

Viorel ȚUȚUI

“Al.I.Cuza” University, Iași (Romania)

Dialogical Democracy and the Problem of Deep Politics*

Abstract : A fundamental challenge of contemporary political philosophy is how to solve the problem of the legitimacy of political decisions in the context of the deep comprehensive (moral, philosophical, religious, and so on) disagreements that affect pluralist democratic societies. How can citizens of a democracy agree on political decisions without abandoning their most fundamental commitments and without excluding those who wish to remain loyal to their principles? This is the problem of *deep politics*. In this paper I will analyze the theory of *dialogical democracy* developed by Robert B. Talisse. This theory is based on his view regarding the principles of folk epistemology to which all of us are already implicitly committed and which entail the acceptance of a democratic political and social framework. I will argue that his attempt to offer an epistemic justification to deliberative democracy is vulnerable to the same kind of objections he raises against the alternative deliberative models of democracy and that an aggregative conception is preferable.

Keywords: deep politics, democratic legitimacy, folk epistemology, dialogical democracy, aggregative conception.

1. The Paradox of Democratic Justification and the problem of deep politics

In the book *Democracy and Moral Conflict*, Robert B. Talisse underlines the fact that there is a paradox which affects the core principles of contemporary constitutional democracies, *the paradox of democratic justification*: “The core democratic idea that legitimacy of the democratic state rests upon the consent of those governed by it requires us to articulate principles that supply the justification for our government; however, the fact that citizens are deeply divided over fundamental commitments renders any such principles essentially contestable, and, therefore, unlikely objects of widespread agreement. It seems, then, that the very liberties that constitute the core of democracy render

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the democracy's own conception of legitimacy unsatisfiable. This is the paradox of democratic justification" (Talisse 2009, 15).

This is the reason why, in Talisse's opinion, this paradox determines a legitimacy crisis in modern democracies: citizens in a democratic state are committed 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. Citizens that hold different comprehensive doctrines are not disposed to abandon their fundamental values for the sake of democracy. Moreover, they will insist that democracy must instantiate their deepest commitments or else lose its claim to legitimacy. And, if people understand a democratic regime as non-legitimate, then they could rightfully adopt one of the following four strategies: *relocation* to a country where their commitments are respected; *rebellion* by disobedience, destruction, violence, and so on; *civil disobedience* by protests and publicly disobeying the law; *petition* in order to change the law, debating, activism, voting, campaigning, lobbying, and so on.

Talisse believes that the first two strategies are non-democratic and that the last two strategies are democratic. Therefore, 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" (Talisse 2009, 36-38).

2. The rejection of the proceduralist solution

The first solution to the problem of deep politics that Talisse analyzes is what he calls the "standard solution" which is represented by the doctrine of proceduralism. According to this theory the essence of democracy is constituted by a fair aggregative voting procedure. In this procedure, every citizen has 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 constraints are placed in order to avoid the tyranny of majority.

However, Talisse argues that, in spite of its intuitive plausibility, this theory presupposes an unacceptable view about the attitude of the citizens regarding their deepest comprehensive commitments: "To be specific, the procedural view presupposes that we are able to regard our deepest moral and religious commitments as *wants*, *preferences*, and *interests*, entities that can be individuated, quantified, and aggregated; moreover, it presumes that citizens are willing to view their commitments as *fungible* items that can be exchanged and bargained with" (Talisse 2009, 27). But, in his opinion, people are not capable of adopting this kind of attitude in what regards their commitments. On the

contrary, they tend to see them as non-negotiable, non-quantifiable, and not fungible.

To the possible reply of the proceduralist, that his view does not require citizens to abandon their moral truth, but only to find a peaceful way to solve the deep disagreements, Talisse responds that the parties in the conflict over ultimate values could reject this procedural framework and choose the non-peaceful alternative. They could maintain that open conflict is preferable to this procedure that pretends to treat all citizens as equals, but, instead, it constrains them to abandon their fundamental principles (Talisse 2009, 29-31).

In my opinion, this objection against proceduralism requires some deeper investigation. First, we should note that the force of the objection depends on the availability of a justification for democracy which would convince even the radical defender of a moral or religious doctrine that he should prefer a democratic way of solving the conflict instead of an open war. Talisse believes that he provided such a justification by his theory of dialogical democracy based on the principles of folk epistemology. But, as I will argue in the following sections, I do not believe that he succeeded in offering such a justification.

Second, we should take notice of the fact that the objection is implausibly strong: it could be used to reject not only the justification of democracy, but the justification of any peaceful way of solving the deep comprehensive disagreements. Any non-democratic political and social framework that would presuppose the slightest compromise on 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 the moral and religious conflicts.

3. The argument of the impossibility of a “freestanding political theory”

Another important contemporary solution to the problem of deep politics is the theory of public reason developed by John Rawls. Being aware of the difficult task of conciliating the fact of reasonable pluralism with the need to provide a procedure that could secure legitimate political decisions, Rawls develops what Talisse calls a “freestanding political theory”. According to this view, 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 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” (Rawls 2005, 218).

In Talisse’s opinion this is the reason why Rawls adopts a freestanding political theory, which places constraints on political reasoning by not allowing citizens to consult their moral, philosophical, and religious conceptions and by making them select only those arguments that have a chance to be accepted by everyone. And this motivated him to defend a “politic of omission” which consists in 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 (Talisse 2009, 49).

Talisse argues that the main problem of this conception of public reason is not that it excludes radical democrat, Thomist, and civic republican positions, but rather that it excludes *reasons* associated with those 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 ” (Talisse 2009, 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 (Talisse 2009, 50-51).

However, I think that this critique of the theory of public reason is not as compelling as Talisse suggests. I do not 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.

As Talisse himself admits, this does not automatically commit the defender of reasonable pluralism to moral skepticism: he could justify it in a pragmatic and conversational manner. I believe that this doctrine would not, in principle, entail the subordination of the epistemic to the political. If the arguments that are omitted as non-public by the theory of public reason are not capable to convince everybody they are not epistemically sound and therefore this theory is not “epistemically exclusionary”. But, if the arguments are capable of convincing everybody, they are also epistemically sound for the defender of the public reason theory. 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. Reasonable pluralism does not entail that the moral truth should be rejected even when it is available. It only presupposes that, when the moral truth is not available, we should allow the possibility of many alternative moral views that would be equally reasonable.

In the case in which the follower of a comprehensive doctrine would sustain that his opinion is the truth even if it is not capable to convince those outside his doxastically homogenous group, then such an opinion could be categorized as a non-reasonable product of what Hardin called a “crippled epistemology” and should be rightfully excluded because it poses “a distinct threat to democracy” as Talisse himself admits (Talisse 2009, 59). But they will not be epistemically excluded with no regard to the fact that their comprehensive doctrine is true, but precisely because they could not convince anybody outside their doxastically homogenous group that this doctrine is true, and there is no way to solve the deep disagreement by the means of public deliberation.

4. Moral versus Epistemic Foundation for Deliberative Democracy

According to contemporary defenders of deliberative democracy like Amy Gutmann and Denis Thompson, the justification of democracy should be based on the fact that 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 (Gutmann and Thompson 2004, 3).

In Talisse’s opinion there is a general problem that affects every moral version 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” (Talisse 2009, 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.

He raises the same objection against the theory of Habermas. According to this doctrine, democracy is a necessary presupposition of proper communication: proper communication should be non-strategic and must aim to reasoned consensus among equals. This is the reason why the radical anti-democratic speech is inconsistent: it contradicts the conditions under which proper communication is possible. However, Talisse insists on the fact that anti-democrats, racists, sexists and tyrants do communicate although they are not committed to democracy. Moreover, by their discourses they aim at terminating their membership to the democratic discourse community. That is why, in Talisse view, the argumentation of Habermas's theory concerning the legitimacy of political decisions is circular: "it justifies democracy only to those who already accepted membership in a democratic discourse community" (Talisse 2009, 131).

To avoid this problem, he argues for an epistemic version of deliberative democracy that is not based on some controversial moral principles, but on a set of epistemic principles. Talisse argues that 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*.
- 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 (Talisse 2009, 87-88).

He affirms that these principles are implicit in the ordinary practice of political discourse of rational beings and that this commitment entails a further commitment to democratic political norms and institutions, to what he calls "dialogical democracy".

In his opinion, the difference between Habermas's view and his own theory of folk epistemology and is that "whereas the first begins from the intersubjective conditions of communication and argues to the subjective commitment to democratic politics, the folk epistemic view begins from the subjective commitment to proper believing and argues to the intersubjective commitment to the kind of social epistemic activity that can be engaged only within a democracy" (Talisse 2009, 131). Moreover, he thinks that his theory is superior to Habermas's view because the intersubjective conditions for communication presupposed by this theory are contestable: they favor certain outcomes. For example they make religious citizens translate their reasons into secular ones.

However, I believe that his thesis according to which folk epistemology begins not from an intersubjective perspective regarding the reasoning process, but from "a first-personal epistemic point of view" and the subjective

commitment to proper believing, is wrong. The reason for this is the fact that it 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. If we could concede 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, they do not specify the epistemic standards of the *correctness* of that belief. They say only if a belief exists, but 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 on¹.

But these standards of correct reasoning are not established from a first-person epistemic point of view, but from an intersubjective epistemic perspective. We could say that the concept of correctly believing something presupposes a proper social epistemic activity like that associated with democracy. Therefore, we could not only say that deliberative democracy is not based on folk epistemology, but that things are precisely the other way around.

If the *complete* epistemic norms of proper believing were indeed internal to the belief, then no belief could be mistaken. What is really internal to the belief is the rule which states that nobody could properly believe *p* without having reasons for *p*. But the conditions for something to constitute a valid reason cannot be specified by private, internal decisions, but by social rules. Hence, although from the first-person point of view of a citizen the epistemic process of properly believing *p* seems to begin with subjectively holding that *p* is true and to end with the social process of reason exchange, in fact things are the other way around.

The “epistemic awareness” that helps Talisse distinguish between genuine and specious believers is achieved only in a social epistemic process. As Talisse himself acknowledges, we could say that “our general collection of epistemic habits are socially derived” (Talisse 2009, 141). Nevertheless, I believe that is not only a descriptive or “causal” account of how we came to hold *that p* in a social process. It is rather a normative story concerning the concept of what are the conditions for something to constitute a reason for believing that *p*.

But, if all we argued so far is right, then the attempt to justify democracy by the means of the folk epistemology is vulnerable to the same objection Talisse raises against the doctrine of deliberative democracy defended by Rawls and Habermas: this justification is addressed only to the citizens of a democratic community.

¹ A similar argument is provided by Kristoffer Ahlstrom in a review to Talisse’s book. He affirms that: “in any reasonably diverse society, even granting a universal commitment to the relevant principles is not going to rule out there being a diversity of views on *how* truths should be attained, *what* constitutes reasons, and with *whom* one can reasonably be expected to exchange reasons” (Ahlstrom 2011, 666-668);

5. The problem of deep politics again

Talisse's theory of dialogical democracy is not only vulnerable to the circularity objection, but I believe that it neither succeeds in solving the problem of deep politics. The real issue behind this problem is 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 realize that every such debate is in vain they will not be motivated to adopt democratic strategies anymore. Hence, on Talisse's own account, they could rightfully adopt non-democratic strategies like rebellion or relocation. And, in this case, the problem of deep politics remains unsolved.

To this objection Talisse might reply that they should maintain the democratic engagement because of their commitment to the truth of their belief (Talisse 2009, 152). But we have to keep in mind the fact that, from his point of view, a Christian defender of the pro-life doctrine has already reached the true belief and he has done everything to convince the others without any success. He also presumably allowed others to scrutinize and criticize his view. Therefore, nothing will motivate him to maintain his democratic engagement. So, once again, the problem of deep politics remains unsolved.

Talisse might respond that this problem could be solved by invoking the temporary and open character of the reasoning process's outcome: citizens could agree to omit the subjects of deep disagreements, trusting that they will get a democratic answer in the future. And, indeed, at the end of the fourth chapter, Talisse concedes that, under certain circumstances, his theory of dialogical democracy would presuppose some kind of "discursive restraints". Because the democratic decisions cannot wait until all the relevant arguments have been aired, some decisions must be taken despite the lack of consensus. So, people should "omit reference to controversial premises in order to facilitate democratic decision". But, this omission differs from the one recommended by Rawls because it is self-imposed and temporary: the omitted controversial subjects are considered to be open questions (Talisse 2009, 154).

Nevertheless, I think that this strategy could succeed in convincing the citizens to maintain their democratic loyalty only if there would be an authentic possibility that the disagreement will be worked out in the future. For example, if they could cite a list of disagreements of the same kind that were resolved in the past by means of the same process. However, I believe that in the case of really deep and substantial disagreements (like those concerning abortion, euthanasia, the choice between religious and scientific education, and so on) no such list could be invoked. Hence, the defender of a comprehensive view that was omitted from public discourse has no reason for believing that the omission

is in fact temporary and that the outcome of the reasoning exchange process is really open. And, if this is right, then the problem of deep politics still remains unsolved.

6. The problem of discourse failure

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 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 possess the necessary epistemic capabilities.

Regarding the first problem, the ignorance of ordinary citizens, Talisse distinguishes between two kinds of ignorance: the ignorance of misinformed citizens and what he calls “agent ignorance” – the ignorance of an individual who is culpable for his false belief. In his opinion, only the second kind of ignorance (and only when it reaches a high degree) could affect his theory of dialogical democracy. Moreover, he could respond to this kind of problem by emphasizing the fact that the ignorance is caused by inefficient democratic institutions which need to be criticized and repaired, and not by the irremediable incompetence of the citizens. He responds to the second objection by emphasizing the fact that political commentary is a billion dollars business, which suggests that people are very interested in politics (Talisse 2009, 159-161).

To the objection of discourse failure-which argues that although people are interested in politics, the public ignorance does not diminish, but only increases-Talisse responds that these forms of political participation and commentary are instances of what he calls “pseudo-deliberations”: political discussions and processes of reason exchange that merely mimic rather than instantiate authentic deliberation (Talisse 2009, 166-167).

I think Talisse fails to address the most important issue concerning the problem of discourse failure. He mentions the fact that the expression “discourse failure” was proposed by Guido Pincione and Fernando Teson in the book *Rational Choice and Democratic Deliberation: A Theory of Discourse Failure*, but he did not analyze what I think is the most important argument they employ: the argument of “the rational ignorance” of ordinary citizens concerning political matters.

Pincione and Teson argue that common citizens lack the necessary resources to understand the complex society they live in, which is why they

often make mistaken assumptions and recommendations regarding the way in which intricate social and political problems should be solved. As a consequence, the deliberation between common citizens would only reinforce these wrong judgments (Pincione and Tesón 2006, 17). However, this is not the whole story behind the complex phenomenon of discourse failure.

Pincione and Tesón did not declare that this state of ignorance is natural or that it is always caused by some epistemic boundary of the deliberative procedures which are developed in contemporary democratic societies, as Talisse suggests. On the contrary, in their view, citizens *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 reason why their opinions are usually wrong and they are vulnerable to political manipulation (Pincione and Tesón 2006, 15).

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: we could look at public ignorance and misdirected political interest as consequences of the *rational* choice that ordinary citizens end up making.

The obvious reply of Talisse would be that the ignorance could be regarded as “rational” only if every vote would really make no difference. But, he could affirm that this is true only when we are dealing with a procedural model of democracy, but it is false with regard to dialogical democracy. The reason is that this model of democracy is based on an epistemic process of exchanging reasons which will presumably help citizens reach the best political decision. Hence, if a citizen will invest in his own instruction concerning the political life of his democratic society, he will have more chances to convince others to adopt the policy that he supports. So, his opinion would have a significant impact and he would have something to gain after all.

However, I believe that this reply rests upon a problematic premise: that the epistemic exchange of reasons could help us agree on subjects that are of sufficient significance as to make all this instruction effort worthwhile. But, as we already argued, the principles of folk epistemology cannot help us solve our deep moral, philosophical, religious or political disagreements. They cannot represent an epistemological foundation for a political decision that transcends the differences between alternative and equally reasonable comprehensive views.

7. Conclusion: legitimacy - political not epistemological

From all the objections we mentioned so far we could conclude that the theory of dialogical democracy is indeed problematic. Nevertheless, I believe that all those problems are only the consequences of a more fundamental issue regarding the doctrine of legitimacy itself.

The conception of legitimacy that Talisse defends from the very beginning of his argumentation is expressed in the phrase that states the paradox of democratic justification: “The core democratic idea that legitimacy of the democratic state rests upon the consent of those governed by it requires us to articulate principles that supply the justification for our government; however, the fact that citizens are deeply divided over fundamental commitments renders any such principles essentially contestable, and, therefore, unlikely objects of widespread agreement. It seems, then, that the very liberties that constitute the core of democracy render the democracy’s own conception of legitimacy unsatisfiable” (Talisse 2009, 15).

I believe that, if we carefully analyze this phrase, we can notice the confusion Talisse makes between the political dimension of consent and the epistemic dimension of consensus. He declares that *legitimacy consists in the consent* of those that are governed, but he believes that this consent is very problematic in the context of the *lack of consensus* that characterizes the contemporary pluralist society in which there are deep comprehensive principles. But, there is an obvious difference between the acts of expressing the political will (consent) and the epistemic agreement that is established at the end of an epistemological project between those all the parties in this project (consensus). It is possible to have consent without a real consensus, like in the theory of public reason defended by Rawls, which permits citizens to consent to a policy for reasons that pertain to their own comprehensive views. It is also possible to have consensus without consent in cases in which citizens autonomously chose to reject a policy (for their own reasons which could be connected with the conflict between personal and common interests) although they could admit that the policy is the best epistemic solution to a problem that concerns the common good.

Moreover, as Cristina Laffont underlines, the epistemic objective of consensus could be better accomplished in a non-democratic framework, like the one she calls “epistocracy” - the regime in which all the political decisions are taken by the experts in the field (Lafont 2006, 11-12). But, in such an elitist regime the political consent of ordinary citizens would have no real significance. It would be presumed that every time experts reach a decision the consent of common citizens would follow. But, this would mean that they would not have an authentic political autonomy. The autonomy can be preserved if we assume that legitimacy is not an epistemic, but a political matter: a decision is legitimate if citizens give their consent for it for their own reasons (for a more detailed analysis of this subject see Țuțui 2011, 169-183).

Hence, we can say that there is no necessary connection between consensus and consent. But, if this is true, then there will not be any contradiction between the necessity of consent (for legitimacy) and the presence of deep disagreements. So, the aforementioned paradox of democratic justification would lose its force. And this means that the crisis of legitimacy that Talisse talks about is not as severe as he suggests.

The obvious reply that Talisse could offer against this argument would be that our conception of legitimacy as a political affair does not solve the difficult problem of deep politics because it does not offer a motivation for the citizens that are committed to some moral or religious principles to prefer a democratic way to solve the disagreements, rather than a non-democratic one.

To this objection we can respond by invoking an argument we already mentioned: in this form the objection is implausibly strong. It can be used to reject any peaceful method of dealing with the deep disagreements, including the one that is presupposed by dialogical democracy (if we bear in mind the fact that the principles of folk epistemology do not specify the epistemic standards of a correct way of reasoning; for this we need substantial comprehensive principles). If this is true we have to settle for a more modest project: that of convincing the citizens that already accept a peaceful way of solving the deep disagreements to commit to a democratic regime. Because, as Talisse himself admits, when he analyzes the case of Amish people, you cannot convince someone to participate in a political procedure of solving common problems if he is a radical skeptic who rejects *ab initio* any such procedure (Talisse 2009, 183-184).

So, the commitment to a peaceful way of dealing with deep disagreements must be *previous* to any epistemic process of reaching a consensus regarding the right decision. If someone really wishes to abandon his commitment to this kind of procedure we cannot stop him to do so by invoking some principles of the act of properly believing something.

Hence, a more reasonable problem of deep politics should be that of convincing the citizens that are already committed to a peaceful political procedure to adopt a democratic rather than a non-democratic one. A very important argument for the democratic procedure would be that the legitimacy of a decision depends directly on the consent expressed by equal and autonomous citizens. If, in some way or another they would be constrained to adopt a decision, that decision would not be legitimate because it would not express the will of the people. So, there would be a strong argument to grant everybody an equal position in this procedure, which would entail to support a democratic regime.

Of course someone could ask: would a decision be legitimate even if only the majority of the citizens gave their consent for it? In the context of the pluralist contemporary society the will of the majority of citizens would have to suffice. In the context in which the fundamental rights of the individual are protected against the tyranny of majority, in which deliberation could play an important role in making every voice heard (but not in legitimating the political

decisions), and in which the outcome of every vote is open to revision, the risks involved in such an aggregative procedure are at least manageable.

Moreover, we have to keep in mind the fact that the commitment to a democratic regime is conditional in nature and it has a relatively limited scope: it extends only to the problems that must be solved at the political level of a democratic community and only to the extent to which such agreements are possible and are regarded as reasonable and acceptable. If some citizens or some group of citizens come to believe that the commitment to this kind of procedure is not acceptable anymore, they could rightfully adopt non-obstructive exit strategies like political abstention, the cynical decline to participate politically, political indifference and even relocation. The alternative way would be to deny them the right to exit the political community which they perceive as unacceptable and this would imply a real danger of oppression.

References

- AHLSTROM, Kristoffer. 2011. "Democracy and Moral Conflict, by Robert Talisse." *The Philosophical Quarterly* 61 (244): 666-668.
- LAFONT, Cristina. 2006. "Is The Ideal of a Deliberative Democracy Coherent?" In *Deliberative Democracy and its Discontents*, edited by Samantha Besson, Jose Luis Marti, 3-27. Burlington: Ashgate Publishing Limited.
- PINCIONE, Guido, and Fernando TESSON. 2006. *Rational Choice and Deliberation: A Theory of Discourse Failure*. Cambridge: Cambridge University Press.
- RAWLS, John. 2005. *Political Liberalism*. New York: Columbia University Press.
- TALISSE, Robert B. 2009. *Democracy and Moral Conflict*. Cambridge: Cambridge University Press.
- ȚUȚUI, Viorel. 2011. "The Epistemic Standards of Public Reason." *Argumentum – Journal of the Seminar of Discursive Logic, Argumentation Theory and Rhetoric* 9(1): 169-183.

