

## Rational deliberation among experts and citizens

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### **The point of democratic deliberation**

The primary purposes of democratic discussion and deliberation are to enhance our understanding of the interests of all the members of society and of how to advance those interests in a just and equitable way. It does this with an eye to making collective decisions, which have as their aim the equal advancement of the interests of the members of society. So the purpose of democratic discussion is epistemic and practical, it is to uncover facts about interests and equality and how best to pursue them for the purpose of making good collective decisions.

The contents of democratic deliberation concern first, the interests of persons; second, the just way of accommodating the interests of persons; third, the means for advancing the interests of persons; and fourth, the consequences of these activities. Broadly speaking, then, democratic deliberation concerns the aims the society ought to pursue and the means and consequences of pursuing those aims.

But democratic discussion pursues the goal of enhanced understanding in a particular way; it is constrained by a principle of justice, which asserts that this process of discovery must be pursued in an egalitarian way. It must be pursued in such a way that all have the opportunity to participate in influencing the process of discussion and the interests of all are properly taken into account. But most of all, it must be pursued in such a way that the distinct views and interests of every person are given a fair hearing in the process.

It is only one part of the overall democratic process, which includes organization, mobilization, bargaining, compromise, and voting as

essential constituents. These latter are essential because, for the most part, disagreement remains after substantial discussion on the merits of different views and the process of collective decision-making must proceed in that context. But disagreement is not only inevitable; it is normally quite fruitful in that it challenges the assumptions and dogmas of fallible human beings. Still, deliberation and discussion are an essential part of the democratic process because without the improvement of understanding it brings the activities of mobilization and bargaining have limited worth.<sup>1</sup>

To the extent that the production of understanding is the central aim of democratic deliberation and the object of understanding is immensely complicated, the process of deliberation requires a division of labour if it is to be even moderately successful. This is particularly true in large-scale democracies. But the division of labour has traditionally been a problem for democracy and a problem for an egalitarian society. The question for us, then, is how can we enjoy the advantages of the division of labour in politics while treating each other as equals?

### The division of labour

One of the most important features of deliberation in a modern democratic state is that it is differentiated. That is, discussion on matters of policy and law, with the ultimate intention of influencing the making of law and policy, takes place in very different settings. These different settings are evaluated normally by different standards but they are meant to fit together as a whole because they are meant to make contributions to a process of collective decision-making. One reason for this differentiation is an intellectual division of labour with respect to matters of discussion of policy. The evaluation of policy includes many different elements such as expert knowledge in the sciences, expertise in the current state of play in law and policy, expertise in how to achieve the compromises necessary to make legislation, the local knowledge of those who are especially affected by legislation and the participation of ordinary citizens in the choice of the aims of policy. All of this takes place within the context of substantial and reasonable disagreement in all of these areas.<sup>2</sup>

<sup>1</sup> This general conception of democratic deliberation is defended in my book *The Constitution of Equality* (Christiano 2008). There I criticize a major alternative, that of Joshua Cohen, as well as in Christiano (2009).

<sup>2</sup> This division of labour occurs in many different settings including the operation of minipublics and citizen juries in which experts are called in to explain the science and policy backgrounds of possible policies and ordinary citizens are meant to discuss policy alternatives against the background of these briefings by experts. The operation not only uses

The major normative/social scientific questions about this differentiation of democratic discussion concern how the parts fit together and whether the division of labour can be made compatible with the kind of equality that is thought to be the basis of democratic rule.

In this chapter I will focus on the division of labour between experts and ordinary citizens in the process of discussion in a democratic society. My concern will be with whether such a division of labour is possible as a democratic and integrated whole. In particular I am concerned with the question of whether a democratic society can adequately utilize the intellectual resources a division of labour provides in a way that is compatible with the idea of rational discussion among citizens about policy and law. First, I will outline a critique of rational discussion at a society-wide level from a Downsian perspective. Second, I will articulate a conception of the democratic process that attempts to reconcile the division of labour with democratic equality. Third, I will discuss the problems of expertise in a democratic society. I will attempt to show how discussion including expertise can work well and what the limits of rational discussion are in this context. I will argue that it is possible to have a reasonably well functioning democratic division of labour including expertise and I will characterize some main conditions of that deliberative structure as I see it.

### **The Downsian critique**

At first glance, one might think that the parts cannot fit together at all as a genuine division of labour. On Anthony Downs's conception of the operation of a large democratic society, citizens are rationally ignorant of the facts of the society and of the knowledge necessary to make reasonable policy, while politicians do have some knowledge (Downs 1957). Citizens are rationally ignorant because they have so little expected impact on the outcomes of elections that they have no incentive to do the hard work of collecting information necessary to decide which the best candidates are. Since the expected benefit of voting the right way is so small and the cost of becoming informed is fairly large, the citizen has no self-interested reason to become informed to make a good decision.

Downs qualifies this vision of the rational ignorance of citizens. Some citizens are well-informed about certain policy areas as by products of their particular activities in the society. Public interest lawyers are well informed

a mini division of labour in the process but presupposes the larger intellectual division of labour of the society as a whole. For a discussion of minipublics and deliberation, see Robert Goodin (2008: ch. 2–3). See also Parkinson (2006a) for a careful and empirically informed discussion of the claims of minipublics.

about aspects of the law. Tax lawyers are well informed about parts of the tax code. Social scientists are well informed about parts of the political system and/or the social and economic structure of the society. Another qualification Downs allows is that citizens can make use of cognitive short cuts to knowledge about how to advance their interests. In particular they can use party affiliation and opinion leaders as proxies for determining how their interests and concerns can be advanced. They needn't always be highly informed for the purpose of making good decisions.<sup>3</sup>

### **A more complex picture of the division of labour**

The first thing to notice about the version of the Downsian model above is that it is a vastly oversimplified picture of the kind of discussion that goes on in a democratic society with an eye to the making of policy. There are only two kinds of agents in this system: citizens and politicians. There are no interest group associations, no political parties, no newspapers, no media, no universities, no think tanks, no web logs and so on. In short, there are none of the many institutions and groupings that are distinctive of democratic societies. Indeed, what is characteristic of democratic societies is that there are many of each of these kinds of organizations and activities, each one promoting its own point of view and participating in discussion and debate with many others. And many of these groups are devoted to political issues. This distinguishes democratic societies from non-democratic societies in which there are very few such entities, which tend not to have much in the way of opposition.

Presumably, at least one important reason why there are so many groups of these sorts devoted to politics in modern democratic societies is that they make some sort of difference to the politics of that society. The groups exist with the purpose of influencing policy in one way or another and their continued existence depends on there being some real such influence.

We need not accept the self-interest model in the strong form that Downs and others seem to accept to see that this division of labour poses problems for democratic societies. The deep insight in the Downsian way of thinking about politics is that any large-scale society is organized as a division of labour. Each has tasks to perform that require specialization and an investment of a great deal of time and effort. Few have the time and energy for putting a great deal of effort into political discussion and reflection. The intricacies of law and policy and the empirical research necessary to justify

<sup>3</sup> In one recent discussion of the Downsian argument, these last complications are ignored. Pincione and Teson (2006) use the Downsian argument and some psychological theses to argue that rational deliberation at the level of the nation state is profoundly unlikely.

policy as well as the reflection necessary to put together packages of law and policy are significantly too complex and extensive for most citizens to have a good grasp of them. This is not for lack of native talent but simply because each citizen has a job of their own to do and these latter activities are themselves full-time jobs. Furthermore, once a person has completed their job, and made their contribution to the household, they have some entitlement to some time off from hard work. And politics and political issues are hard work. So there is little time left over for politics and politically important issues.<sup>4</sup> Even someone who is morally committed to good politics would experience serious limits to their capacity to read up on and reflect on the many difficult and complex issues that arise in a democratic society.<sup>5</sup> Downs thinks that the kind of division of labour I have described is incompatible with the ideal of political equality.

### Truth sensitivity

Some recent Downsian approaches assert that contemporary democracies are subject to massive discourse failure. Discourse failure involves discourse that produces political positions that are traceable to truth insensitive processes. A truth insensitive process is one that disregards the best available reasons, understood as those that define the status quaestionis in the relevant reliable scholarly disciplines (Pincione and Teson 2006: 17)

The problem of truth insensitivity is important because it identifies one of the chief challenges for democratic deliberation. The question is: how does one integrate the specialized knowledge of the sciences into democratic deliberation when it is clearly relevant to good decision-making? The worry is that we cannot take democratic deliberation seriously if ordinary citizens generally ignore relevant specialized scientific knowledge when they are deliberating on issues that require such knowledge. Indeed, we might want to look for other non-democratic means for making decisions in that case. By way of illustration, Pincione and Teson focus their attention on the fact that majorities of US citizens are in favour of minimum wage legislation and trade protectionism, which they claim to be shown to be very suboptimal by the findings of contemporary economics. They argue that most citizens are somehow unable to see that minimum wage legislation and protectionism are harmful to the US economy and thus to citizens. They assert that citizens are systematically biased against economic explanations since these are essentially opaque and counterintuitive. Citizens elect politicians who offer these policies in their platforms and so

<sup>4</sup> See Hardin (2009) for an attempt to characterize this worry in a more nuanced way.

<sup>5</sup> See Jacobs *et al.* (2009) for a discussion of the extent of current participation.

both citizens and politicians ignore the consensus opinion among economists regarding the effects of minimum wage and trade protectionism. Thus they ignore the best available knowledge on these questions. From this, Pincione and Teson (2006) infer that the political process exhibits discourse failure and is a truth insensitive process.<sup>6</sup>

I conceive of the problem of truth sensitivity as a problem concerning the division of labour. The question is, are the different parts of the division of labour integrated in such a way that each part is genuinely doing the work that enables the other parts to do their work properly? The thesis of discourse failure and truth insensitivity asserts in this case that the parts of the division of labour that are concerned with arriving at sophisticated and well developed understandings of the social world are not properly integrated with the parts that are concerned with decision-making. The parts of the system that make decisions do not make those decisions on the basis of adequate understandings of how the objects of decision-making work. For example, Pincione and Teson (2006) argue that the work of economists does not have sufficient impact on economic policy making. This makes decisions concerning the economy essentially blind to the mechanics of the object.<sup>7</sup> They think deeply unwise policy making is the consequence.<sup>8</sup>

I think that this conclusion is premature and likely to be quite overstated. But it poses a very useful challenge to the conception of rational deliberation in a democracy that I favour, which is centrally focused on making law and policy depend on the best available understanding of the social and political system. In this chapter I want to bring together some ideas that may serve as the beginning of an answer to this kind of challenge. I will argue that their conception of how the division of labour is supposed to work is deeply flawed. I will also argue that they miss the fact that it might actually be working by their own standards.

<sup>6</sup> There are a lot of difficulties with the Pincione and Teson discussion. One of them is that there is a lot of debate among economists about the efficacy and consequences of minimum wage legislation and there is serious economic debate about the consequences of at least some elements of protectionist legislation such as protection of infant industries and capital controls.

<sup>7</sup> The disconnect need not cut the society off from economic knowledge. One could advocate a system in which citizens are disconnected from the division of labour but where they have little input beyond voting and experts inform the politicians directly about wise policy. Caplan (2008) argues for giving economists a great deal more power over policy making. This is close to the solution of Schumpeter (1962). I want to suggest towards the end of this chapter why this may not be a good solution.

<sup>8</sup> Pincione and Teson (2006) do not advocate reform of the political system in order to integrate these parts in a more effective way. Their aim is to argue against the large modern state altogether.

### A normative account of the division of labour

Here I attempt to articulate a conception of the division of labour that is realistic and that is compatible with political equality. In it we assign roles to citizens, politicians, experts, and others so that they are compatible with the idea that citizens are essentially in the driver's seat with regard to the society and equals in the process of driving the society. I will briefly sketch what I take to be a just division of labour and then I will sketch an outline of what I take to be a just and feasible system of discussion between citizens and experts in particular. My claim here is not that the division of labour always works in this way but that it can work this way and that if it does, the ideals of political equality can be satisfied. Social science is necessary to confirming the first possibility claim and political philosophy helps with the second.

The basic picture that I want to draw here is that citizens are essentially in the driver's seat in the society as long as they choose the basic aims the society is to pursue. By 'basic aims', I mean all the non-instrumental values and the trade-offs between those values. The non-instrumental values can include side constraints on state action as well as goals to be pursued. As I understand it, citizens disagree on basic values and the trade-offs among those values and their basic function is to choose these. In a democratic society, citizens choose among packages of aims by choosing representatives who advance these packages of aims in the legislature by a process of negotiation and majority rule.

The rest of the political system has a number of complementary functions. One function is to elaborate an adequately wide array of different packages of basic aims from which citizens can make their choices. Political parties are plausibly the primary element in the system for carrying out this task but some interest groups and activist groups also attempt to put together packages of basic aims from which the citizens make their choices. Parties and opinion leaders attempt to persuade citizens respectively that the set of aims they favour is desirable. And interest groups and specialized opinion leaders attempt to persuade citizens of the legitimacy of more particular aims. Citizen deliberation about aims takes place through these processes over many years and culminates in elections in which citizens choose candidates or parties that represent the packages of aims they want the political system to pursue.

Another task of the political system is to negotiate these different packages of aims. Even after extensive discussion, citizens disagree on the basic aims and so the legislature of a democratic society will have representatives of different packages of aims. Legislators, who specialize in negotiation and compromise, strike bargains among themselves so as to form workable

majorities in the legislature. The last phase of compromise coincides with the beginning phase of another process, which is the crafting of legislation and policy that can actually achieve the ends a majority of citizens have chosen. But it is only the beginning of efforts to realize the aims.

Legislation is usually very abstract and requires a great deal of effort to implement in actual policy. This is what the function of the executive and administrative parts of government are.

The rationale for this division of labour is that expertise is not as fundamental to the choice of aims as it is to the development of legislation and policy. Citizens are capable in their everyday lives of understanding and cultivating deep understandings of values and of their interests. This is a kind of understanding they can have that is a by product in large parts of their everyday lives. Furthermore, if they genuinely do have control over the choice of aims of the society (which assumes that the rest of the system is properly performing its function), they are in large part in control of the society. And finally, though different social scientific theories and approaches can reflect the backgrounds and interests of particular sectors of society, they are significantly less likely to do so than the choice of aims and so persons have far greater interests in being counted when the choice of aims is made than when scientific theories are debated.

That being said, I will argue below that citizens must have some indirect role in the evaluation of whether the political system is pursuing the aims they have chosen and an important role in the generation and evaluation of the scientific theories by which the public policy making process is informed. Those roles do not require anything like one-person one-vote but they do require that the qualitatively distinctive interests of persons in different parts of society are properly studied in research in the social sciences. We will see, therefore, towards the end of this chapter, that there is some reason to expand the role of ordinary citizens in the democratic process.

### **The principal agent problem**

The key to the proper functioning of this division of labour is that the legislative and administrative parts of the system faithfully implement the basic aims of citizens. They must use their special expertise to determine how to implement the aims. The idea is that if these other parts of the system faithfully pursue the aims of citizens, the citizens are in the driver's seat with regard to the society. Certainly, this is a very big 'if'. It gives us a principal agent problem of large proportions. It is important to remember here that the following discussion is intended not to give a general description of how the principal agent problem is always solved, but that it can



be solved. The characterization of a political system I give here is of how a political system can work so that it is compatible with democratic ideals. Social science is necessary to confirm the possibility. I provide some pieces of evidence below for the idea that this is possible but so far the evidence is incomplete.<sup>9</sup>

### **The problem of truth sensitivity**

But there is another big problem in the political division of labour. The problem is that the major decision-makers, citizens, politicians, and administrators are themselves not experts in most of the areas of science that are relevant to the evaluation of public policy. There is one more important piece to this division of labour. This is the network of intellectual labourers that spans the universities, political parties, political staffers, interest group associations, and parts of the administration. These are experts in economics, sociology, law, political science, and the natural sciences. They influence the making and evaluation of policy. But they also monitor the processes and outcomes of policy-making and can broadcast their opinions on these matters.

It is here that we can see the process of differentiated deliberation. The discussion that goes on among experts, policy makers, and administrators as well as interest group associations is essential to the proper functioning of democracy. These groups discuss the extent to which the various aims of citizens can be met and what kinds of trade-offs are necessary and how to achieve the aims. Furthermore, they discuss whether and to what extent the legislation and policy in place and in prospect are likely to further the aims of citizens. And this deliberation is itself highly differentiated between those levels of discussion involving scientific expertise and those involving combinations of policy expertise and political acumen.

The subjects of these kinds of deliberations are distinct from the central subject of citizen deliberations. They concern primarily the questions of means to ends and the consequences of legislation or questions concerning what trade-offs are actually imposed on policy makers. For instance, some of the issues concerning minimum wage would fall here. Does an increase in the minimum wage increase unemployment, and if so by how much, or what other downsides are there to this policy and what are the benefits? These deliberations are much more subject to specialized standards of scientific evaluation than citizen deliberation. The basic kinds of deliberation here I call instrumental and consequential deliberation.

<sup>9</sup> I have articulated this idea in great detail in (Christiano 1996: chs. 5–6). In this chapter I expand the role of citizenship beyond that articulated in my book.

The difficult question here is how does all this sophisticated expert knowledge influence the process of decision-making when the decision-makers themselves are not experts? To put the issue in the terms above, how can the process of decision-making be truth sensitive? The legislators in the system must not only be faithful agents of citizens, their decisions must be truth sensitive as well, or democratic decision-making will fail to advance the aims that are supposed to animate the system.<sup>10</sup>

In what follows, I will lay out a number of mechanisms and institutions which can help solve both the principal agent problem and the problem of truth sensitivity in a way that is broadly compatible with democratic principles. My focus is on the problem of truth sensitivity but I think that the institutions and mechanisms that help solve the latter problem also help solve the former. The basic process of influence has to be essentially a kind of filter that separates out theories that have some substantial support within the expert community from those that do not. Beyond this the expert community seems to permit a wide variety of theoretical approaches to be used by politicians and ordinary citizens.

I will also suggest that citizens in a democratic society can make important contributions that enhance the activities of the community of experts and therefore that democracy can actually enhance truth sensitivity. They identify issues to be discussed and problems to be solved and can be the source of anomalies for social scientific theories. Furthermore, when the institutions of civil society are sufficiently diverse to represent the wide variety of interests and perspectives in society, they can ensure that the expert community has the kind of robust debate and discussion that enables it to avoid domination by one particular group.

Ordinary citizens perform their roles as the driving element in society on this picture. The first is as choosers of the aims of the society. The second is as sources of different and competing research programs in the various expert domains. The third is as evaluators of the pursuit of aims to whom the rest of society is accountable.

### Expertise

I shall follow Alvin Goldman (2001) in understanding an expert in an area to be someone who has (1) an amount of true beliefs that is significantly greater than ordinary people and that meets a threshold with respect to: (i)

<sup>10</sup> Here we can see that the relationship between legislators and citizens is more complex than is normally envisioned in the debate about whether legislators are delegates or trustees of citizens. The picture I am suggesting assumes that they must play both roles in a democratically constituted division of labour.

the subject matter in a domain; and (ii) the ideas and arguments within the community of persons who have a lot of true primary beliefs concerning the subject matter in the domain; and (2) a set of skills that enable that person to test the ideas and arguments as well as extend the ideas and arguments of the community to new problems and objects within the domain.

So experts have a lot of true beliefs and they are also capable of appreciating the relations of support between many different sets of beliefs with regard to a particular subject matter. I will use the term 'esoteric' to refer to those statements within the area of expertise whose truth value is very difficult if not impossible for someone outside the community of experts to ascertain. Sometimes the statements are difficult to understand and sometimes it is very difficult to appreciate the relation between the evidence and the statements the evidence is meant to support. 'Exoteric' statements are ones that can be grasped and whose truth can be ascertained without the relevant expertise (Goldman 2001: 91–2, 94).

There is a great deal of disagreement among experts on which a substantial amount of democratically made policy depends. But even among those who disagree about which theories are the best ones or about the proper relations of support among statements, there is considerable agreement on a number of statements. And of course experts in the sciences have a great deal of knowledge of the different theories in play and the evidence that does and does not support them.

### **Mechanisms**

Here I want to lay out some of the mechanisms which, when working well, are likely to enhance the democratic character of the division of labour. They solve two main problems of a division of labour in a democratic society: the principal agent problem and the problem of truth sensitivity in a society in which decision-makers are not scientists. These mechanisms complement each other and some mechanisms can make up for failures in other mechanisms. The four mechanisms I have in mind are solidarity, overlapping understanding, competition, and sanctions. These mechanisms operate in the context of a plurality of political parties and interest group associations. I will lay them out and then I will explain the roles they play in enhancing the democratic character of a division of labour.

#### *Solidarity*

By solidarity I mean a mechanism by which two persons may be motivated to advance each other's aims. This might happen in two ways: similarity of backgrounds and like-mindedness. The first may arise from shared ethnic

backgrounds or from a shared background of a history of injustice. It can also arise from shared nationality and also shared humanity. But there will be more particular kinds of solidarity such as that between those who have been victims of AIDS. They may share a sense of being victims of this disease as well as a sense of social injustice. These shared background facts can generate mutual sympathies and concern and a more general willingness to participate in pursuing each other's aims as they are related to the shared condition.

People are like-minded when they share political and moral aims and have some broadly common sense of how to achieve these aims. Members of political parties and interest group associations can have this kind of like-mindedness, at least when they are doing what they claim to be doing. Political parties and interest group associations are designed to create communities of persons who are like-minded and thus who have a certain degree of solidarity with each other. When people share this like-mindedness they can trust each other to pursue the common aims even when their opportunities and capacities for monitoring each other are relatively limited. This could be particularly important when some do not fully understand what the others are thinking.

Political parties or parts of them can degenerate into mere systems of patronage, clientelism, or systems for acquiring power. So this is not meant to be a general description of how all political parties operate. In these cases, the mechanism of solidarity will be consequently weakened and the relations of trust will also break down.

### *Overlapping understanding*

By overlapping understanding I mean the state of affairs in which two or more people share some expertise and do not share other expertise. So for instance, suppose P knows about intellectual disciplines *a*, *b*, and *c*, and Q knows about disciplines *b*, *c*, and *d*. Their knowledge overlaps at *b* and *c*. This overlap allows Q to understand some of *a* because P can translate the ideas of *a* into *b* and *c*. Now, suppose that R has expertise *c*, *d*, and *e*, and S has *d*, *e*, and *f*. R and P overlap at *c* and S and P do not overlap at all, even though in a crucial respect, they are about the same object. Despite this, S's knowledge may constrain P and P's knowledge may constrain S through the intermediaries Q and R.

For example, an economist may have highly technical expertise concerning the domain of economics while a public policy analyst may have a lot of expertise in this domain but not nearly as technical. The policy analyst does not have a grasp of some of the most esoteric considerations. The policy expert may have a less deep understanding of these arguments

coupled with a deeper understanding of the history and political circumstances under which economic policy is made. These enable him to translate the theoretical considerations of the economist into the language of the legislator or administrator in such a way that makes it relevant to the issues they face.

The activity of translation involved here will often omit elements of the argument or model under discussion so the person who understands the translated version of the model or the argument will not have a full grasp of the arguments and ideas under discussion. Some of the argument and ideas are, at least for practical purposes, intractably esoteric. But a lot of content can be translated.

How significant these losses are will depend on the level of sophistication of the different theories and models as well as the methods by which the theories are assessed in the expert community. The efforts to explain contemporary physics and the empirical basis for it to ordinary laypersons will lose a great deal of content in the process. The efforts to explain the arguments of international relations theory will lose significant content but not nearly as much. And economics stands somewhere in between though probably closer to the international relations theory than to physics.

The kind of loss of content that is peculiarly relevant here is the loss of content that is important to discriminate evaluatively between theories or models. Here the receiver may receive a lot of content about the theory and its support but does not receive enough content to make a reasoned choice between different theories. For example, theories that use complex statistical methods may prove to be hard to discriminate for the layperson.

To repeat here, none of this assumes differences in native talent. Every expert will be at a disadvantage with regard to other forms of expertise that are far from their own. A physicist will have difficulty absorbing the fine grain of an economic theory. An economist will have difficulty absorbing a complex historical account of the origins of a war. Experts are ordinary citizens with respect to the expertise that is remote from their own. And ordinary citizens have day jobs and families to attend to.

I want to bring out two features of this phenomenon of overlapping understanding. First, it enables the complex and remote theorizing of the expert in a special science to communicate with persons who are not at all experts. The economist can explain much of what they understand to the policy analyst. The analyst can explain what they understand of this, coupled with a knowledge of the legal and political background to the politician or staffer or perhaps to relatively sophisticated journalists. The journalists and politicians can explain what they understand to ordinary citizens. These chains of overlapping intelligibility enable politicians and citizens to have some appreciation of the reasons for and against particular

policies. It enables politicians to make legislation that takes into account the best theorizing available in the society even if they do not themselves fully understand the theories. And it enables politicians and citizens to see to some extent how and to what extent the aims they have chosen are actually realized in policy or not. Second, it helps keep the theorists honest. To the extent that there are many persons who have partial understandings of what the theorists are doing as well as an understanding of the context in which the theoretical knowledge is to be applied, there are ways of monitoring the theorizing that can be made intelligible to the non-experts. This helps make the theorists accountable to ordinary citizens.

As we will see both of these functions are greatly enhanced when there is solidarity among the participants. And they can also be enhanced when there are the alternative mechanisms of sanctioning theorists and competition among different groups of experts.

Here again, political parties and interest group associations are designed to be communities of like-minded persons in which the persons have a lot of overlapping expertise. They are composed of policy experts, ordinary citizen activists, experts in various disciplines whose subject matter coincide with the interest group's concerns as well as politically knowledgeable persons who are charged with the tasks of figuring out how to advance the concerns in the larger society, politicians. Of course political parties attempt to advance a whole variety of aims while interest group associations are more narrowly focused.

### *Competition*

Another mechanism that tends to make politicians craft legislation in a way that is consistent with the best social science is competition within and between political parties. Presumably the system includes many people with overlapping expertise of very different political viewpoints, which means with different conceptions of the ends that should be achieved in politics. They also belong to different political parties or factions within political parties and are attempting to advance different aims. They have interests in making sure that the party of which they are a part and the politicians of their party advance the aims properly. But they also have interests in calling attention to the fact that the opposing parties and the politicians who are members are acting in ways that are not consistent with the best social science. There is thus a set of incentives that are common to adversarial systems that play a role here. Each set of overlapping experts can call into play the various sanctions I describe below to ensure that the members of their own party and of those of the other actually act in accordance with the best theories.

*Sanctions*

Political parties and interest group associations do not depend only on the conscientious pursuit of common aims. In part, the system imposes a variety of sanctions on those who fail to pursue the aims faithfully and competently. One set of sanctions involves the networks of scientists who supply the principal expertise on which the implementation of aims is based. If a significant number of economists argue that a certain policy does not bring about the aims that it is supposed to bring about, one effect may be to shame those economists who have played a role in making the policy into forsaking the policy. Academic life and intellectual life generally works heavily on the basis of the desire of every person to maintain a good reputation in the field. So if a substantial number of economists point out the clear error in another's work, the other is likely to retract it. And to the extent that each political party and interest group association with its associated aims includes experts in these areas, there will be expert critics representing a broad spectrum of views. And so this particular set of sanctions should benefit all the different groups in the society.<sup>11</sup>

A second kind of sanction can be imposed when a lot of experts see the error of a particular expert so that a legislator may come to regard the expert as no longer trustworthy and cease the direct or indirect consultations with them. Of course both these sanctions depend on the existence of significant competition among experts.

One major complication with all this is that there is a great deal of disagreement among economists on what good policy is. Even Pincione and Teson's favourite cases of minimum wage legislation and restrictions on free trade have been the subjects of a great deal of disagreement among economists of late. Still, we can see here that the making of policy and legislation must ultimately pass through a kind of filter that is set up by the relevant experts in the area of policy. Even if the expert discipline does not produce consensus on a set of evaluations of policy, it does help filter out those policies that are too much at variance with the prevailing views in the areas.

A third set of sanctions can be those imposed by the party faithful who are reasonably well informed of those who fail to pursue the aims for which they were elected. This kind of sanction could be one of shaming but it may also be to strip a person of political power by withdrawing the support of the party for the particular individual. Here too, expertise plays a role. For the views of the party faithful will be partly dependent on the views of

<sup>11</sup> See Goodin (2008: 180–184) for a discussion of similar sanctions among non-profits, which I take to have some similarity to the intellectual community.

the experts on the particular area in discussion. Political parties are complex organizations with their own internal divisions of labour including activists, lawyers, experts on policy, politicians, and so on. A fourth kind of sanction is imposed within the government. Politicians committed to the achievement of certain aims, once they acquire political power, can remove officials who are recalcitrant or remove staffers and so on. A fifth kind of sanction is imposed by the electorate itself. Here they may throw a party out of office on the grounds that that group does not advance the aims they wish to be advanced.

All of these sanctions are imposed on the basis of knowledge that is derived from the chain of overlapping expertise combined with solidarity among like-minded persons and competition from others.

### **The connections between ordinary citizens and specialized deliberation: from experts to citizens**

Let us put together these mechanisms to see how they can constrain the making of legislation. Expertise plays a dual role in democratic deliberation. On the one hand, there are highly sophisticated deliberations among experts concerning what the best theories are for crafting policy. On the other hand, expertise acts as a kind of external filter on the deliberations of other parts of the division of labour such as politicians and ordinary citizens. It rules out certain theories as possible bases of policy making and permits choice among a certain small subset of theories for policy making.

In the model that I have laid out, ordinary citizens are normally charged with the task of deciding the aims the society is to pursue and the more specialized activities of deliberation are concerned with the means and consequences of achieving those aims. Here the citizen is not expected to have an understanding of the specialized knowledge the other persons have. But the process of decision-making is nevertheless truth sensitive because the specialized deliberators do have an impact on decision-making and they are connected with specialized knowledge. That specialized knowledge imposes constraints on what means the achievement of ends are selected and on how the consequences of the achievement of ends are assessed. Here the expertise serves as a kind of filter on what kinds of theories can actually go into the process of policy making.

The question is, how does the monitoring of politicians' activities and administrators occur and how does it make the activities truth sensitive? Recall that the definition of truth sensitivity involves not ignoring the best social science in the making of the legislation. Since there is substantial disagreement on what the best theories are in any particular social science, this will usually involve acting in a way that is consistent with one or another



of the best theories in the relevant social science regarding the means chosen to pursue aims and the consequences of the policies. So legislation and policy will be crafted in a way that uses one or another of the best available theories in designing the means to the ends, and that uses one or more of the best available theories in determining the extent to which the pursuit of the aims is compatible with the pursuit of other aims.

How can this happen? Let us consider some key ways in which this might happen. Suppose a group of politicians is crafting legislation that ignores the relevant social science in an area. Within that group's political party, expert social scientists will see that this is happening. They will be able to do two things. One, they will be able to shame the staffers who are helping make this legislation and who are at least partly experts. They will also be able to inform, either directly or through those who are more capable of articulating the problems to laypersons, the ordinary citizens of the party of the problematic nature of the legislation, explaining what the probable consequences of the legislation will be. The alerted citizen activists can then put pressure on the politicians to take the relevant social science into account or face sanctions from within the party. All of this works within a political party because of the shared aims of most of the participants, the kinds of sanctions that can be imposed within a political party on members, and the overlapping expertise of social scientists, policy experts, and politicians.

This calling attention to bad policy making appeals to those in the parties and interest group associations and thereby engages all the incentives above. But it also appeals to ordinary citizens in efforts to get them to switch parties or votes.

We see these kinds of debates being carried out concerning the crafting of policy all the time. Certainly, they are not the only determinants of policy making, but they do seem to make a significant difference. Simply the enormous amount of effort expended time and again in these kinds of debates suggests that the participants do think that the debates matter.

But this phenomenon does not take place only within parties, there are many experts and partial experts throughout the society associated with different parties and diverse interest group associations. And at least some of them will be watching some of the time and will set off alarms if there is a serious error in the calculations of the legislators who are crafting policy or in the deliberations of administrators crafting rules.

The deliberative connection between experts and politicians who are ultimately responsible for making decisions is complex. In some cases, politicians have a full grasp of the considerations that favour a particular policy over another. Expertise is required to discover these considerations, but once they are discovered, anyone can understand them fully.

But often politicians and non-experts generally cannot have a full grasp of the considerations that favour one policy over another. This is because they do not have a full grasp of the expert knowledge that is necessary fully to see all the considerations. The expert knowledge may partly consist of complex mathematical equations or statistical methods, which require a great deal of knowledge. There are two kinds of cases I want to discuss here: the case in which the politician does not have a good grasp of why the theory they are using is superior to those that the expert community does not accept, and the case in which the politician does not have a grasp of the reasons which favour the view they are applying over other views that are also acceptable to the expert community.

The first case implies that decision-makers do not always choose the theory they act on, on the basis of the best evidence available to the community. They choose it because some significant subset of the expert community favours the view, for reasons the decision-maker does not entirely understand. In this respect the best available evidence is external to the policy makers' activities. But it may nevertheless influence the policy maker given the fact that the larger community of experts is monitoring the activities, there is some trust placed in the larger community of experts and they are connected to like-minded citizens in parties and interest group associations. So the process of decision-making can be truth sensitive in the sense that it is highly responsive to the best social science. But the connection between the best social science and the decision-maker is an external connection such that the decision-maker is merely influenced by the community of experts but does not have a grasp of the theories or much of the evidence for the theories. Here the community of experts is simply filtering out theories they do not accept and policy makers simply make policy within the constraints set by these filters. They may not know in some cases why some theories are filtered out and why some aren't but they respect the constraints by choosing only among those that are not filtered out. When the mechanisms I described are working well, the external connection between the social science and the policy-maker can be a reliable one for producing reasonably good decisions.

Furthermore, the policy-maker may be making a decision on the basis of one theory rather than another (and all of which are acceptable to the expert community) even though the policy-maker does not have good reason to prefer one theory over the other. This follows from the fact that policy-makers often do not grasp all the considerations in favour of one theory over another. Sometimes this will imply that they do not grasp the essential considerations. I think, nevertheless, that the policy-maker's decision can be legitimate here to the extent that they are acting on the basis of a theory that has substantial support within the expert community. Here

the expert community sets up a domain of acceptable theories from which it is permissible to choose even if one does not choose for good reasons.

There is a lot of disagreement on the best theories as well as on the implications of the best theories in social science. And there is a lot of disagreement on how to apply the best theories to the social phenomena they apply to. And there is disagreement about the empirical support for these theories. These disagreements make for a great deal of complexity in the application of social science to policy. And they create indeterminacy.

The indeterminacy is interesting because it suggests a limit to the idea that a process of decision-making is truth sensitive. Presumably there is a best theory and a best application at any given time. But there is much disagreement among experts as to what that best theory and application is. The community of experts cannot settle the disputes. Each expert has their own opinion on what views are the best, but it cannot be said that the community has one. This implies that it is indeterminate from the standpoint of the community which view is the best view and whether a political decision-making process is really using the best means to its ends when applying one theory rather than another.

These observations suggest an interpretation of the idea of truth sensitivity that may not be obvious upon looking at the definition. There a process is said to be truth sensitive when it does not disregard the best available science. The question is what does 'disregard' mean? If we are thinking just of the content of the decision-makers' thoughts in making policy, it may be that the decision-maker disregards the best available science. If, however, we think of a process of policy-making as truth sensitive when the policy-makers make decisions that accord externally with one or another of the best available theories (even though they do not understand them and they cannot give reasons for preferring the one they do over others) then the process is truth sensitive. All that is necessary is an external connection between a theory being among the best available one and its adoption by a policy-maker. So the policy-maker's decision may be truth sensitive in an external sense and there may be a large amount of arbitrariness in the choice of policy.

The policy-maker's decision is not completely unjustified because they have reason to think that the theory on which they are operating is well thought of in the expert community. The endorsement of a number of experts gives them confidence that the theory is a good one though they do not see the reasons directly.<sup>12</sup> One way to think about this process is in

<sup>12</sup> I do not address the question of whether a majority of experts on one side of a debate is legitimate evidence for a layperson in favour of that side. I think in the absence of an overwhelming majority (where almost everyone agrees) the layperson cannot be

terms of the analysis of low information rationality in cognitive science. The policy-makers act on the basis of information shortcuts when they take the assent of experts as defining the boundaries of acceptable science. But for these shortcuts to work to produce good decisions, they have to be used in the right kind of environment. The environment must be one in which the assent of experts are reliable guides to what are good means to achieving outcomes. But that reliability, I contend, cannot be established without the phenomena of solidarity, overlapping understanding, sanctions, and competition being present at least to some significant degree. If the experts don't particularly care about the aims of the policy-maker or have little incentive to produce the best analysis possible of the means to the aims, their assent to particular pieces of policy may not be trustworthy.<sup>13</sup>

A similar, though more tenuous, connection can hold between experts and citizens. Presumably citizens can have access to experts' views on what constitutes a reasonable theory on which to base a policy. These views are expressed all the time in all the major media by experts of very different stripes. There is a great deal of disagreement among experts but there are usually some limits to that disagreement that define what is acceptable as a basis for policy. Citizens can employ very general theories that have the assent of experts in evaluating policy-makers to some degree. They will normally only have a very partial appreciation of the theories and of the evidence available for them but they can employ them in discriminating between well-crafted policy and badly made policy. Here the whole political system acts as a kind of filter on the ideas that citizens use as theories. Political parties generally will attempt to make their general platforms consistent with one or another of the best theories. This is because of the presence of overlapping expertise and the fact that lots of people are looking at the creation of these platforms. Experts will express their views in newspapers and other media in a way that presents the ideas in fairly easily digestible form. And all of these players are constrained by the fact that others with similar and overlapping expertise are looking over their shoulders ready to impose one or another of the sanctions I described above.

I have been discussing an extreme kind of case, though one that is becoming more and more prominent as a result of the prestige of economics, medical science, environmental science, and complex statistical reasoning in policy-making circles. But we see here a highly differentiated

justified in choosing one side over the other. See the contrasting arguments for this same conclusion of Goldman (2001) and Coady (2006).

<sup>13</sup> Lupia and McCubbins (1998) marshal a significant body of evidence that the mechanisms of solidarity (or common interests) and sanctions are means by which information shortcuts can help citizens and legislators make good decisions.

deliberative process, with experts deliberating about theories and policies and non-experts deliberating in a very different way.

Non-experts who favour one policy over another on the basis of a theory they cannot entirely defend, either against non-respectable theories or against the theories of their opponents, are in an interesting position from the standpoint of rational deliberation. In the case of policies consistent with one or another acceptable theory, they are promoting policies on the basis of theories they cannot defend against their adversaries in the policy-making world. In the case of policies based on theories that are acceptable as against those that are not, their confidence is often just based on the fact that some subset of the expert community agrees.

### **From citizens to expert knowledge**

Here I want to develop another aspect of the relation between citizen and expert that needs development and that may seem to be incompatible with the idea of the division of labour. I will describe it and suggest why it is not incompatible with the division of labour.

In a democratic society, citizens are presumed to have an impact on expert knowledge. The relationship is interactive, as Bohman (2000) puts it, and not merely from experts to citizens. I want to sketch a number of ways in which this can occur while remaining faithful to the idea that we want the system to be truth sensitive.

There are three ways I have in mind here: (1) citizens can play some important role in determining what the aims of scientific research are; (2) different parts of the society can be the sources of different theoretical approaches to expert knowledge; and (3) citizens can do some checking on the defensibility of expert knowledge.

A democratic society supports a variety of political parties and interest group associations that are grounded in the variety of sectors in the society. The different political parties and interest group associations should reflect the different interests in society. To the extent that these groups provide support for and attract experts in different fields of study, they can play a role in determining the agenda for research. In the first place, political parties highlight the importance of certain interests and aims for the society. And interest group associations highlight the importance of the interests of the group as well as considerations of justice and the common good that favour the group's interests. But the consequence of this should be that the experts that are members of these associations will focus some of their expert knowledge on how to advance the interests of the particular group and how the advancing of the interests of that group are connected with the interests of other members of society. Of course, given the group's

connections to particular sectors of society, the conceptions of interests that are in play will be quite fine-grained. They will reflect the input of a diversity of members within that group. To the extent that research questions can be defined in terms of how these interests, adequately understood, can be advanced and accommodated within the society, the research of the experts in this group should define a distinctive research agenda that can play an important role in generating knowledge.

Furthermore, to the extent that each grouping in society has particular local insight into special problems faced by the members of that group, the participation in a particular interest group association can enable the expert researcher to see particular structures of issues that are not apparent from other sectors of society. The experience of members of the group can suggest distinct hypotheses to articulate and test to expert members of the group.<sup>14</sup> Finally, the citizens can sometimes point out anomalies in theories on the basis of long experience with certain kinds of social structures.

In these ways the community of specialized knowledge will have points of view that reflect in part the different sectors of society that forestall movement towards a social science dominated by one class or grouping. If each group can sustain some specialized knowledge and can sustain the kind of overlapping expertise that sophisticated groups have, then to some extent the specialized knowledge cultivated within that group will serve as a check on the domination of the production of specialized knowledge by a particular group. And this can preserve a kind of diversity of viewpoints and approaches within the knowledge community. It simultaneously helps avoid domination by a particular group and it permits the fruitful effects of diversity on the production of knowledge.<sup>15</sup>

We need to say some more about truth sensitivity here. We have understood truth sensitivity to mean that the decision process does not ignore the best available science. But this cannot be the whole story. This account of truth sensitivity is geared to what societies can do to achieve knowledge. The division of labour is a rational solution to the problem of knowledge creation and a truth sensitive process takes advantage of this. But what if this part of the division of labour is dominated by special interests? What if the positions of the specialized community of knowledge merely reflect the interests of a ruling class? Or what if the dominant trends within the community of knowledge reflect this so that others exist but are ineffective?

<sup>14</sup> See Anderson (2006: 17–21) for a wonderful discussion of a case study of women whose interests and insight into a local problem have been ignored by an otherwise democratic process and as a consequence the community suffered as well as the women.

<sup>15</sup> See Page (2008) for an argument for the fruitful effects of diversity of perspectives on the production of knowledge. See also Sunstein (2002).

Obviously we need to have a conception of truth sensitivity that includes a method for assessing the community of knowledge itself. And this cannot be the conception that evaluates that community in terms of the best available science.

It seems to me that one principal source of domination of and parochialism in science is domination by class or ethnic interests. The reason for this is based in the simple facts of cognitive bias. Those facts suggest that beliefs and science can easily come to reflect the narrow backgrounds and interests of those who produce them. So if science and expertise are funded by one particular group in the society there is a significant danger that that expertise will reflect the interests and backgrounds of those persons. This will be more of a problem in the case of the social sciences where there is a great deal more uncertainty and where guesswork and intuition play a much larger role in theory construction and defence than in the natural sciences.

More generally the community of experts on which a democratic society depends can be truth sensitive only when there is robust debate among a variety of different kinds of theories, each of which is taken seriously by the others so that stronger and less biased theories emerge from the debates. Without this kind of robust debate, parochialism, group-think, and cognitive bias will distort the process of the production of knowledge in ways that defeat its truth sensitivity. And it seems to me that democracy can make a very important contribution to this by broadening the bases from which the expert community derives.

In this respect we can turn the observation of Pincione and Teson on its head. Instead of democracy failing to be truth sensitive, it turns out that democracy is a necessary condition for the truth sensitivity of the community of experts that makes up social science. It is because of the wide variety of points of view that are grounded in the diverse sectors of society in a democracy that the community of experts in a democracy can go through the kind of vigorous debate that is necessary for the truth sensitivity of the social sciences. Democracy is necessary for this because it is only when all the different sectors of society have the means of articulating their diverse points of view that social science can generate a process of knowledge production that is sensitive to the conditions of all the different parts of society. Under these conditions social science can generate a competitive struggle of ideas that can ensure that the process of social science is responsive to a lot of different sources of evidence.

So I have expanded the input of ordinary citizens into the democratic system beyond merely being choosers of aims. They make contributions by helping to set the research agendas of expert researchers. The problems of ordinary citizens can also help set the agenda to the extent that these

problems pose anomalies for the theories of social science. But this contribution, as long as there is a vibrant system of interest group associations and political parties reflecting the diverse interests of persons throughout the society, need not involve all ordinary citizens in the task of contributing to social science. As long as there are a wide variety of associations, the activist parts of these associations can communicate the issues of ordinary citizens to the policy experts, who in turn can communicate them to the social science experts.<sup>16</sup>

This preserves the division of labour in policy-making. It is important that not all citizens be required for this process of generating research agendas and anomalies. Otherwise ordinary citizens will be asked to do too much. But one might ask why it is the case that citizens must participate individually in the choice of ends but not in the process of elaborating and testing theories? My answer to that is that though theories do, to some degree, reflect biases towards particular interests in society, this effect is not nearly as great as in the case of the choice of aims. Social scientific theories have a much more impersonal character, especially when there is significant contestation. As a consequence, we do not need to vote for the theories. But we do need to make sure that there are mechanisms that track all the relevantly different interests in society.

All of this depends on the idealization I have used so far that assumes that members of interest group associations and parties are like-minded and share aims. The four mechanisms work well when political parties and interest group associations are genuine about pursuing their aims and ensuring the devotion of the party and interest group members. But the mechanisms also suggest ways in which the parties have incentives to maintain strong party solidarity among members. For the parties to act as reliable cues for citizens as well as for legislators, they must cultivate fairly strong brand names that communicate the pursuit of the aims in a way that can be trusted by citizens (Lupia and McCubbins 1998: 207).

One final concern is that my approach to political parties and interest group associations assumes that it is possible somehow to make sure that the whole set of these associations is adequately representative of all the different sectors of society. This is not an easy thing to achieve. It seems pretty clear to me that it is not achieved in the in which society we live. How to go about achieving it is a difficult matter and I cannot discuss it here.

<sup>16</sup> It should be clear from these remarks that my proposal is very far from the kind of 'vulgar democracy' criticized by Kitcher (2001: 117). Indeed, I think I am articulating a decentralized method for achieving significant democratic input into the creation of science.



### Concluding remarks

We have then a complex picture of the discursive relations between experts and ordinary citizens. In the account of the democratic division of labour I have sketched, citizens rule over the society by choosing the aims of the society and experts, along with the rest of the system, are charged with the tasks of implementing these aims with the help of their specialized knowledge. Democratic deliberation proceeds through citizens' discussion concerning the aims and the various legitimate trade-offs among the aims and then through the deliberations of experts and policy-makers in crafting legislation designed to achieve those aims. The deliberations are started by one group and then completed by another. The second stage is complex since experts discuss the merits of the various theories that help them design the means, and then policy-makers craft legislation in a way that is consistent with the theories that remain acceptable to the expert community. In this way democratic legislation can be highly sensitive to the best social science without the crafters always knowing how to discriminate in favour of the best social science.

But expert knowledge itself has, at least in a democratic society, some of its main roots in the discussions of ordinary citizens. They provide the basic research questions for much of social science. Their concerns pick out what is important for a social science to study and the problems they experience in living their lives are the bases of research agendas. And the experience of ordinary citizens, when it is clearly and significantly at odds with the conclusions of social science, is an anomaly that can prompt the revision of social science.