



ESSAY FRONT PAGE

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Essay Title: To which extent does the value of democracy rest on the quality of its
substantive outcomes ?.....

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Introduction

To which extent does the value of democracy rest on the quality of its substantive outcomes? I will claim that democracy should be required to bring about some basic outcomes whose quality can be unequivocally assessed and agreed on by all citizens. The desirability of democracy hinges upon the successful provision of, for instance, internal peace and the avoidance of civil wars. At the same time, I am going to argue that democracy should not be judged by its capacity to bring about other types of outcomes, whose quality are subject to thick reasonable disagreement. Democracy has intrinsic value, which I will identify in its ability to express relations of non-domination between individuals in their assessment of what is just.

Which quality? Which Outcomes?

Do we value democracy because it leads to positive outcomes, or does the procedure itself have some intrinsic value?

The observation that if democracies led to permanent chaos and internal wars, there would be no point in establishing them, suggests an affirmative answer to the first question, but does not shed any light on the second one. What it is useful for is showing an important distinction between different types of outcomes. Wars and chaos are unequivocally judged as bad state of affairs, but what if we are trying to evaluate the different ways of setting up a tax plan or we are deciding on abortion

laws? Shared consensus on these public matters may be practically unattainable, since people will disagree about what justice demands and the reasons this is so.

If we understand the quality of the outcomes brought about by democracy as normative judgments about how the world should be, we can –using Valentini’s work on the relationship between justice and democracy–introduce a first distinction between two types of disagreement people face over the evaluation of the quality of such outcomes. In case of thin reasonable disagreement there is “broad consensus on what conditions would have to be satisfied for a claim about justice to be true” (Valentini, 2013, 182). We are facing thin reasonable disagreement when the standards used to assess the quality/justice of the democratic outcomes are shared by all. We agree on what is just and good, but disagree about which policy would bring us closer to it. For instance, we all consider famines and wars as undesirable; we agree about the conditions that must be satisfied for such situations to be regarded as negative, but we may disagree due to “unclear evidence and partial information” (ibid. 183).

Instead, when disagreement is thick, citizens have no well-defined common goal and cannot agree on what makes a truth condition valid (ibid. 183). Some may believe, for instance, that a particular religion specifies what is just and would therefore support state subsidies toward religious institutions. Others who consider themselves utilitarian or Rawlsian would strongly oppose any such plans. Disagreement in this case cannot be solved, as it stems from the impossibility of mutually recognizing what makes a claim about justice true or false.

This distinction is useful, because it shows that the value and justification of democracy depends on some basic and necessary outcomes, but less so on others.

The protection of borders and the avoidance of civil wars are all outcomes, over which there might be thin reasonable disagreement and whose successful provision must be ensured by any democratic state. If democracy led to constant political instability and famines, it could not be positively valued and shouldn't be preferred to other forms of government.

At the same time, though, there is a whole range of more complex policies and laws, the quality of which is subject to thick reasonable disagreement and that cannot be unanimously judged just or unjust. In turn, the impossibility of mutually recognizing the standards used in the evaluation of these outcomes as valid, suggests that democracy's value might reside in some characteristic of its procedure.

Instrumental vs Intrinsic Justifications

If this line of reasoning is correct, instrumentalist justifications of democracy do not seem hold closer scrutiny when disagreement about the quality of the outcome is thick.

Estlund (2008) believes, for instance that one-person-one-vote and majority rule are the best truth-tracking device, implying that democracy is not valuable per se and is rather justified by its capacity to satisfy citizens' preferences. Arneson (2003) is more disillusioned and instead argues that the existence of difference levels of competence in the assessment of what is just, points to the conclusion that more authoritarian regimes, in which power is in the hands of the wiser, may be permissible, as they do not give rise to concerns about equality and could lead to morally superior outcomes.

The problem is that both authors take for granted the uniqueness and universal acceptability of the conditions, which make a certain outcome just or desirable, but under thick reasonable disagreement these cannot be unproblematically verified (Valentini, 2013). Moreover, the impossibility of realizing each and every one of our different but reasonably valuable conceptions of justice renders the evaluation of democracy based on outcomes even more problematic: if one decision needs to be taken and interests conflict, then some citizens will not be able to see their opinion and their considerations about justice reflected in the decision. Why should the minority still value democracy despite their negative judgment of the outcomes that it brought about?

Christiano's (2008) intrinsic justification of democracy, instead looks more promising, since it recognizes the fundamental disagreement faced in the evaluation of outcomes, which in turn justifies the adoption of a procedure that publicly recognizes the equality of each person's view. Even though some citizens cannot see the outcomes as representing their will, the decision-making process will express the equality of each view, since each vote has the same weight and people ideally have the same opportunities to run for office and participate in the making of laws (Christiano, 2008, 72).

Democracy conceived in this way does not depend on the quality of the outcomes, but the fairness argument so constructed fails to demonstrate why democracy should be preferred to other more fair procedures. If what is intrinsically valuable in the procedure is the equal public advancement of interest, then flipping a coin or doing a

lottery would do the job, since each view would have exactly the same chances of being adopted (Estlund, 2008, 72). Christiano would argue that deliberation can reduce disagreement and ensure “the development of an informed, rational and morally sensitive citizenry” (Christiano, 2008, 191), which could not be achieved if a coin-flip were used to choose the right policy. Note, however, that deliberation conceived this way is instrumental to the achievement of qualitatively superior outcomes, but if epistemic reasons to justify democracy are adduced, the argument remains subject to the same critique of instrumental theories described above.

The Freedom Argument for Democracy

It seems like the consequences of endorsing the distinction between thick and thin reasonable disagreement preclude any argument for democracy based on epistemic considerations. In other words, if we hold the view that the quality of certain outcomes cannot be unequivocally assessed, then we cannot offer a justification of democracy based on the same procedure’s capacity to lead to better results. Rostboll (2013, 11) correctly identifies the two challenges any intrinsic argument for democracy must face. First, we need to identify the inherent value of the democratic process, which is not susceptible to Estlund’s coin-flip critique, namely that other non-democratic procedures can satisfy it. Secondly, we need to provide an explanation of why should we listen to each citizen’s voice without recurring to the claim that the quality of the outcomes – as judged by some standard independent of the democratic procedure– will increase.

A justification of democracy based on freedom as non-domination seems better placed at meeting these challenges, but before showing why this is so it is useful to summarize the whole argument as introduced by Rostboll (2015). His intrinsic explanation of the value of democracy pivots around the concepts of autonomy and collective self-legislation.

Autonomy is to be understood in the republican sense as a not having a master, someone who decides on your behalf in an arbitrary way and over which you have no power. Autonomy so conceived is a relational concept, which is not determined independently of political institutions, but is an integral part of the legal order. This is in sharp contrast with Christiano's argument, since his starting point is a principle of equality as equal advancement of interests, specified apart from a public legal order and thanks to which democracy is recognized as the best means to respect such value.

In order to respect individual autonomy and avoid relations of domination, citizens need to participate in the collective self-legislation as equal moral beings, recognizing as authoritative only the outcomes of a procedure, in which each is an "equal and effective participant" (Rosboll, 2013, 16).

This means that democratic legitimacy does not stem from the content of the specific policy, but from a procedure, in which no one can be another citizen's master and everyone can influence the government (Petit, 2012, 153). Freedom is thus substantiated in the act of participation and in citizens having the possibility of actually changing the laws.

The freedom argument can, therefore, explain the value of democracy independently of the quality of the outcomes it brings about, since its focus is on securing relations of non-domination in the process of determining what counts as just and. As Rostboll correctly puts it: “the weakness of the idea that substance has priority over procedure is that it assumes that legitimacy is only about getting what one wants and fails to consider the relations in which citizens stand to each other” (Rostboll, 2015, 436).

It is also immune to Estlund’s coin-flip critique: while randomness recognizes equality it does not make people participate in the process of collective self-legislation, thus failing to respect them as individuals and moral agents capable of judging the validity of the law.

Christiano has criticized this argument by noting that, in fact, democracy implies dependency on the will of others, who want to secure what they want (Christiano, 1996, 25) and concluded by saying that this kind of relation is “a paradigmatic case of unfreedom” (ibid. 24). However, Rostboll’s argument is not based upon freedom as non-interference, as one can infer Christiano does. Freedom as explained above is about not having a master, not about being independent; the concept is not exogenous to the political and legal order, but rather stems from it.

Conclusion

I have argued that democratic outcomes can be conceptually divided based on the kind of disagreement people face in their evaluation. Democracy should be required to bring about basic outcomes, whose quality can be unequivocally recognized. At the

same time, I argued that when disagreement about the quality of the outcomes is thick, democracy has intrinsic value and the process cannot be evaluated based on their evaluation. How can the value of a procedure be both dependent on some outcomes but not on other? This apparent contradiction can be resolved by noting that democracy does not necessarily have an instrumental value in bringing about those basic outcomes such as a state of internal peace. Indeed, the argument I constructed does not logically contradict the idea that something of value would be lost, if those basic outcomes were brought about by less democratic government. It merely implies that there can be a morally justified trade-off between the human desire for personal integrity and its need of being free. In other words, claiming that democracy has some intrinsic value does not imply that this system must be put in place regardless of all consequences, nor that other values can't have precedence over it.

Bibliography:

Arneson, R.J., 2003. Defending the purely instrumental account of democratic legitimacy. *Journal of Political Philosophy*, 11(1), pp.122-132.

Christiano, T., 1996. *The Rule Of The Many: Fundamental Issues In Democratic Theory*. Boulder, CO: Westview Press.

Christiano, T., 2008. *The Constitution of Equality*. Oxford: Oxford University Press.

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

Pettit, P., 1997. *Republicanism: A Theory Of Freedom And Government*. Oxford: Oxford University Press.

Pettit, P., 1999. Republican Freedom and Contestatory Democratization. In: I. Shapiro and C. Hacker-Cordón, eds. *Democracy's value*. Cambridge: Cambridge University Press, 163–190.

Pettit, P., 2012. *On the people's terms*. Oxford: Cambridge University Press.

Rostbøll, C. F., 2013, *The Non-Instrumental value of Democracy: the Freedom Argument*, Columbia University Political Theory Workshop, New York,

Rostbøll, C. F., 2015 Non-domination and democratic legitimacy, *Critical Review of International Social and Political Philosophy*, 18:4, 424-439

Valentini, L., 2013. Justice, Disagreement and Democracy. *British Journal of Political Science*, 43(01), pp.177-199.