cited earlier, the pragmatist is a deliberative democrat in politics because she or he is a deliberative democrat in epistemology (Misak, 2004a: 15), and seeks a politics in which her or his epistemic doctrine can flourish. Thus Misak launches a non-neutral justification of the democratic state.

The conflict between pragmatism and neutralist liberalism is even more evident once we consider some of the broader political implications

of Misak's position. Although Misak does not specify particular ramifications, we can draw from the relevantly similar view of Cass Sunstein to get a sense of the policies and institutional arrangements her view implies. Like Misak, Sunstein endorses an epistemic interpretation of the main features of a democratic society; that is, Sunstein holds that

The American constitutional system is emphatically not designed to protect private interests and private rights. Private interests and private rights are of course protected; but this is not the entire point of the system. Even more emphatically, its purpose is not to furnish the basis for struggle among self-interested private groups. . . . Instead, a large point of the system is to ensure discussion and debate among people who are genuinely different in their perspectives and position, in the interest of creating a process through which reflection will encourage the emergence of general truths. (1996: 241)

If Sunstein is correct that democracy is not simply a 'set of rules . . . for the solution of conflicts without bloodshed' (Bobbio, 1984: 156), but rather a system designed to 'protect the process of reason-giving, ensuring something like a "republic of reasons"' (Sunstein, 2001b: 239), then democrats are bound to endorse policies and institutions that can be reasonably expected to further those epistemic goals. Here Sunstein is quite specific. He notes that recent advances in communications technologies make it easy for citizens to 'filter what they see' (2001a: 8) and thus to 'live in echo chambers of their own devising' (2003b: 106), avoiding exposure to political views that are unfamiliar and possibly contrary to their own. Recognizing that this kind of epistemic 'self-insulation' (2001a: 192) poses specific threats to deliberative democracy (2003a), Sunstein endorses a series of free speech interventions designed to ensure deliberation by increasing 'society's total stock of argument pools' (2003b: 157) and protecting, perhaps even *rewarding* (2003b: 93), dissent. Such interventions require a 'New Deal' for free speech (1996: 17ff.) and a 'two-tiered' First Amendment (1996: 124ff.) in which certain types of speech would be deserving of greater protection than others. Among his most well-known policy suggestions is that politically partisan web-sites should be required by law to carry links to sites espousing an opposing viewpoint (2001a: 169f.).

The point is not that neutralist liberals could not endorse such policies, but rather that they must reject the kind of *justification* that Sunstein offers. According to Sunstein, state institutions and policies should reflect the *aspiration* of establishing and maintaining a 'republic of reasons' in which citizens engage in proper deliberation. Like Misak, Sunstein acknowledges that proper deliberation requires that citizens embody a certain epistemic character, a 'certain set of attitudes' (2003b: 110), and that these attitudes must be *maintained* by means of political policy designed to ensure their *exercise*.

Deliberative democrats of the Misak and Sunstein kind are hence committed to a politics that aspires to a specific mode of democratic practice by *cultivating* a specific kind of citizen, one with a certain epistemic character. Such a politics undertakes what Michael Sandel has called the 'formative project' (1996: 321) and is as such non-neutral. In short, proper epistemic practice not only entails deliberative democracy, it also entails epistemic perfectionism.

Epistemic perfectionism: can liberals live with it?

A common way of understanding the kind of liberalism I have been contrasting with Misak's deliberativism is that it endorses the priority of the right to the good. This priority involves two commitments: (1) the requirements of the right are discernable without reference to the good, and (2) the sphere of legitimate political action is circumscribed by the right. Those democrats who oppose liberalism – e.g. perfectionists, civic republicans, communitarians, radical democrats – typically not only deny the priority of the right to the good, but also affirm the priority of the good to the right. This has led, naturally, to a series of liberal rejoinders recalling the oppressive tendencies of communities based upon a substantive vision of the good. Amy Gutmann's reply to Michel Sandel's communitarianism typifies this strategy; Gutmann writes: 'The enforcement of liberal rights, not the absence of settled community, stands between the Moral Majority and the contemporary equivalent of witch-hunting' (1985: 318).

The debates between liberals and the various stripes of anti-liberals cannot be surveyed here.²⁰ The point is that in these debates the good is typically understood in specifically *moral* terms, as a substantive vision of the good life. The liberal strategy has been to identify the exclusionary character of any such vision. The perfectionism to which the pragmatist is committed is focused upon a conception of the *epistemic* good of proper inquiry. As such, some of the standard liberal objections to perfectionism lose their force – the *epistemic* perfectionist does not advocate a politics of communal values and traditional ways of life. In fact, as we have seen, the pragmatist's epistemology rejects communal tendencies to self-insulation.

Nonetheless, epistemic perfectionism is still a *perfectionism*, it still denies the priority of the right to the good. The liberal worry is that no such view can properly respect individual rights. The argument is that if individual rights are derived from a conception of the good of *any sort*, then rights will be mere instruments and as such contingent, manipulable, and ultimately impotent. To explain: suppose that Sunstein is correct that First Amendment rights are *means* to the end of a well-functioning

deliberative democracy (Sunstein, 1996: 249); then, the argument runs, if we can imagine a case in which suspension of those rights would be a *better* means to our ends, then First Amendment rights should be suspended. But this is, on the liberal view, *precisely* to miss the point of rights; for rights have their basis in the fact that 'each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override' (Rawls, 1971: 1).

It is true that perfectionists cannot countenance rights in the sense the liberal requires, and perhaps this is a decisive objection to many forms of perfectionism. However, in the case of *epistemic* perfectionism, the liberal objection is somewhat blunted once it is acknowledged that the recognition of certain rights – particularly, those specified in the First Amendment – are means not simply in the sense of requisite causal antecedents, but in the sense of being *constitutive* of the commitment to proper deliberation. Thus, to hinder, for example, free speech, is to hinder inquiry; the commitment to free speech is *constitutive* of the commitment to proper inquiry and not something that can be separated from it. Hence, there could be no argument against free speech from deliberative democracy, for 'citizens' rights to freedom of speech . . . can be upheld through reference to the idea of deliberation itself' (Dryzek, 2000: 172). In this way, the epistemic perfectionist can countenance the familiar array of rights in a way that, although not absolute, is sufficiently robust to meet the standard liberal challenge.

It is by now commonplace among many political theorists to blame liberalism for our social ills. Lately, liberalism has been accused of being incapable of sustaining a healthy democratic politics because it cannot formulate a compelling account of citizenship (Sandel, 1996: 6). The interest-based, aggregative model of democracy that is closely associated with liberalism has been roundly criticized on similar grounds. I cannot here settle the question regarding liberalism's role in generating our current situation of high voter ignorance, low voter participation, dwindling levels of civic participation, and other troubling phenomena. However, the time seems right for liberals to seek a vision of democracy that can respond to these matters. The kind of epistemic perfectionism that I have drawn from Misak's pragmatist deliberativism is one such vision that liberals may be able to live with.

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Notes

- 1 Moral arguments for deliberative democracy contend that a deliberative politics is necessary to satisfy some moral requirement, such as fairness, equality, reciprocity, or a combination of these (see Rawls, 1999; Cohen, 1997; Gutmann and Thompson, 1996). Epistemic accounts cite some epistemic requirement, such as truth or rationality, and argue that a deliberative democracy is needed to satisfy it. The distinction is common in the literature; see Bohman, 1998; Freeman, 2000: 378f.; Dryzek, 2000: 173f.; List and Goodin, 2001: 277f. I contrast Misak's epistemic view with Gutmann's and Thompson's moral view below.
- 2 One can find epistemic arguments among traditional theorists such as Aristotle and Rousseau. Several contemporary theorists have proposed epistemic arguments for deliberative democracy, including Habermas, 1996; Nino, 1996; Estlund, 1993, 1997; Richardson, 1997.
- 3 'Pragmatism' and its relatives shall be used throughout to refer strictly to Misak's interpretation of Peircean pragmatism. Although Misak's view is distinctive in being rooted in Peircean pragmatism, it is not unique; see Talisse, 2004 and Talisse, 2005a.
- 4 The core of neutralist liberalism is well captured by Ronald Dworkin, who holds that liberalism means that state policy 'must be, so far as possible, independent of any particular conception of the good life, or of what gives value to life' (Dworkin, 1985: 191); Dworkin holds that neutralism follows from equality. Rawlsian political liberalism is also neutralist, but for reasons driven by the 'fact of reasonable pluralism' (Rawls, 1996: 36; cf. Larmore, 1987: 42f.). To be sure, there are some who promote the view known as perfectionist liberalism (e.g. Raz, 1986; Sher, 1997; Wall, 1998); I shall not engage such views here.
- 5 Misak extends this kind of argument to David Estlund (1997) and Henry Richardson (1994). According to Misak, these theorists must presume that all deliberators are committed to the roughly liberal values of 'impartiality', 'inclusiveness', and 'letting everyone have their say' (2004a: 12). A similar objection is often brought against Rawlsian 'public reason' views. See, for example, Robert George and Jonathan Wolfe, who argue that 'Public reason . . . almost always has the effect of making the liberal position the winner in morally charged controversies. It does this, in effect, by ruling out of bounds substantive moral argument on behalf of nonliberal positions' (2000: 1–2). Jeffrey Stout (2004: 65ff.) argues similarly; cf. Christiano (2001) and Talisse (2005c). Both Richard Posner (2003: 141–3) and Iris Young (2003) bring this kind of charge against deliberative democracy as such. For a response to Posner, see Talisse, 2005d; for a response to Young, see Talisse, 2005b.
- 6 Israel Scheffler finds the essay 'very puzzling' (1974: 70); Murray Murphy has claimed that it is 'one of the most curious and least satisfactory' of Peirce's papers (1961: 164); Christopher Hookway claims that 'many of the details of the argument' are 'obscure, hurried, or unsatisfactory' (1985: 49); Peter Skagestad contends that 'Peirce is less than clear as to what sort of

- argument he wishes to propose' (1981: 39); and Douglas Anderson maintains that 'the tension and unclarity . . . cannot be eliminated from the essay' (1995: 84).
- 7 Citations to Peirce's *Collected Papers* will follow the standard convention of vol. no. plus para. no.
 - 8 Hence Hookway, 'cognition is itself an activity, the attempt to solve problems and discover truths effectively and responsibly' (2000: 246).
 - 9 Peirce claims that the choice of a method of inquiry is 'a choice which is far more than the adoption of any intellectual opinion', it is 'one of the ruling decisions' of one's life; once the choice is made we are 'bound to adhere' to it (5.387). He continues: 'The genius of a man's logical method should be loved and revered as his bride, whom he has chosen from all the world. . . . She is the one he has chosen, and he knows that he was right in making that choice. And having made it, he will work and fight for her . . . and will strive to be the worthy knight and champion of her . . .' (5.387).
 - 10 Peter Singer's (1972) argument concerning famine relief shows that utilitarianism entails a set of attitudes regarding consumerism and global economy; cf. Peter Unger's similar discussion of a 'morally decent life' (1996: ch. 6). Bernard Williams' (1973) well-known criticism of utilitarianism objects to the *kind of person* utilitarianism requires one to be. For a broader treatment that also criticizes Kantianism on these grounds, see Wolf (1982).
 - 11 See Haack (2003) for discussion.
 - 12 The term 'scientific' is in this context used by Peirce to refer to any way of belief that is truth-aiming. Hence, as Misak has convincingly argued (2000: ch. 3; 2004b; 2004c: ch. 5), ethical and political beliefs can be scientific in Peirce's sense.
 - 13 'Now there are some people, among whom I suppose my reader is to be found, who, when they see that any belief of theirs is determined by any circumstances extraneous to the facts, will from that moment not merely admit in words that the belief is doubtful, but will experience a real doubt of it, so that it ceases to be a belief' (5.383).
 - 14 See the interviews transcribed in Swain and Nieli (2003) with leaders of various white nationalist organizations. All take themselves to have the truth and all propose reasons and evidence for their views.
 - 15 Cf. Misak's (2004a: 15–20) discussion of Huw Price's (2003) example of 'Mo'ans', persons who do not acknowledge the norm of truth, but make 'merely opinionated assertions' (Price, 2003: 177). Misak endorses Price's view that the norm of truth is indispensable.
 - 16 Proper epistemic practice might also involve an epistemic *obligation* to expose oneself to dissenting views. Cass Sunstein's (2003a, 2003b) work on group polarization shows that there are epistemic perils for believers who surround themselves only with those who confirm their views. See also Russell Hardin (2002) on 'crippled' epistemology.
 - 17 The pragmatist agrees with Allen Buchanan's (2004) social epistemic arguments for 'key liberal institutions' such as 'freedom of thought, conscience, expression, and association' (2004: 99). The issue, which I shall address below, is whether such a *justification* for these institutions can be liberal. Buchanan takes himself to be defending 'political liberalism' in the Rawlsian sense in that his justification does not rely upon 'any particular

- specification of what welfare (or happiness) is or any particular conception of morality' (2004: 100); however, the requirement for political liberalism is that justification be free from *comprehensive doctrines*, not just *moral doctrines*. I suspect that Buchanan's epistemology meets Rawls' criteria for being a comprehensive doctrine as discussed above, and thus that his liberalism cannot be political. I cannot argue this here, but note that Rawls himself advises political liberals against epistemic arguments (1996: 150f.); on this, see Raz (1990) and Estlund (1998).
- 18 See Cohen (1997); Nagel (1987); Ackerman (1989); Larmore (1987; and 2003).
 - 19 Rawls' introduction of the 'proviso' (1999) complicates the matter, but does not affect my point. Roughly, his considered view is that a citizen may advance non-public reasons for a proposal only if he or she is willing 'in due course' to offer properly public ones (1999: 591); this is to retain the view that only neutral reasons can do justificatory work. For discussion, see Reidy (2000).
 - 20 See Mulhall and Swift (1996) for a summary of the debates; see also Talisse (2005a).

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