**Robert B. Talisse, *Democracy and Moral Conflict* (Cambridge: Cambridge University Press, 2009).**

Reviewed by Viorel Țuțui

In the book *Democracy and Moral Conflict*, Robert B. Talisse addresses one of the most important subjects in contemporary political philosophy: the problem of the legitimacy of democratic decisions in the context of the pluralist societies. He develops an epistemic theory of democracy which is supported by an authentic and detailed epistemological foundation that makes it a significant contribution not only for political philosophy, but also for contemporary epistemology.

The book is structured in five chapters: "The Problem of Deep Politics," "Against the Politics of Omission," "Folk Epistemology," "Justifying Democracy," and "Epistemic Perfectionism." In one of the most systematic and unitary accounts on this subject I know of, he presents the significance of the problem he wants to address, rejects the main alternative solutions, develops his own view on the matter and responds to some significant objections that could be raised against his theory. However, after a brief presentation of the main theses he defends, I will mention some objections that, in my opinion, still affect his view.

The first chapter starts with the analysis of what he believes to be the legitimacy crisis in modern democracies: citizens are devoted to different values they take to be fundamental and hence non-negotiable and they are not willing to bargain these values in order to reach a common and legitimate political decision. Moreover, a democratic regime that would constrain them to abandon this commitment would be regarded as illegitimate and they could rightfully adopt against it one of the following four strategies: *relocation*, *rebellion*, *civil disobedience* and *petition*. Since only the last two strategies are democratic, the main problem to be solved is how we can justify the thesis that every citizen should prefer democratic to non-democratic strategies, without appealing to the Hobbesian response to this problem according to which one should always sustain democracy because the costs of the non-democratic strategies would be too high. This is what he calls "the problem of deep politics." (pp. 36-38)

The first solution to the problem of deep politics that Talisse analyzes and rejects is represented by the doctrine of proceduralism, a theory according to which democracy is based on a fair aggregative voting procedure. The procedure assures every citizen an equal right to participate and cast his vote in conformity with his interests and preferences and with his comprehensive doctrine. The

decisions are established by the majority rule on which some constrains are placed in order to avoid the tyranny of majority.

However, Talisse argues that, in spite of its intuitive plausibility, this theory presupposes that citizens are willing to view their commitments as *fungible* items that can be exchanged and bargained with. But, he believes that people are not capable of adopting this kind of attitude with reference to their commitments. On the contrary, they tend to see them as non-negotiable, non-quantifiable, and not fungible. So, the parties in the conflict over ultimate values could reject the procedural framework and choose the non-peaceful alternative. (pp. 27-31)

The second chapter of Talisse's book concentrates on another important contemporary solution to the problem of deep politics: the theory of public reason developed by John Rawls. This is what Talisse calls a "freestanding political theory," according to which the comprehensive disagreements could be solved if the legitimate decisions would be established by an overlapping consensus between the defenders of different comprehensive doctrines: everyone will support the decision for reasons that are specific to his own comprehensive doctrine. But, if such an overlapping consensus is to be possible, then the decisions must be only *compatible* with all those different comprehensive views, but they should not presuppose any one of them in particular. So, in supporting a certain policy, citizens must not appeal to their religious, moral, and philosophical convictions. They have to adopt the principles of "public reason": they should explain the basis of their actions to one another in terms that others might endorse as consistent with their freedom and equality. This restricts the political reasoning by not allowing citizens to consult their moral, philosophical, and religious conceptions, and by constraining them to use only those arguments that could reasonable be accepted by everyone. This is the reason why Rawls defended a "politics of omission" which consists in the following two rules: the subjects that are especially divisive are not admitted in the political debate, and the terms of deliberation should not depend upon particular comprehensive principles.

In Talisse's view, the main problem of this conception of public reason is that it excludes *reasons* associated with the different comprehensive doctrines. It does not recognize those reasons *as* reasons even if an irrefutable proof of those doctrines would be provided. And he adds: "this is due to the fact of reasonable pluralism, which has it that a sound demonstration of $x$ is insufficient for a proof of the falsity of all views inconsistent with $x$." (p. 55)

To those who will want to deny that it is possible to develop a decisive argument in favor of any specific comprehensive doctrine, Talisse responds that such a thesis would presuppose a commitment to moral skepticism. But moral

skepticism is as controversial and contestable as any other moral doctrine and it does not represent a "freestanding response to the problem of deep politics." And if we will assume the view, supported by Bruce Ackerman and Charles Larmore, according to which the omission is justified only conversationally (people should restrain from saying anything about the deepest moral disagreements), then, in Talisse's opinion, this would presuppose a commitment to the general subordination of the epistemic to the political. (pp. 50-51)

In the third chapter he develops his theory of *dialogical democracy* based on his view regarding folk epistemology. He distinguishes his view from the contemporary theories of deliberative democracy according to which the democratic decisions are established by a process of public deliberation that provides a moral basis for democracy: the fact that citizens should be treated as autonomous citizens who take part in the governance of their own society. Talisse believes that there is a general problem with all the moral versions of deliberative democracy: the moral ground from which such views begin is always controversial, so any such conception of the deliberative process will strike some citizens as inappropriate, unfair or 'rigged' to favor some political outcomes. (p. 129) This is the reason why he thinks that these moral conceptions beg the question posed by deep politics: they do not provide reasons for deeply divided citizens to sustain their democratic commitments, but they address only the citizens that are already committed to deliberative democracy.

In the attempt to avoid these problems, Talisse argues for an epistemic version of deliberative democracy that is not based on some controversial moral principles, but on a set of epistemic principles. In his opinion there is an epistemic analogue to the folk psychology from the philosophy of mind: folk epistemology. He mentions five principles of folk epistemology: 1) To believe some proposition $p$ is to hold that $p$ is true; 2) To hold $p$ true is generally to hold that the best reasons support $p$; 3) To hold that $p$ is supported by the best reasons is to hold that $p$ is *assertable*; 4) To assert that $p$ is to enter into a social process of reason *exchange*; and 5) To engage in a social process of reason exchange is to at least implicitly adopt certain cognitive and dispositional norms related to one's epistemic character. (p. 87-88) Hence, the commitment to democracy is based on our general commitment to the five principles of what is to properly believe something (according to our folk epistemology). Talisse affirms that these principles are implicit in the ordinary practice of political discourse of rational creatures and that this commitment entails a further commitment to democratic political norms and institutions: to what he calls "dialogical democracy."

In the fifth and final chapter of his book Talisse addresses some objections that could be raised against his theory of dialogical democracy: the problem of the ignorance of the citizens, the problem of uninterested citizens, and the problem of discursive failure. All these problems have in common the idea that dialogical democracy is too demanding a theory: it asks too much from ordinary citizens by insisting on the fact that they must be epistemically capable of rational discourse on complex subjects like those concerning the political life of a community. However, these objections underline the fact that citizens are ignorant, uninterested or manipulated, and therefore they do not posses the necessary epistemic capabilities.

Talisse's general response to these objections is that the ignorance and the discourse failure are caused by deficient democratic institutions and by "pseudo-deliberations" which need to be criticized and repaired, and not by the irremediable incompetence of the citizens. (pp. 159-167) So, in his opinion there are no serious doubts regarding the citizens' ability to engage and perform the relatively difficult epistemic tasks presupposed by his theory of dialogical democracy.

In what comes next I will try to argue that, despite his elaborate and systematic argumentation, there are some objections that could be raised against his theory. I will start by pointing out the fact that, in my opinion, his objection against proceduralism is *implausibly strong*: it could be used to reject not only the justification of democracy, but also the justification of any other peaceful way of solving deep comprehensive disagreements. Any democratic or non-democratic political and social framework that would presuppose the slightest compromise from the part of the defender of a moral or religious view could be rightfully rejected by him: he could always prefer open war. And, if this would be the case, then we might have to settle for a more modest epistemological project: to provide a justification for democracy that will convince only those citizens that already prefer a peaceful way of dealing with the deep moral and religious commitments. But, if this would be true, then Talisse's objection against proceduralism would lose its force: a fair procedure could be, in principle, as good as any peaceful procedure of solving moral and religious conflicts.

Another objection could be raised against his critique of the theory of public reason. I don't see how "the fact of reasonable pluralism" would constrain us to exclude reasons associated with the comprehensive doctrines even in the case in which an irrefutable proof of these views would be provided. An irrefutable proof is, by hypothesis, a proof which would be recognized as such by every citizen regardless of the comprehensive doctrine he favors. In my opinion,

the author who defends reasonable pluralism will not affirm that a sound demonstration of *x* is insufficient for a proof of the falsity of all views inconsistent with *x,* as Talisse suggests, but rather that no sound demonstration of that particular thesis is available: for example a pro-choice thesis on the subject of abortion is not capable of convincing everybody. Hence, this theory does not subordinate the epistemic to the political: the pragmatic decision to restrain from the public debate on those subjects on which there are some deep moral disagreements intervenes only when no epistemically sound proof is available.

And if the two objections I mentioned above are right, then Talisse didn't really succeeded in proving that his theory is the best available solution to the problem of deep politics. However, I believe that these are not the only or the most important problems of his argumentation. I think that the following objections underline the fact the main theses he defends are also problematic. First, if we analyze his view according to which our commitment to democracy is based on our commitment to the principles of what is to properly believe something, I believe we should note that his theory confuses two dimensions of the reasoning process: the very *general*, *normative* and *formal* rules that govern any process of believing something, and the substantial epistemic standards that prescribe what are the conditions of the *correct* beliefs. We could admit that the five epistemic principles of folk epistemology help us understand if we could speak about the *existence* of a belief in a particular case, but they do not specify the epistemic standards of the *correctness* of that belief. They say only if a belief exists and not if it is the correct belief. This latter task is accomplished by substantial epistemic standards that specify how we can reason in a correct manner, what is an argument, which arguments are the most compelling, and so on. But, these standards of the correct reasoning are not established from a first-personal epistemic point of view, as Talisse suggested, but from an intersubjective epistemic perspective. So, the concept of correctly believing something presupposes the concept of the proper social epistemic activity like that associated with democracy. In this case, we could say that deliberative democracy is not based on folk epistemology, but that things are the other way around.

Moreover, I believe that the theory of dialogical democracy doesn't solve the problem of deep politics either. The real issue behind this problem was to find an authentic motivation, for the followers of the comprehensive doctrines that always lose in the process of public debate, to adopt the democratic and not the non-democratic strategies mentioned above. But, even if it would be true that the defenders of two different comprehensive views (for example pro-life and pro-choice defenders) should adopt democratic strategies as long as their doctrines

could be recognized as the right ones by democratic means, as soon as they will realize that every such debate is unsuccessful they will lose the motivation to adopt democratic strategies. Therefore, on Talisse's own account, they could rightfully adopt non-democratic strategies like rebellion or relocation. Consequently, the problem of deep politics will stand.

Finally, regarding his response to the citizens' ignorance and discourse failure objections, I think Talisse would be right if only he would address the most important issue concerning these objections and especially the problem of discourse failure. He mentioned the fact that the expression of "discourse failure" was proposed by Guido Pincione and Fernando Teson, but he didn't analyzed what I think it is the most important argument they employ: the argument of "the rational ignorance" of ordinary citizens concerning political matters. In the view endorsed by Pincione and Teson, the state of ignorance is not always natural or caused by some epistemic deficiency of the deliberative procedures which are developed in contemporary democratic societies, as Talisse suggests. On the contrary, in their view, citizens often *choose* to remain ignorant on these political matters because they are aware of the high cost they have to face in order to become acquainted with reliable social science and they are aware of the fact that every individual vote is non-decisive on the outcome of an election. So, they would have to spend a great amount of resources although their vote would practically make no real difference. Therefore, their *rational* choice would be to remain ignorant. This is the one of the reasons why their opinions are usually wrong and they could become the victims of political manipulation.

But, if this is true, then the theory of dialogical democracy is indeed too demanding: it asks from the citizens of a democratic society to invest a great amount of resources in order to participate in a political process from which they will have very little to gain. And this would also reinforce the other two objections he addressed in the final chapter of the book: we could explain the public ignorance and the badly oriented political interest by the idea that this is the rational choice that ordinary citizens have to make.

Nevertheless, if we put aside these objections, Robert B. Talisse's book, *Democracy and Moral Conflict*, remains one of the most important attempts to solve the problem of democratic legitimacy in the context of the pluralism that characterizes modern society. Unlike many other contemporary epistemic conceptions of democracy, which settle for more modest objectives, Talisse's theory addresses the difficult task of offering a detailed epistemological explanation of what is the epistemic foundation of democracy and how it is supposed to work.