A Democratic Justification of Democracy

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August 4, 2024

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Abstract

This chapter addresses several methodological questions that confront justifications of democracy. I claim that under modern conditions, persuasive justifications of democracy will take account of deep evaluative disagreement among democratic citizens. Relatedly, they will also give us a basis for the criticism and reform of our existing institutions. These desiderata give us reasons to use a form of weak foundationalism called contextual justification, where justification is provisional and relative to a comparison set. Stronger forms of justification are inappropriate for justifying democracy because they fail to take account of deep evaluative disagreement among the audience of the justification, and the central role played by evaluative disagreement in democratic institutions themselves. We justify democracy to an audience persuaded of the need for some political regime, but skeptical of democracy's value. Under these conditions, persuasive justifications will take the form of what Rawls calls "political" justifications. That is, they will be public, non-comprehensive, aimed at public acceptability rather than truth, and built on fundamental, intuitive ideas latent in a specific political culture. The comparison set for a political justification should be anchored in Weberian ideal types, because taking actual regimes as conceptual endpoints blocks us from adopting a critical justification of democracy, one which asks us to reform as well as defend. However, it is vital to discipline this comparison set by holding behavioral assumptions and operating conditions fixed across regime types, because there is a strong temptation to compare actual democracy to idealized non-democracy. In addition to beliefs about values, disagreements about democracy's justification turn to a surprising degree on beliefs about facts, particularly about the ways in which facts about the world will impose tradeoffs on our values (see ch. 2). Idealizing citizen behavior sits in profound tension with the desideratum of taking disagreement seriously, because idealization reduces the number of perspectives that our political institutions must accommodate. This means that taking disagreement seriously imposes limits on the extent to which we can idealize. Democratic citizens will converge on political justifications for a variety of positive reasons, but they will also display consensus on certain negative, prudential reasons for valuing (a thinner, more basic conception of) democracy (see ch. 3). This negative consensus addresses worries that convergence justification will be vulnerable to changes in relative power (a "mere modus vivendi"). Value tradeoffs may be theoretically unavoidable. We can assume that different values can be harmonized to a certain extent, but if we assume that all good things go together, we undermine some of the reasons democracy is desirable in the first place. These points suggest certain limits to what a justification can accomplish. Conceptually, justifications are limited by their reliance on shared premises, and by the need to persuade a diverse audience. Practically, justifications may be limited by the desirability (on the basis of other values) of settling some particularly important matters undemocratically.

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1 Introduction

This project is motivated by persistent disagreement as to whether and why democracy might be justified. Existing accounts disagree both as to the form of democracy that is justified and the grounds on which that justification rests. Moreover, these accounts take a wide range of methodological approaches to the relevant audience and standards of evidence for a successful justification. This chapter will examine the choices that any justification must confront, identifying desiderata for a justification of democratic institutions.

In the ensuing chapters of this dissertation, I will characterize a novel approach to justifying democracy that, I will claim, is compatible with a wide range of prior approaches. It has been argued that one of the aims of moral and political philosophy is to look for possible bases of agreement where none seem to exist, and to "extend the range of some existing consensus" (Rawls 1971:582). I believe that despite the very real contradictions within and among existing justifications of democracy, these justifications point the way to a conceptual core shared by many if not most existing theories. If I am right, we can draw on this conceptual core to anchor a *public* justification of democracy.

For reasons that will become clear in the ensuing chapters, I think that democracy is (among other things) a prophylactic against severe political disasters. As such, democratic institutions, like vaccines, are likely to be under-appreciated while they are performing well. One of the principal tasks of democratic theory is to explain democracy's value. Another major task is to articulate how our democratic institutions can be improved. Justification as I understand it pursues both of these objectives simultaneously. Persuasive justifications will guide us in the improvement of our democratic institutions while acknowledging the value of even imperfect approximations of the democratic ideal.

However, before specifying this model of democracy more fully, it is important to clarify certain methodological issues that any justification must engage with. Democratic theorists attempting a project of justification must consider the definition of democracy that is being justified, the audience of that justification, and the standards of evidence according to which it will succeed or fail. In addition, we must make certain assumptions about the circumstances or background conditions under which democracy is assumed to take place, the motivation, capacity and compliance to be expected from democratic citizens, and the way that the world imposes limits or tradeoffs on our values. Finally, we must consider the limits, both practical and conceptual, to what a justification can accomplish. I take up these tasks in this chapter.

2 Methodology of justification

Justifying democracy involves making a number of choices and assumptions. Before attempting yet another justificatory project, it will be useful to bring these choices and assumptions to the surface, and clarify their consequences. In the sections which follow, I try to make these choices and assumptions explicit. First, justificatory accounts must specify the concept of democracy that is being justified. This specification often involves

conceptual engineering, sometimes to such a great extent that the justification offered does not apply to existing democratic institutions. Second, attempts at justification are made to some particular audience, with a set of expectations that play a crucial role in justificatory reasoning. Third, justifications succeed or fail according to certain standards, often tacitly held, relating to i) the grounds on which a persuasive justification rests, ii) the scope of what can be justified, and ii) the form of justification thought to be persuasive. Fourth, justificatory accounts are made on the basis of certain assumptions about i) the background circumstances or conditions under which democracy occurs, ii) the motivation and compliance that can be expected of democratic citizens, and iii) the extent to which the values that underwrite justification are simultaneously realizable. I will say something about each of these in turn.

2.1 Definition

In this section, I discuss the deep connections between definition and justification, and I suggest that we cannot evaluate justifications independently of the definitions on which they are based.

Every justification of democracy implies a definition of democracy. More than this, definitions and justifications are conceptually connected by the regulative principles that underpin the definition and motivate the justification. For example, say that we both want to eat the last piece of cake, and we flip a coin to decide who will get it. Notice that our reasons for choosing the coin flip as a procedure are also largely constitutive of that procedure. The salient features that we take to be definitional are likely to center on the coin flip's inherent fairness, or what has been called "pure procedural" fairness (Rawls 1971:86). When we *define* a coin flip, we will say that it is unbiased, or that it treats the participants equally. Similarly, if we are asked to *justify* the procedure, we are likely to give an answer based on fairness. We chose the procedure because it gave us equal ex-ante chances of cake-eating. This parallelism makes sense, because the features of a decision procedure that justify its adoption are likely to be sufficiently constitutive that they form part of its definition. So there is a close connection between the (descriptive) conceptual content of definitions and the (normative) conceptual content of justifications. This has led some analysts to draw on the principles used in justification for definition-formation, using justification to sharpen definition and render it more precise (e.g. Saward 1998:15).

So what we understand democracy to consist of will be closely related to how we justify it. Although this may seem like a platitude, it complicates our choice of justification for two reasons. First, different forms of justification will, almost necessarily, appeal to different definitions of democracy. This is because diverse bases of justification will lead to diverse definitional content. The result is conceptual engineering (Cappelen 2018), where the conceptual content of democracy is redefined.[1] Second, this diversity of definitions

1. I leave aside the question of what exactly it means to perform conceptual engineering on those concepts, like democracy, which are arguably "essentially contested," meaning that it is in their essence to be matters of dispute (Gallie 1956).

complicates direct comparison among various forms of justification. Because justifications in effect assume the truth of their associated definitions, comparison among them amounts to comparing arguments relying on different and often inconsistent premises. It is not, as we might assume, that we have a single concept, 'democracy,' and a variety of potential justificatory arguments. We have as many definitions of democracy as we have justifications.

How should we think about this? Consider the following hypothesis. Theorists observe a phenomenon in the actual political world. Call it D_o. Observing either i) that this phenomenon produces good results, or ii) that it somehow constitutes a good thing, these theorists ask a natural question: why is it good? The subsequent answer constitutes a candidate justification.[2] Call this J. But it immediately becomes apparent that the principles appealed to in J could be more completely or fully achieved by some alternative phenomenon which does not exist in the actual political world. Call this D_i. The possibility that D_i could exist complicates appeals to J as a justification for D_o, because it reveals that there exists a whole set of phenomena justified by J. Within this set, some D are superior to others, in terms of J. The justification of D_o thereby becomes provisional. D_o is only weakly justified, because the normative principles in J that are somewhat fulfilled by D_o are more fully fulfilled by D_i. Understood this way, appeals to J as a justification for D_o are unstable, because they can justify D_o only as an inferior alternative to D_i. If D_i is available, we should prefer it to D_o. Moreover, D_o is not a conceptual endpoint in the same way as D_i. D_o's only distinction is that it exists in the actual political world. Theorists therefore tend naturally to focus on D_i, using it as a provisional fixed point from which to fill out the definitional content for the set of all D.[3] As with coin flips, there will be a tight relationship between the descriptive content of D_i and the normative content of J, since D_i is only theoretically salient in terms of J, not necessarily on its own terms. Examining J or D_i in isolation will lead us to misunderstand this relationship.

For these reasons, the most tractable unit of analysis is neither democratic justifications nor democratic definitions, but integrated combinations of these, which have been called "theories" of democracy (Nelson 1980:13). Although justifications frustrate direct comparison through their reliance on different and potentially incompatible definitions, it is more tractable to compare different theories of democracy, both to one another and to our pre-theoretical intuitions. Viewed this way, persuasive justification of democracy will "rest...upon the entire conception," and will be a matter of "the mutual support of many considerations" (Rawls 1971:579).

2.2 Audience

In this section, I characterize the relevant audience for a justification of democracy. I then distinguish the tasks of justifying democracy and justifying the state, which involves distinguishing discussions of democracy's justification from discussions of democracy's legitimacy.

2. Some theorists approach this task from the opposite normative orientation, observing that D_o produces bad results and asking why. The same procedure follows in both cases.

3. See Chapter 2 for examples.

Justification presupposes a clash of views (Rawls 1971:580). We offer justifications to others, or to ourselves, in order to persuade. We propose justifications against a background presumption of possible objection (Simmons 1999:742). In the course of justifying democracy, we should assume that our interlocutors are skeptical of democracy's merits. But we need not assume a thoroughgoing or dogmatic skepticism. Democracy, like other forms of government, is (among other things) an institutionalized procedure for making collective decisions. The need for a collective decision procedure is conceptually prior to the demand for its justification (Coleman 1989:194). Consequently, we need only justify democracy to an audience persuaded of the need for *some* collective decision procedure. In other words, the relevant or salient alternative to democracy is not anarchy (the absence of a collective decision procedure), but rather some alternative collective decision procedure. Showing that democracy is justified is therefore a distinct task from showing that the state is justified. We justify the state to an audience that is skeptical of the state's value, but we justify democracy to an audience skeptical of democracy's value, not the value of the state in general. These assumptions require us to bracket concerns about whether or not the state itself is justified, and to assume that our interlocutors accept the need for political institutions, but are skeptical of the value of specifically democratic institutions. Viewed this way, the audience of justification is playing a coordination game, in the sense that they wish to coordinate on some set of political institutions for making collective decisions in order to realize gains from cooperation.[4]

To say that democratic political institutions are justified is to make a general claim about a class of institutions, both existing and hypothetical. By contrast, we may wish to make claims about the relationship between certain political institutions and some or all of the people who participate in them. For example, must citizens obey duly-enacted laws? If they in fact do not obey, may the state coerce them? This second property of political institutions is often referred to as political legitimacy. Legitimacy considers the relationship between citizens or subjects and the political institutions in which they participate (Simmons 1999).[5] The conceptual distance between justification and legitimacy depends on whether the state is taken to be necessary. It may be the case that we have a moral and social duty to enter "at all costs" into civil society (Kant 1991:137). Or it may be the case that while justified states are desirable, we have no particular duty to participate in them or obey their commands, because this omission "injures not the Freedom of the rest" (Locke 1999:331). In the former, Kantian case, the conceptual space between justification and legitimacy is narrowed by the moral duty to participate in a state, because this duty provides the state a prima facie (though defeasible) basis for legitimate authority. By contrast, in the latter, Lockean case, the lexical priority of actual consent drives the questions apart (see Simmons 1999:753f). We need not resolve this debate, because in either case, legitimacy remains a

4. While I do not wish to take on the added argumentative burden of justifying the state, it is worth noting that democracy could play a role in this justification (see Christiano 2004:277).

5. We can distinguish between descriptive legitimacy, where the state is legitimate if a group of citizens think it is, and normative legitimacy, where the state is legitimate if it complies with the requirements of morality (Raz 1986). In addition, some scholars resist the move from the legitimacy of a state's commands to the citizen's obligation to obey them (e.g. Dworkin 1986:191).

distinct question from justification. Even on the Kantian view as expressed, inter alia, by Rawls (1985) and Nagel (1987), a justified institution could nevertheless be illegitimate on the basis of the actual history of interactions between it and (some group of) citizens. So even the necessity of joining a justified state does not automatically result in legitimate state authority. Discussions of legitimacy are clearly important, but I will here set them aside to focus on questions of justification.

2.3 Standards of evidence

In this section, I discuss how we are to know whether a justification has succeeded. First, I consider the grounds of justification, examining two pure forms of justification and suggesting a hybrid form that I claim is particularly congenial to the justification of democracy. This claim is based on specific features often thought to be part of democracy's conceptual core, as well as certain commonplace observations about the circumstances of politics. Next, I discuss the scope of justification required to persuasively justify democracy, and I claim that persuasive justifications will be public, appealing to diverse citizens with a wide variety of preferences and prior beliefs. Finally, I discuss the form of justification appropriate to a justification of democracy, concluding that if we want to be able to critique and reform existing democracies, our justifications must appeal to ideal types rather than existing regimes.

2.3.1 Grounds of justification

On what standards does a justification succeed or fail? At least three epistemic approaches to justification present themselves. Foundational justifications seek to ground justification on unquestioned or fundamental axioms, proceeding to derive theorems which trace their justification to these secure foundations. Coherence justifications situate justification as the product of a network of beliefs, where all beliefs are ultimately grounded on other beliefs and justification is a matter of mutual support. While foundational justifications typically follow a deductive logic, coherence justifications are often probabilistic. A final possibility, radical skepticism as to justification, seems to violate a clear and widely-shared intuition that justified political institutions are at least conceptually possible.

In their pure forms, foundational and contextual justification are subject to certain well-known limitations. Because the set of unquestioned or fundamental axioms is either limited or empty, classical foundationalism leads naturally to an "unacceptably radical skepticism" (Hasan and Fumerton 2022:23). And if all beliefs depend on other beliefs, then coherence justifications will depend on an "infinite regress of reasons for reasons" (Olsson 2021:6). Many theories of democracy attempt to provide foundational justifications grounded on quite general principles, such as the principle of treating equals equally (Cohen 1971). While this form of argument seems initially to be promising, it often emerges that disagreement has been merely concealed by the generality of the candidate principle, and that vigorous disagreement remains regarding the principle's downstream consequences. In

general, foundational accounts have trouble dealing with disagreement, and coherence accounts have trouble providing certainty and avoiding infinite regress. In what follows, I will suggest that conditions of persistent pluralism and democracy's role in mediating disagreement serve collectively to undermine the plausibility of these pure approaches in justifying democracy.

A hybrid approach, weak foundationalism, allows for coherence justifications of beliefs that begin with some initial degree of epistemic support, such as direct observation (Olsson 2021). Advocates of weak foundationalism have suggested that this epistemic support can be derived from plausibility (Rescher 1973), acceptance (Lehrer 1990), and explanatory coherence (Thagard 2000). The initial degree of epistemic support required can be very modest, but weak foundationalist theories require that beliefs have some initial degree of warrant in order to serve as a foundation. A form of weak foundationalism called "contextual" justification proceeds by evaluation of competing possibilities, attending to real and counterfactual consequences (Herzog 1985:201). According to contextual justification, institutions are justified if they are superior to the alternatives available within some particular historical and social context. Justification is contingent on the comparison set, rather than an absolute claim.

> That an institution is justified, in this view, is always a modest conclusion. It means not that it has been certified by some airtight philosophical theory as inherently correct, but that it is the best available option–or, with a pessimistic twist, that it is not so bad as the alternatives. Indeed, given our ignorance and the stickiness of political change, justification may identify an alternative that is just good enough (ibid.:217).

We have persuasive reasons for opting for a form of weak foundationalism in the course of justifying democratic institutions. It has been observed that many foundational justifications of democracy are "eerily apolitical," in the sense that the disagreement that we might take to be characteristic of democratic politics is mostly or wholly absent (ibid.:243). Because classical foundationalist justifications depend on mutual recognition of fundamental axioms, they are particularly ill-suited to justification under conditions of what has been called "deep disagreement" (Fogelin 1985), where methods for argumentative resolution are as controversial as the items at issue (Aikin 2019). For political argument to occur at all, there must be some basic level of shared knowledge. These shared facts "provide the framework or the structure within which reasons can be marshaled," and any argument will rest "upon the thick sedimentary layer of the unchallenged" (Fogelin 1985:5). While it is no doubt true that no political society approaches what we might call "absolute" deep disagreement, where no shared facts are available at all, it is also true that in many modern societies, few non-trivial axioms are accepted as self-evident by most or all citizens.

Should this matter? If what we are concerned to provide is an internally consistent argument that will convince those who share our premises, classical foundationalism may be suitable. But if we are looking for a justification of democracy that can in some sense serve as a *public* justification in a political context characterized by disagreement, we must

either construct it on the barest foundations available or look to another approach. The next section takes up this question.

2.3.2 Scope of justification

It has been asserted that under modern conditions, the justification of political institutions is a "practical, social task rather than an epistemological or moral problem" (Rawls 1985:389) because no general and comprehensive doctrine can serve as a "publicly acceptable basis" of justification (Rawls 1987:6). On this view, the challenge is to provide a public justification even under conditions of deep disagreement as to foundational beliefs (ibid.:390). Democracy's "subjective circumstances" include a permanent condition of pluralism with regard to questions of ultimate value (Rawls 1987:4). Faced with these conditions (the "facts of disagreement"), John Rawls suggests that justification of political institutions should draw on a "non-comprehensive" doctrine, grounded in some particular "public culture" and addressing people in their role as citizens rather than as persons more broadly (Rawls 1985:409).

In what he calls the "method of avoidance" (Rawls 1985:395), Rawls tries to work with only the basic, intuitive ideas already available in a society's political and public culture. Rawls looks for points of agreement among existing comprehensive doctrines, and reinterprets the desired consensus in terms of public acceptability rather than truth (ibid.:394).[6] Implicit in the method of avoidance is a methodological assertion that political philosophy is fundamentally different from moral philosophy: it is "related to politics, because it must be concerned, as moral philosophy need not be, with practical political possibilities" (Rawls 1987:24). The political philosopher may take "the longest view," but it is still a political view (ibid.). And a justification, on this way of looking at things, must be a *political* justification, which is to say it must be public, non-comprehensive, aimed at public acceptability rather than truth, and built on fundamental, intuitive ideas latent in a specific political culture (ibid:6). While this may seem a thin form of justification, Rawls thinks that it is both sufficient and the best we can hope for, because "[l]iberalism as a political doctrine holds that the question the dominant tradition has tried to answer has no practicable answer" (Rawls 1985:412).

In addition to these background conditions of deep and abiding disagreement about fundamental beliefs, there are reasons particular to democracy itself that indicate scope conditions for its justification. Democracy can be identified as the set of political institutions where control over political decisions is most widely shared. As control over decisions becomes more widely shared, it is natural to expect more disagreements to be introduced. Democratic institutions are robust to political disagreement, in the sense that they are designed to accommodate it and may not even be desirable in its absence (Letwin 1989:223). This is to say that democracy involves managed disagreement (Knight and John-

6. However, he is concerned that instability will result if the conception of justice is a "mere *modus vivendi*," and he stresses that the test for this is whether the justification can survive radical changes in "power among views" (Rawls 1987:11). The idea is that citizens should affirm the conception of justice for moral reasons, rather than for merely pragmatic ones, though they need not think it true (ibid:13) (indeed it is "better" if they do not (Rawls 1985:394)).

son 2011:146), including disagreement about which axioms are fundamental. There is thus something question-begging about foundationalist justifications of democracy, in the sense that the institution they purport to justify on the basis of certain ultimate values is intended to manage disagreement about questions of ultimate value, including those ultimate values that underwrite the justification.[7] [8]

For both of these reasons, we have compelling reasons to focus our attention on public, contextual justifications of democracy. In the course of justifying the principles of justice, Rawls reaches a similar conclusion. Rather than focusing on first principles, Rawls thinks that justification ought to proceed on the basis of coherence. As he puts it, "justification is a matter of the mutual support of many considerations, of everything fitting together into one coherent view." We justify candidate principles by comparison with a "list of alternatives," and the more comprehensive the list, the stronger the resulting argument (Rawls 1971:581). We proceed by considering these alternatives in light of "reasonable constraints" or conditions, whose combination will serve to make some views seem more or less acceptable. Rawls assumes that "by putting together enough reasonable constraints into a single conception, it will become obvious that one among the alternatives presented is to be preferred" (582), but he does not explain why we should expect this to occur. Two other outcomes seem, *ex ante*, to be equally likely: we might agree on so few reasonable constraints that multiple "familiar alternatives" remain viable, or we might agree on so many constraints that the set of viable alternatives is empty.

Public justification has typically been considered in the context of justifying the state's coercive power over individuals (Vallier 2020, see also Larmore 2008) rather than in the justification of democratic institutions themselves. In addition, the public justification literature is mainly concerned to justify liberalism, rather than democracy. Authors in this tradition situate democracy as just one of a set of liberal institutions, rather than as an enabling condition for liberalism. Public justification is about giving "sufficient" reasons for citizens to obey the state, either at the level of individual laws (e.g. Quong 2004) or at the level of the whole constitution (e.g. Rawls 2005). While some theorists have thought it important that citizens come to a consensus on sufficient reasons for liberalism (Quong 2004), others permit citizens to converge on agreement based on diverse reasons (Gaus 2011). Both approaches have been challenged by non-liberal accounts such as political realism, which encompasses several critiques of liberalism. The most powerful of these critiques poses a challenge to the liberal account of political legitimacy and the related justification of democratic institutions by proposing that the aim of "consensus and agreement at the level of politics in conditions of disharmony and disagreement at the level of morality" is logically impossible, because dissensus and disagreement are core features of political

7. I am not claiming that all foundationalist accounts fail (see Herzog 1985:21 for a version of that claim).

8. I here note an objection that I will take up in Ch. 3. It is all very well, the objection runs, to talk about conditions of permanent disagreement, but in fact there are many things that we would no doubt all object to, such as the introduction of slavery or the mass murder of dissenting groups. Does this consensus not indicate a set of fundamental, shared values on which a foundationalist account might be based? To preview my reply, I think that while we indeed do share certain objections to some possible futures, there is an asymmetry between the states of affairs we wish to prevent and those we seek to encourage.

life (Sleat 2011:472, see also Mouffe 2005).[9] Articulations of liberalism that engage with this critique often make amendments such as reductions in the size of the justificatory constituency or in the scope of the democracy being justified. However, it is unclear whether liberalism can be rearticulated to withstand these powerful critiques without changes to its core conceptual features.

Justifications of democracy under modern conditions are subject to many of the same limitations. What kind of agreement do we want? Under conditions of diversity, we can approach unanimity on reasons only by reducing the scope of what we are justifying. If we permit citizens to converge on democratic institutions for diverse reasons, will the resulting construction be robust to changes in relative power? Or will convergence lead to a "mere modus vivendi" that will be exploited at the first opportunity?[10]

I think we have good reasons to seek consensus on some minimum set of justificatory reasons ("whatever else it does, democracy is justified because at least..."). I also think we have equally good reasons to permit convergence beyond the minimum set. Convergence justifications arose as an acknowledgement that the consensus project ignored real diversity in political life. However, this diversity has limits. It is likely that democratic citizens share consensus reasons for the justification of some stripped-down version of basic democracy, D_B, which prevents severe political disasters about which we all (counterfactually, if we actually experienced them) agree. But more ambitious versions of democracy may require us to shift to a convergence rationale, where we justify some thicker version of democracy for different reasons grounded in our own comprehensive doctrines. Recall the close conceptual connection between definition and justification. Permitting convergence justification leads to worries about stability, because changes in relative power will empower different justified versions of democracy, $D_1, D_2, ...D_n$, leading to frequent institutional change within the democratic set. However, notice that consensus on D_B in the first stage limits or bounds the set of D that can be candidates for convergence justification in the second stage. In this way, consensus on some minimal institutional set palliates concerns that permitting convergence justification risks political instability (e.g. Boettcher 2015). So we have a two-stage approach to justification that relies on consensus to justify a core set of institutions (basic democracy) and convergence to justify institutions beyond the core. The concerns that Rawls and others have raised about convergence leading to instability are correct, but by bounding the conceptual space where instability can occur, consensus on some basic set of democratic institutions allows us to accommodate the instability generated by permitting convergence because that instability is bounded by a set of (prudential) basic institutions.

For these reasons, persuasive justifications will involve systematic comparison with alternative regimes across multiple dimensions, considered in light of reasonable constraints and specified background conditions. Rawls calls this mode of justification "largely nega-

9. In many ways, this critique of liberalism resembles another critique leveled a generation ago by communitarians (e.g. MacIntyre 1981, Sandel 1984). In his response to these critics (Rawls 1995), Rawls also engages with many of the claims made by political realists.

10. Some theorists have argued that modi vivendi are more stable than we might suppose (e.g. Gray 2000).

tive” (Rawls 1971:221). I will have more to say about this in Chapter 3.

2.3.3 Form of justification

In the course of making a contextual justification, we will need to compare democracy to a set of alternatives. But what exactly are we to compare? We face a choice between comparing actual regimes or ideal types.[11] The comparison of actual regimes has been called an “empirical-comparative” approach, while the comparison of ideal types has been called a “conceptual-comparative” approach (Saward 1998:14). The empirical-comparative approach is clearly valuable, but notice that the range of examples that we observe in the real world does not exhibit the full range of possible variation. In addition, because actual regimes comprise collections of multiple attributes, idealization may allow us, through abstraction, to grasp the principles at issue in sharper relief than is possible through examination of actually-existing regimes.[12]

Whatever the merits of the empirical-comparative approach, it deprives us of the conceptual leverage to critique the democratic status of the most-democratic states. This is to say that it prevents us from adopting what has been called a “critical justification” of democracy, one which “calls as much for the reform of democracy as for its defense” (Putnam 1990:1688). Because it cannot guide us in deepening or reforming the set of regimes at the current democratic frontier, the empirical-comparative approach yields a limited form of justification, gives us only limited action-guidance, and may even “degenerate...into mere propaganda for the democratic status quo” (ibid.:1695). I agree that a justification of democracy should be critical in the way just described, and I think this desideratum leads naturally to a conceptual-comparative approach to justification based on ideal types. We want to be able to suggest ways to make democratic regimes more democratic, even when there are no extant examples of the type of regime we have in mind.

A possible drawback to the conceptual-comparative approach is that it may fail to serve as a guide for the reform of actually-existing institutions because such institutions differ in fundamental ways from the relevant ideal. For example, scholars have claimed that idealizing assumptions or “optimal operating conditions” may be an unreliable guide to institutional reform in the actual world. Drawing on an analogy with efficient markets in macroeconomic theory, they argue that “there is good reason to think that even slight divergence from the initial conditions... required for textbook analysis of efficient markets raises considerable doubt about the robustness of that account,” and they suggest that this worry applies more broadly (Knight and Johnson 2011:165, note 96, citing Stiglitz 2002). We should take this concern seriously, but it does not preclude employing the conceptual-

11. I mean ideal types in the Weberian sense of fully achieving or realizing certain dimensions of variation, not in the sense of achieving a normative goal or objective. For example, John Dewey calls democracy “an ideal in the only intelligible sense of an ideal: namely, the tendency and movement of some thing which exists carried to its final limit, viewed as completed, perfected” (Dewey 1927:148).

12. Some theorists have expressed concerns about using models so “detached from reality” to guide our political choices (Valentini 2012:654), while others have criticized idealizations from the other direction, arguing that many such models are excessively contaminated with facts (Cohen 2003:212).

comparative approach. Rather, it cautions against idealizations that violate or distort some essential feature of actual democratic institutions, their actual operating conditions, or the actual citizens with which they must deal. I will argue below that the tendency in many theories to suppress or deny strategic behavior is an example of an unacceptable idealization, in the sense that it fails to model essential features of actual political and social interaction.

Because we are all intimately familiar with the ways in which our own regimes fall short of their respective ideal types, there is a strong temptation for democratic theorists to compare actual democracy to some form of idealized non-democracy (e.g. Plato, *Republic* Book 8; Weale 1999 ch. 3; Bell 2015 ch. 2; Brennan 2016 ch. 7, Landemore 2020 ch. 2). Clearly, this mismatch is likely to prejudice the comparison by introducing variation into the idealizing assumptions made with respect to circumstances, motivation and compliance (discussed below). In addition, while some members of our (ideal) comparison set may be based on real-world examples or referents, other theoretically-salient ideal regime types (e.g. epistocracy) have never actually been implemented, depriving us of the detailed non-ideal knowledge we possess about democracy.[13] Accordingly, we must clearly specify our assumptions with respect to circumstances, motivation and compliance, and we must ensure that these assumptions are applied to all the regimes in our candidate set of alternatives. I take up this task in the next section.

2.4 Assumptions

In this section, I consider assumptions that must be made in the process of justification. A conceptual-comparative approach to justification requires us to make assumptions about i) the circumstances in which democracy takes place, ii) the degree to which democratic citizens can be assumed to be motivated to act in the public or group interest, and iii) the extent to which democratic citizens can be assumed to comply with the authoritative commands of the state. Because the last of these is mainly relevant to questions of legitimacy rather than justification, I will here focus on circumstances and motivation. In addition to assumptions about facts, I will also discuss a more nebulous class of assumptions related to the interaction of values and the extent to which they are simultaneously realizable.

It is natural to assume that disagreements about democracy's justification can be traced to disagreement about values. However, our justifications are also mediated to a surprising degree by our beliefs. These beliefs concern facts about the world, but they also encompass what we might call "facts about values." Specifically, we form first-order beliefs about the world itself, first-order beliefs about our values themselves, and second-order beliefs about how our values will interact with the world. Each of these classes of belief plays a role in justifying democracy. Disagreements about the justification of democracy often stem from incompatible assumptions. We may have differing views of certain facts about the world, or we may make different calculations about the likelihood of probable consequences. Even

13. However, history continues to generate counterexamples. For example, theories of political meritocracy rooted in the Confucian tradition (e.g. Bell 2015) have been challenged by scholars familiar with recent history (Huang 2019).

in cases where the argument appears to be about the meaning of a term or concept, this disagreement is often traceable to some disagreement as to what the consequences of *adopting* that definition will be.

This entanglement prevents us from drawing a straight line between normative theories and particular political or institutional consequences or outcomes, because these outcomes are a function both of our normative theories and our assumptions about the way the world actually is or the way certain values will interact (Pennock 1989:14). As a result, our justifications will necessarily be contingent on our assumptions, and we will be "involved in the calculation of probabilities" rather than "proofs of necessary connection" (ibid.:24).

2.4.1 Circumstances

To be persuasive, our justifications should take note of democracy's "subjective circumstances," which include a permanent condition of pluralism with regard to questions of ultimate value (Rawls 1987:4). John Rawls sets out five subjective circumstances of modern democratic societies, which I will here adopt.

> We may also suppose that everyone recognizes what I have called the historical and social conditions of modern democratic societies: (i) the fact of pluralism and (ii) the fact of its permanence, as well as (iii) the fact that this pluralism can be overcome only by the oppressive use of state power (which presupposes a control of the state no group possesses). These conditions constitute a common predicament. But also seen as part of this common predicament is (iv) the fact of moderate scarcity and (v) the fact of there being numerous possibilities of gains from well-organized social cooperation, if only cooperation can be established on fair terms (Rawls 1987:22, see also Rawls 1985:397-398).[14]

To see why the acknowledgment of these circumstances is crucial, we must keep in mind the desideratum of a *public* justification. It is indeed true that if we assume away these particular subjective circumstances, we may still produce an internally-coherent justification persuasive to those who share our premises. But because actual democratic societies *are* in fact conflicted in precisely the way Rawls describes, justifications that fail to take account of these circumstances will at best be locally persuasive within particular communities, and cannot serve as public justifications.

2.4.2 Motivation

We can make a range of assumptions regarding citizen motivation. However, theorists disagree about what ideal motivation might mean. This disagreement turns on whether or not

14. Under these circumstances, the task of political philosophy for Rawls becomes the creation of an overlapping consensus by identifying aspects of various comprehensive doctrines that implicitly support it, (or eliciting new interpretations of such doctrines). This has been called "the creation of an intellectual common currency" (Hampton 1989:809).

idealizing motivation will eliminate strategic behavior. For some theorists, idealization involves the adoption by citizens of an exclusively public point of view, requiring them to forsake the pursuit of individual interests (Christiano 2008:85, Landemore 2020:132). Others take the view that it is impossible to distinguish principled from strategic argument, because even assuming ideal motivation, "actors will avail themselves of the opportunity to do strategic things with principles," (Knight and Johnson 2011:120, see also Talisse 2013:501). Relatedly, there is substantial disagreement over whether democratic institutions must offer participants an ongoing incentive to continue participating in them (Beitz 1983:85, Coleman 1989:195, Przeworksi 1999:16, Talisse 2013:501), or whether the ongoing participation of citizens can be assumed because they in some sense take a direct interest in the success of the democratic project (Landemore 2020:130-131, Kolodny 2023:100). In essence, we are asking how deep strategic behavior goes.

I will not resolve this debate here, because it will be sufficient for present purposes to note that we have already assumed the persistence of disagreement in democratic societies, particularly disagreement about the standards according to which political decisions are to be judged. This assumption prevents us from fully idealizing motivation, because this would be a question-begging move. Under the assumption of deep evaluative disagreement, we encounter problems filling out the content of "ideal" motivation. Identifying some motivation as "ideal" seems to require resolving the evaluative disagreement that we have so far held open. We may have more success beginning with actual citizen behavior, and then asking whether there are any idealizations of this behavior that can survive evaluative disagreement.

Idealizing citizen behavior sits in profound tension with the desideratum of taking disagreement seriously, because idealization reduces the number of perspectives that our political institutions must accommodate. The Kantian form of idealization common in democratic theory (e.g. Rawls 1971) collapses a problem of political choice by many agents into a problem of moral choice by a single agent (Simmons 1999). In the context of evaluative disagreement, this sort of idealization complicates justification. When we idealize the motivation and capacity of democratic citizens, the justification question is transformed in subtle but important ways. We can distinguish between propositional justification, where some agent has a reason to believe in a proposition, and doxastic justification, where some agent not only has a reason to believe but actually does believe it, and moreover actually does believe it *on the basis* of that proposition. Idealization transforms propositional justification into doxastic justification. Reasons to believe become beliefs. While this may be an appropriate procedure to help us come to a better understanding of certain ideals, it is clearly incompatible with deep disagreement about values, and therefore unsuited to a public justification of democracy.

With these radical idealizations ruled out, are there any more modest idealizations to which we can still appeal? The fifth circumstance of democracy discussed above (common knowledge of the possibility of gain through cooperation) indicates that we can assume a degree of interest in participating in democratic politics, and because this interest will vary, we can certainly imagine idealizing it in the sense of assuming citizens to be maximally

willing to set aside their own interests if this were actually required to retain democratic institutions (for example, in the case of war). However, we would be unwarranted in assuming a "primitive" or fundamental preference for unconditional cooperation. Even citizens who are prepared to pay any price and bear any burden to retain democracy will naturally prefer that prices be paid and burdens be borne by others. So the interaction of even these "ideally-motivated" individuals will give rise to situations where strategic interaction will militate against unconditional cooperation because "it may well be in each person's interest to induce others to cooperate and for himself to defect from the joint strategy, thereby enjoying the fruits of cooperation without incurring the opportunity costs of compliance" (Coleman 1989:195). The features that encourage defection are not solely properties of individuals; they are also epiphenomena of strategic interaction. So we can defend a modest idealization of motivation, one that assumes (with Rawls) that citizens are aware of the benefits that flow from cooperation under democratic institutions and wish to retain them. However, we need not assume (with Christiano and Landemore) that citizens will simply ignore what we might think of as their own interests and act instead on democracy's behalf.

2.4.3 Values

Perhaps the most vexing set of assumptions made in the justification of democratic institutions involve tradeoffs among values. The values that motivate democracy might be simultaneously realizable, but they might also sit in tension with one another. For example, Robert Dahl defines democracy as an ideal type that is a function of two values taken to their conceptual limit points. These values, contestation and participation, have never been fully realized in any actual regimes. Crucially, Dahl assumes that the full realization of both values is at least logically possible, which is why democracy can serve as an action-guiding ideal (Dahl 1971:6-7). But is this assumption true? Consider the possibility that the institutions required to fully achieve one of these values might impose conceptual or theoretical limits on the achievement of the other. We cannot dismiss this possibility out of hand. Value tradeoffs, which appear to exist in the real world, could be merely the products of contingent reality. However, they could also be in some sense theoretically ineluctable. For example, although politicians have decried "the false choice between our security and our ideals," it seems clear that absolute security (say, in airports or in government buildings) is impossible without least some sacrifice in terms of other values (for example, freedom from coercion). Each additional unit of security must be purchased at a steadily-increasing cost to our freedom from coercion, and at some point the cost becomes prohibitive. As a result, some measures that could, counterfactualy, increase security are in fact not implemented, because their cost in terms of freedom from coercion would be too high.

Because this is in part an empirical question, I do not think it is resolvable a priori. Values are not static givens, but are interpreted dynamically in reaction to changing circumstances. The relationships among them are likely to change in the same way. An analogy to technological innovation may provide a way of grappling with this question. Perhaps, runs the analogy, we innovate in our values in the same way that we innovate in technology, such that certain combinations of value are possible at time T_2 that were not possible at time

T_1, or vice versa.[15] If this is right, we can think of different Pareto-optimal combinations of value as constituting a type of production possibility frontier. Call this a "value possibility frontier." This frontier would be a function of our "values technology," and could be expanded through adroit conceptual engineering or other forms of reinterpretation.

I think this second view is more likely to be correct. However, we cannot simply assume a sufficient degree of conceptual engineering to harmonize all values. This too would be begging the democratic question, because democracy is, among other things, a mechanism for accommodating disagreements about the extent to which different values are the appropriate ends of politics. If we assume that the task of value harmonization has been accomplished, then we assume away the need for democratic institutions in the first place, and this makes it awkward to ground our justification on some particular view of how values ought to be harmonized (or even on the assumption that such a view might be reached). So a public justification of democracy cannot rely on the assumption that value tradeoffs can be evaded.

2.5 Why not instrumental and intrinsic?

It is common practice in democratic theory to distinguish between instrumental and intrinsic justifications of democracy, where instrumental justifications refer to justifications based on outcomes or results, while intrinsic justifications refer to values inherent in democratic procedures or practices.[16] Many scholars castigate prior accounts for unwarrantedly mingling these categories of justification (e.g. Pennock 1989:18-19). They have been called "two distinct and irreducible points of view" that may give rise to distinct and even conflicting requirements (Christiano 2004:266).

However, the widespread imbrication of instrumental and intrinsic factors in actual justifications should make us doubt their utility as fundamental explanatory categories. The need to consider democratic outcomes is in part a function of disagreement about democratic principles. As we have seen, the audience of justification is skeptical about democracy's value. Consequently, theorists attempting justification cannot simply appeal to the known truth of shared premises (for example, that we should treat people as equals). They must instead provide arguments that these moral principles are in fact the right ones, which will involve showing that they lead to results that we approve of. Viewed from the opposite angle, theorists cannot simply approach the skeptical audience with a set of outcomes, but must undertake the further task of showing that these outcomes are in fact good or desirable. As a result of this entanglement, the conceptual distinction between intrinsic and instrumental justifications fails to classify actual democratic theories. We can certainly refer to a particular theory's instrumental and intrinsic components, but notice that even these are to some extent a matter of opinion or perspective. For example, it has been argued

15. I do not mean to draw a teleological picture here - perhaps some value combinations were available at T_1 that have become unavailable by the time we reach T_2.

16. This is not simply a distinction between substantive outcomes and democratic procedures, but rather a classification of justificatory strategies or appeals to value. One set appeals to the values realized by certain substantive outcomes, the other to the values realized by particular procedures.

that democratic institutions intrinsically constitute relational equality, where human relationships are "unstructured by differences of rank, power or status" (Scheffler 2010, see also Kolodny 2014). This is very close to the view that one of democracy's outcomes is to create relational equality, which would be an instrumental feature. The categories appear to be fungible, and it is not clear that anything of great importance turns on how the categorization is made.

Justifying democracy in a context of deep disagreement requires attending to both forms of justification, because neither form can be entirely persuasive on its own. Instrumental justifications are forced upon us by disagreement concerning the evaluative standard(s) according to which we judge democracy. For any defense of democracy to be entirely free of the need to evaluate its consequences, that defense must rest upon principles quite beyond doubt (Cohen 1971:28, see Section 3.1 below). Because we have assumed that these principles are and will remain subjects of dispute, it is clear that we will be unable to ground our justification entirely on intrinsic properties. Since we cannot agree that democracy is good because of what it is, we will have recourse to the claim that democracy is good because of what it does. As we have seen, this move is the result of a methodological bet that our standards for evaluating outcomes will be more cohesive than those for evaluating institutional arrangements. But we disagree about outcomes too. In a context of deep disagreement, successful justifications are likely to employ both intrinsic and instrumental elements, moving between them in a kind of reflective equilibrium. I will have more to say about this in Chapter 3.

In addition, notice that even pure procedures have consequences. For example, it has been suggested that the procedure we choose for income redistribution will have its own set of outcomes, additional to and distinct from the outcomes of the income redistribution itself (Sen 2003:279-280). We can, in other words, "see the description of processes as part of the consequent states generated by them" (ibid. 280). As a result, the contrast between outcomes and procedures is "somewhat overdrawn," "far from pure," and "mainly a question of relative concentration," giving us reasons to integrate the categories for purposes of analysis (ibid. 281). This is what many democratic theorists are already doing in practice. For example, Knight and Johnson (2011) introduce the concept of "tempered consequentialism," which acknowledges that the "conditions and circumstances" under which good consequences are likely to be produced are analytically inseparable from the consequences themselves (Knight and Johnson 2011:257). For these reasons, I will mostly eschew the use of this conceptual distinction in the ensuing chapters.

Now that we have excavated the conceptual choices that must be confronted by any attempt at justification, it should be clear that the ways in which we make these choices impose limits on any ensuing justification. I discuss these limits in the next section.

3 Limits to justification

The assumptions just discussed impose certain limitations on the type of justification that is conceptually possible. In addition, they impose a different set of limitations on the type

of justification that is likely to succeed.

3.1 Conceptual

We can adopt a useful distinction between justifying and vindicating democracy. While vindication involves showing that democracy leads to certain states of affairs that are desirable for their own sake, justification involves demonstrating the "rightness" of democracy itself, by reference to some antecedent principle or principles whose truth is "evidently or universally accepted" (Cohen 1971:1). So while vindication focuses on actual results, justification looks to theoretical structure. It seems that, under circumstances of disagreement about premises, every justification has to ultimately fall back to some extent on vindication because the premises used in justification never command universal approval (see Section 2.5 above). Put differently, because we disagree about the reasons why democracy might be "right" or justifiable, we look for agreement regarding the outcomes produced by democratic institutions. This amounts to a methodological bet that our standards for judging outcomes are more cohesive than our standards for judging candidate principles. But there is no obvious reason why this should be so. For a justificatory argument to succeed without resorting to vindication, we would have to assume "not only the adoption of [certain] principles as regulative, but the knowledge of their truth as constitutive" (ibid.:28).

On these terms, it may be the case that we can do no more than vindicate democracy. Valid argument does not become justification until "the starting points are mutually recognized" or "the conclusions [are] so comprehensive" that we are persuaded of the premises (Rawls 1971:580). Because, as we have seen, any attempt at justification must specify an audience, theorists face a choice between defining the audience narrowly and maximizing what can be justified, or defining the audience broadly at the cost of reducing the scope of justification. Theorists drawing a relatively narrow audience have justified this choice by identifying that audience with the set of "reasonable" people (Rawls 1971) or by situating the objections of those outside it as "unqualified" (Estlund 2008). However, a public justification cannot depend on these moves.[17]

3.2 Practical

Clearly, most justifications of democracy have scope conditions, in the sense of applying in some circumstances and not others. Justifications of democracy will be contingent on the conditions required for democracy's operation, and these conditions are themselves a matter of dispute (Pennock 1989:35). One of the most crucial of these background conditions is often thought to be political stability. Maintaining stability may require amendments to the concept of democracy that can be justified. For example, Rawls argues that the fact of pluralism creates an "urgent requirement" to "fix, once and for all, the content of the basic rights and liberties, and to assign them special priority" in order to take them "off the political agenda" and put them "beyond the calculus of social interests," thereby

17. "Given the fact of pluralism, and given that justification begins from some consensus, no general and comprehensive doctrine can assume the role of a publicly acceptable basis of political justice" (Rawls 1987:6).

“establishing clearly and firmly the terms of social cooperation on a footing of mutual respect” (Rawls 1987:19-20). This requirement is urgent because not taking the basic rights and liberties off the table would have the effect of “greatly raising the stakes of political controversy,” which would “dangerously increase...the insecurity and hostility of public life” and “perpetuate...deep divisions latent in society” (ibid.). In short, the democratic process is unsuitable for the settlement of what we might call “constitutional” questions.

While this argument is plausible, it is also deeply confounding. It amounts to an assertion that democracy, whatever its other merits, is not a suitable mechanism for protecting basic rights and liberties in a diverse society. Achieving justice, on the terms Rawls suggests, may require us to limit democracy. The best democracy that we can justify may be have to be a democracy that does not trust itself to address the most important social and political questions. This democracy would be a workshop with all the truly dangerous or powerful tools locked away. I think this view is unlikely to be correct because it is at once cynical and naive. It is cynical because it assumes that the activities of “social interests” are likely to endanger rather than support basic rights and liberties, and that democratic institutions are unlikely to lead citizens to coordinate on a posture of “mutual respect” as a basis for social cooperation. It is naive because the matters taken “off the political agenda” in this way must still be resolved, and in practice they will be resolved (at best) by the quasi-random operation of historical processes rather than the deliberate choice of democratic citizens. Perhaps this is the best we can hope for under conditions of pluralism, but if so the value of the democracy we are able to justify will be greatly diminished.

4 Desiderata for a justification of democracy

With these limitations in mind, I will briefly set out desiderata for a persuasive justification of democracy. I will argue that persuasive justifications will i) employ a definition that resembles our background concept of democracy, ii) be robust to deterioration in citizen motivation and compliance, iii) guide us in the establishment and reform of actual democratic institutions, and iv) serve as the focus of some possible public consensus. I will discuss each of these in turn.

4.1 Consonance with background concept

Candidates for justification will be “sufficiently close to our pretheoretical conception to be of interest” (Nelson 1980:13). This is not to say that conceptual engineering is impermissible, but it is clear that as the concept of democracy advanced by any particular theory departs in salient ways from the “background concept” of democracy, that theory assumes a correspondingly greater burden of demonstrating that this revised concept satisfies our intuitions about what democracy requires.

Our pre-theoretical conception of democracy involves several uncontroversial features best summarized by Riker (1982, ch. 1). Democracy:

- involves the people in government

- renders officials responsible
- prevents tyranny
- provides for self-determination
- engenders self-respect
- promotes (some kind of) equality

Obviously, these features are extremely general, and are compatible with a wide range of conceptual specifications. However, they are not infinitely elastic, and collectively they serve to rule out a number of possible candidate concepts.

4.2 Robustness to deterioration

Because actual democracy takes place under non-ideal conditions, it is desirable that a theory of democracy should be robust to changes in democracy's operating conditions. Specifically, we will want to know whether the theory can withstand deteriorations in democracy's background conditions and in the motivation of its citizens. Robust theories will be able to cope with unstable operating conditions and be able to accommodate self-seeking individuals and groups without abandoning or altering their core features.

> The selection of any institution raises a burden of justification that involves a process of reconciliation. Advocates of any institutional arrangement...advance, at least tacitly, a set of analytical claims about its effective performance. These will include claims about the relationship between the conditions under which the institution operates effectively and the positive consequences that it will produce...The degree of difficulty involved in satisfying the burden of justification is a function of the magnitude of the discrepancy between these analytical claims and the realities on the ground. That is, our explanatory accounts of the actual conditions under which the institution operates will often diverge, frequently in substantial ways, from the analytical ideal type. When they do, then the normative task focuses on the question of robustness. The more that an institution can continue to perform effectively as the conditions under which it operates diverge from the optimal, the more persuasive will be the normative claim about the value and appropriateness of relying on that institution to coordinate ongoing interactions in a given domain. (Knight and Johnson 2011:258f).

It is a useful exercise to imagine democratic citizens as *worse* than they actually are, and to confront candidate theories with what has been called Hume's "supposition of knavery in institutional design" (Weale 1999:47).

> Political writers have established it as a maxim, that, in contriving any system of government, and fixing the several checks and controuls of the constitution,

> every man ought to be supposed a knave, and to have no other end, in all his actions, than private interest. By this interest we must govern him, and, by means of it, make him, notwithstanding his insatiable avarice and ambition, co-operate to public good...It is, therefore, a just political maxim, that every man must be supposed a knave (Hume 1758:42).

Hume is quite clear that although this is a counterfactual claim (he did not believe that all men are, in fact, knaves), it is rendered plausible by the circumstances of politics.

> [M]en are generally more honest in their private than in their public capacity, and will go greater lengths to serve a party, than when their own private interest is alone concerned. Honour is a great check upon mankind: But where a considerable body of men act together, this check is, in a great measure, removed; since a man is sure to be approved of by his own party, for what promotes the common interest; and he soon learns to despise the clamours of adversaries (ibid. 43).

We have already seen that the interaction of even ideally-motivated citizens can, through strategic interaction, give rise to non-ideal outcomes. Hume asks us to push this reasoning a step further, and to imagine how candidate theories would cope with circumstances and citizens that are in fact worse than those we find in the actual world. We will thereby become attuned to the ways in which democracy serves to mitigate bads, a function which is often obscured by idealizing assumptions.[18]

4.3 Action guidance

Ultimately, we construct democratic theories because we hope to improve our existing democratic institutions or construct them where they do not yet exist. It is therefore a virtue for democratic theories to suggest how we might i) establish democracy where it does not yet exist, and ii) reform our existing democratic institutions. To the extent that a theory advises that democracy as we understand it is a complete failure (e.g. Landemore 2020:30), it does not perform this function. Similarly, to the extent that a theory simply praises our existing institutions (e.g. Hayek 1979:364-365), it fails to guide us in the process of reform. We require something more substantial than a stark choice between abominating or reifying our democratic institutions. Persuasive democratic theories will identify some things that our institutions get right, and others that they get wrong. Crucially, these findings will emerge from the principles that animate the theory, and will not be merely ad hoc or positional. In addition, persuasive theories will show us how to reform our institutions, leading

18. Hume's own reasoning bears this out. In an anticipation of Madison, he thinks that "republics" are more likely to cope with the inherent knavery of citizens because they divide power among many individuals, and these (self-interested) officeholders can be deployed to counterbalance one another. Hume argues that this oppositional mechanism is not available to even limited or constitutional monarchies due to credible commitment problems (ibid.:45-46).

us to progressively approximate the ideal type set out in the theory. This is not to deny that a theory saying that everything is wrong (or right) might be true, but it *is* to deny that it will be useful in spurring us to begin the kinds of ameliorative change that our democratic institutions are often thought to require. I will have more to say about action guidance in Chapter 2.

4.4 Public acceptability

One of John Rawls' most controversial claims is that political philosophy need not be concerned with truth. The theory of political liberalism which Rawls articulates is offered for its usefulness rather than its truth (Rawls 1985:394). Political liberalism "deliberately stays on the surface, philosophically speaking," because "[p]hilosophy as the search for truth about an independent metaphysical and moral order cannot...provide a workable and shared basis for a political conception of justice in a democratic society" (ibid.:395). Although the original position provides a point of view external to ("not distorted by") the clashes of principle that define political conflict, this Archimedean point is stubbornly local in the sense that it does not entail the universal application of any resulting observations, only their local relevance (ibid.:400).

However, those scholars who have interpreted Rawls to be arguing that political liberalism has no moral or philosophical content (e.g. Rorty 1991) are mistaken. Rawls holds that political liberalism "steers a course between... liberalism as modus vivendi... and a liberalism founded on a comprehensive moral doctrine," and he argues that this middle way is desirable because "the former cannot secure an enduring social unity, the latter cannot gain sufficient agreement" (23-24). Whether or not Rawls actually accomplished this task,[19] I think we face a similar problem when we try to justify democracy, and Rawls provides a useful framework within which we can situate the opposing challenges of (what we might call) too much and too little certainty.

If we want to provide a public justification of democracy, we face a choice between acknowledging or ignoring the deep disagreement characteristic of modern societies. If, as I have advocated, we acknowledge deep and persistent disagreement, it quickly becomes clear that the style of argument characteristic of much recent democratic theory will not be appropriate to this challenge, because appeals are often made to premises that are not widely shared. Even if we take a contextual approach to justification, we simply displace the need for agreement onto our standards for evaluating political outcomes. In addition, as discussed above, certain features of democracy itself militate in favor of acknowledging and accommodating disagreement. Persuasive justifications will grapple with this need for consensus rather than flatly denying it.

19. See Hampton 1989:806 et seq. for an extended discussion.

5 Conclusion

I conclude by briefly restating three themes of the discussion so far. Persuasive theories of democracy will be both political and critical. They will also be democratic.

5.1 Political justification

Political philosophy in general and democracy in particular give us strong reasons to approach the justification of democratic institutions as a public challenge. Political philosophy is different from other types of philosophy, because concerns with acceptability and stability emerge directly from the subject matter. Democracy is different from other types of regime, because the core features of its procedural mechanism powerfully suggest that we need to be able to justify it in a way that can persuade others. What we require is a political justification of democracy, limited in its scope but rooted in the (perhaps commonplace) shared values implied by the democratic system itself. A political conception detaches our political values from the particular doctrines drawn on by the various groups in society, restating them as a coherent set of principles that form the basis of political agreement (Rawls 1987:20). Rawls thought of political justification as "practical, and not metaphysical or epistemological," because it "presents itself not as a conception...that is true, but one that can serve as a basis of informed and willing political agreement between citizens viewed as free and equal persons..." (Rawls 1985:394). This is the kind of justification I seek to provide.

Some critics have claimed that poltical justifications are "doubly relativized," because they are offered to those who already agree that a state is necessary, and are made relative to some political community (Simmons 1999:759). I think this is correct, but I also think this is the only kind of justification that can provide a shared basis of understanding, the only form of justification to which we can all (in principle) assent. We want everyone to be able to say, "yes, whatever else we are doing when we engage in democracy, I agree that we are doing at least *that*." Political justification is a deflationary view of justification, in the sense that it abandons the Platonic hope of universal agreement for something more like the equilibrium of disagreement found in Machiavelli and Madison. However, this is not to abandon the hope that we might affirm a political justification for moral reasons.

In chapters 2 and 3, I will argue on the basis of these observations that a public conception of democracy must be non-maximizing (or based on a non-maximizing moral theory) because i) the maxima suggested by various theories are mutually exclusive, and ii) there is persistent disagreement about the priority of the values in question. Since a political conception of democracy must be non-maximizing, persuasive theories will present democracy as restrictive, not prescriptive. This is equivalent to saying that democracy is a threshold condition with an undefined (or negatively bounded) conceptual core, and that we must look to other values (such as liberalism) for guidance beyond the threshold (see Ober 2017).

5.2 Critical justification

One of the most persuasive rebuttals to justifications of existing democratic institutions is the claim that such justifications suppress amelioration. The accomplishments of democratic regimes in promoting human flourishing may make certain lines of criticism implausible (e.g. Landemore 2020:30, 51), but this is not to say that democracy is or should be immune from criticism, or even that there ought to be a presumption against it (e.g. Christiano 2004:268). We want to be able to say, simultaneously, that we like our democratic institutions and that we want to make them better. This approach has been called a "critical" justification of democracy (Dewey 1927, Putnam 1990:1688). Persuasive theories of democracy will permit this approach.

The amelioration sought through critical justification might seem to sit uncomfortably with the idea of democracy as a threshold condition, but this contradiction is only apparent. There is no obvious limit to the extent to which we can deepen our democratic commitments, even if we understand these to involve the prevention of severe political disasters. Anticipaton of political disasters often takes the form of expressions of anxiety about democracy's continued prospects. This anxiety is part of the immune system of a democratic regime. One of the most surprising features of democratic history is the almost constant perception that democracy is on the verge of collapse.[20] This perception of impending collapse prompts institutional reform, and it is this institutional reform that permits democratic institutions to adapt to changing circumstances.

Worries about political disasters are therefore closely related to political amelioration. Critical justifications of democracy simultaneously identify i) benefits flowing from certain democratic institutions, ii) threats that might foreclose those benefits in the future, and iii) reforms that will palliate the threat while retaining as much of the benefit as possible. In addition, critical justifications are likely to be persuasive in a way that other justifications are not. As we will see in Chapter 2, some justifications claim that democracy as practiced in the actual political world is the best of all possible political systems, while other accounts claim that it is a complete failure. Critical justifications attempt to avoid both of these pitfalls, both because these extreme positions are unpersuasive and because they are false.

5.3 Democratic justification

Our existing democracy is a waystation to many ideals. In the next chapter, I will show that it is also in some sense a compromise among them. I have followed John Rawls in arguing that justification within a political context should be more concerned with acceptability than truth.[21] I have also suggested that there are deep problems with the idea of a true

20. The inclination to think that our own era is uniquely riven by political conflict is profoundly ahistorical, though it is unfortunately a feature of most of the accounts of democracy that I will discuss in Chapter 2. Many democratic theorists are simply uncomfortable with political conflict. This is perhaps because the Kantian form of justification appealed to in many accounts (e.g. Rawls 1971) leaves little or no space for dissent about the fundamentals of politics (see Section 3.2 above).

21. Recent developments in social epistemology go some way towards harmonizing these two categories (see Greco 2021 for an overview).

justification of democracy.[22] These observations give us good reasons to justify democracy democratically; that is, to search for a justification that is acceptable to a broad and diverse group of citizens.

Perhaps surprisingly, Rawls stresses the dangers of comprehensive doctrines and the benefits to society of puncturing them. He discusses comprehensive doctrines in roughly the same way that Madison (Federalist 10) discusses factions: as inherently problematic features of the social landscape which it would be desirable to constrain and even more desirable to eliminate. In fact, Rawls predicates the adoption of a stable and enduring overlapping consensus on "a certain looseness in our comprehensive views" (Rawls 1987:18). What Rawls calls "the cooperative virtues of political life," such as "reasonableness...a sense of fairness, a spirit of compromise, and a readiness to meet others halfway" seem to centrally involve the *abandonment* of comprehensive doctrines (ibid.:21). There is something antithetical between political life, which involves compromise and toleration, and our comprehensive doctrines, which (for Rawls) seem to involve a type of certainty that is inappropriate or spurious in political contexts. Similarly, Richard Rorty stresses "philosophical superficiality" and "light-mindedness about traditional philosophical topics" because these attitudes "helps along the disenchantment of the world" (Rorty 1991:193). He thinks this disenchantment is a precondition for democratic politics because it makes us "more pragmatic, more tolerant, more liberal, more receptive to the appeal of instrumental rationality" (ibid.:194).

The spirit of recent attempts to justify democracy proceeds on different premises. We live in an age of system-builders. The tendency has rather been to construct systems of doctrine based on quite controversial premises, and to take the degree to which those premises depart from common-sense intuitions about democracy as a measure of their realization of democracy's promise. Leaving aside whether this interpretation of democracy is true, I think it is likely to prove pernicious because it divorces democracy's justification from the views of actual democratic citizens. My aim is to provide a counterpoint to this way of looking at things.

22. I consider these issues in greater detail in Chapter 5.

6 References

Aikin, Scott F. 2019. “Deep Disagreement, the Dark Enlightenment, and the Rhetoric of the Red Pill.” *Journal of Applied Philosophy*, 36(3):420-435.

Bell, Daniel A. 2015. *The China Model: Political Meritocracy and the Limits of Democracy*. Princeton, NJ: Princeton University Press.

Boettcher, James W. 2015. “Against the Asymmetric Convergence Model of Public Justification.” *Ethical Theory and Moral Practice* 18:191-208.

Brennan, Jason. *Against Democracy.* Princeton, NJ: Princeton University Press.

Cappelen, Herman. 2018. *Fixing Language: An Essay on Conceptual Engineering.* Oxford, UK: Oxford University Press.

Christiano, Thomas. 2004. “The Authority of Democracy.” *Journal of Political Philosophy*, 12(3):266-290.

Christiano, Thomas. 2008. *The Constitution of Equality: Democratic Authority and its Limits*. Oxford, UK: Oxford University Press.

Cohen, Carl. 1971. “The Justification of Democracy.” *The Monist*, 55(1):1-28.

Cohen, G. A. 2003. “Facts and Principles.” *Philosophy & Public Affairs*, 31(3):211-245.

Coleman, Jules. 1989. “Rationality and the justification of democracy,” in Brennan, Geoffrey and Loren Lomasky. 1989. *Politics and Process: New Essays in Democratic Thought*. Cambridge, UK: Cambridge University Press.

Dahl, Robert. 1971. *Polyarchy: Participation and Opposition.* New Haven, CT: Yale University Press.

Dewey, John. 1927 [1946]. *The Public and its Problems: An Essay in Political Inquiry*. Chicago, IL: Gateway Books.

Estlund, David M. 2008. *Democratic Authority: A Philosophical Framework*. Princeton, NJ: Princeton University Press.

Fisk, Milton. 1992. “Justifying Democracy.” *Canadian Journal of Philosophy*, 22(4):463-483.

Fogelin, Robert. 1985 [2005]. “The Logic of Deep Disagreements.” *Informal Logic*, 7(1):1–8. Reprinted in *Informal Logic* 25:3–11.

Gaus, Gerald. 2011. *The Order of Public Reason.* New York, NY: Cambridge University Press.

Gray, John. 2000. *Two Faces of Liberalism*. London, UK: Polity Press.

Greco, John. 2021. “What Is Social Epistemic Dependence?” *Philosophical Topics* 49(2):113-132.

Hampton, Jean. 1989. “Should Political Philosophy be Done Without Metaphysics?” *Ethics*, 99(4):791-814.

Hasan, Ali and Richard Fumerton. 2022. “Foundationalist Theories of Epistemic Justification.” *Stanford Encyclopedia of Philosophy*, accessed October 2023.

Hayek, F. A. 1979. *Law, Legislation and Liberty, Volume 3: The Political Order of a Free People.* London, UK: Routledge.

Herzog, Donald. 1985. *Without Foundations: Justification in Political Theory.* Ithaca, NY: Cornell University Press.

Huang, Yong. “Bell’s Model of Meritocracy for China: Two Confucian Amendments.” *Philosophy East and West,* 69(2):559-568.
Hume, David. 1987 [1777]. *Of the Independency of Parliament*, in *Essays, Moral, Political and Literary.* Indianapolis, IN: The Liberty Fund.
Kant, Immanuel. 1991 [1797]. *The Metaphysics of Morals.* Reprinted in Kant, Immanuel and H. S. Reiss (ed.). 1991. *Kant: Political Writings.* Cambridge, MA: Cambridge University Press.
Kolodny, Niko. 2014 “Rule Over None I: What Justifies Democracy?” *Philosophy & Public Affairs*, 42(3):195–229.
Kolodny, Niko. 2023. *The Pecking Order*. Cambridge, MA: Harvard University Press.
Knight, Jack and James Johnson. 2011. *The Priority of Democracy: Political Consequences of Pragmatism.* Princeton, NJ: Princeton University Press.
Landemore, Hélène. 2020. *Open Democracy: Reinventing Popular Rule for the Twenty-First Century*. Princeton, NJ: Princeton University Press.
Larmore, Charles. 2008. *The Autonomy of Morality.* Cambridge, UK: Cambridge University Press.
Lehrer, Keith. 1990. *Theory of Knowledge*. San Francisco, CA: Westview Press.
Letwin, Shirley. 1989. “The morality of democracy and the rule of law,” in Brennan, Geoffrey and Loren Lomasky. 1989. Politics and Process: New Essays in Democratic Thought. Cambridge, UK: Cambridge University Press.
Locke, John. 1999 [1689]. *Second Treatise of Government.* Reprinted in Locke, John and Peter Laslett (ed.). 1999. *Two Treatises of Government. Cambridge, UK: Cambridge University Press.*
MacIntyre, Alasdair. 1981 [2007]. *After Virtue: A Study in Moral Theory.* Notre Dame, IN: University of Notre Dame Press.
Mansbridge, Jane. 2019. “Is Democracy before Liberalism a Justification for Democracy without Liberalism?” *Polis*, 36:524-534.
Mouffe, Chantal. 2005. *The Return of the Political.* London, UK: Verso Press.
Nagel, Thomas. 1987. “Moral Conflict and Political Legitimacy.” *Philosophy & Public Affairs*, 16(3):215-240.
Nelson, William N. 1980. *On Justifying Democracy.* London, UK: Routledge & Kegan Paul Ltd.
Ober, Josiah. 2017. *Demopolis: Democracy Before Liberalism in Theory and Practice.* Cambridge, UK: Cambridge University Press.
Olsson, Erik. 2021. “Coherentist Theories of Epistemic Justification.” *Stanford Encyclopedia of Philosophy*, accessed October 2023.
Pennock, J. Roland. 1989. “The Justification of Democracy,” in Brennan, Geoffrey and Loren Lomasky. 1989. *Politics and Process: New Essays in Democratic Thought.* Cambridge, UK: Cambridge University Press.
Plato (trans. Griffith). 2000 [375 BCE]. *The Republic*. Cambridge, UK: Cambridge University Press.
Przeworski, Adam. 1999. “Minimalist Conceptions of Democracy: A Defense.” In Shapiro, Ian and Casiano Hacker-Cordon. 1999. *Democracy’s Value*. Cambridge,

UK: Cambridge University Press.
Przeworski, Adam, Michael E. Alvarez, José Antonio Cheibub, Fernando Limongi. 2000. *Democracy and Development: Political Institutions and Well-Being in the World, 1950–1990*. Cambridge, UK: Cambridge University Press.
Putnam, Hilary. 1990. "A Reconsideration of Deweyan Democracy." Southern California Law Review, 63:1671-1697.
Quong, Jonathan. 2004. "The Scope of Public Reason." *Political Studies* 52:233-250.
Rawls, John. 1971. *A Theory of Justice.* Cambridge, MA: Belknap Press.
Rawls, John. 1985. "Justice as Fairness: Political not Metaphysical," in Rawls, John and Samual Freeman (ed.). 1999. *John Rawls: Collected Papers.* Cambridge, MA: Harvard University Press.
Rawls, John. 1987. "The Idea of an Overlapping Consensus." *Oxford Journal of Legal Studies*, 7(1):1-25.
Rawls, John. 2005. *Political Liberalism.* New York, NY: Columbia University Press.
Rescher, Nicholas. 1973. *The Coherence Theory of Truth.* Oxford, UK: Oxford University Press.
Riker, William H. 1982. *Liberalism Against Populism: A Confrontation Between the Theory of Democracy and the Theory of Social Choice.* Long Grove, IL: Waveland Press.
Rockmore, Tom. 2004. *On Foundationalism: A Strategy for Metaphysical Realism.* Lanham, MD: Rowman & Littlefield.
Rorty, Richard. 1991. "The Priority of Democracy to Philosophy," in Rorty, Richard. 1991. *Objectivity, Relativism, and Truth: Philosophical Papers.* Cambridge, UK: Cambridge University Press.
Sandel, Michael. 1984. *Liberalism and Its Critics.* New York, NY: NYU Press.
Saward, Michael N. 1998. *The Terms of Democracy.* New York, NY: Polity Press.
Scheffler, Samuel. 2010. *Equality and Tradition: Questions of Value in Moral and Political Theory.* New York: Oxford University Press.
Sen, Amartya. 2003. *Rationality and Freedom.* Cambridge, MA: Belknap Press.
Simmons, A. John. 1999. "Justification and Legitimacy." *Ethics*, 109(4):739-771.
Singer, Peter. 1973. *Democracy and Disobedience.* Clarendon Press.
Sleat, Matt. 2011. "Liberal Realism: A Liberal Response to the Realist Critique." *The Review of Politics* 73:469-496.
Talisse, Robert B. 2013. "Sustaining Democracy: Folk Epistemology and Social Conflict." *Critical Review of International Social and Political Philosophy*, 16(4):500-519.
Thagard, Paul. 2000. *Coherence in Thought and Action.* Cambrdge, MA: MIT Press.
Valentini, Laura. 2012. "Ideal vs. Non-ideal Theory: A Conceptual Map." *Philosophy Compass* 7/9:654-664.
Vallier, Kevin. 2020. "In Defense of Idealization in Public Reason." *Erkenntnis*, 85(5): 1109–28.
Weale, Albert. 1999. *Democracy: Issues in Political Theory.* London: Macmillan Press.