

Democracy without Taking Sides?

by Pierre Crétois

Do the institutions and procedures of democracy deliver more social justice than authoritarian regimes or a hypothetical government of experts? They can, suggests one philosopher, by virtue of the impartiality they foster between citizens.

Reviewed: Pierre-Étienne Vandamme, *Démocratie et Justice sociale*, Vrin, 2021, 256 pp., €24.

Is democracy capable of injustice? Judging by the concrete forms it has taken in the twentieth century (democratic elections provide no guarantee that authoritarian rulers will not gain power), or the inability of leaders to win support for certain social justice measures (increasing the tax burden on inheritance, for example), we may well think so. In response to these concerns, Pierre-Étienne Vandamme proposes a rigorous understanding of "epistemic democracy", which aims to show how democratic procedures can enhance the justness of citizens' political decisions. His theory leads him to reflect on ways of increasing the degree to which our so-called democratic institutions conform to the ideal of epistemic democracy, which represents a serious promise of improved prospects for justice in general and social justice in particular.

Pierre-Étienne Vandamme's approach is analytical in the best sense of the word. While he may be criticized for ignoring large swathes of the history of philosophy in favor of purely normative argumentation, he does so because his thinking is anchored in a new field of research that political theory has recently opened up on the nature of democracy and its normative justifications. At the intersection of institutional reflections on democracy, theories of deliberation and epistemic defenses of democracy, Vandamme's book provides an overview of the current state of

philosophical discussion on democracy, while also presenting the author's own perspective on these issues.

Epistemic democracy and justice as impartiality

One of the book's main concerns is justifying the superiority of democracy over other forms of political organization, such as authoritarian regimes or any form of expert government (or "epistocracy").

To begin with, Vandamme explores whether democracy is preferable because of the beneficial effects that can be expected from it (instrumental justification), whether it is preferable as a procedure (procedural justification), or a mixture of the two: on the one hand, because democratic procedure is acceptable to everyone, and on the other, because it is likely to produce better decisions than other regimes, as David Estlund, for example, argues¹. Vandamme opts for the latter approach, which informs and accompanies all the positions he defends throughout the book.

His conception of democracy implies a strong commitment to the capacity of the citizen collective to produce better (i.e. fairer) decisions, by the very fact of the plurality of perspectives considered in the deliberation process. This leads Vandamme to reject the epistocracy recently championed by libertarian economist Jason Brennan²: despite its apparent merits, such a government is less likely to deliver the best decisions than an inclusive democracy.

This theory is underpinned by a commitment to a form of moral realism: some judgments about justice are truer than others, and democracy is the best way to reach them. However, Vandamme does not resort to dogmatism, since a true democracy must also recognize its fallibility—i.e. the possibility (and intention) of speaking the truth in matters of justice—but at the same time the permanent (and accepted) possibility of being wrong. This allows us to think in terms of a continuous review of citizens' judgments in the light of the best argument. This position has another advantage: if it is true that democracy theoretically creates the conditions for the best decision, it means that we can dispense with a Rawlsian theory of justice, or, more

¹ David Estlund, *Democratic Authority: A Philosophical Framework*, Princeton University Press, 2008.

² Jason Brennan, *Against Democracy*, Princeton University Press, 2016.

specifically, that the result of democratic deliberation is a better way of arriving at fair positions than the reflection of an isolated human being.

Second, Vandamme considers that the deliberative ideal he defends is better able to deliver justice as impartiality (where impartiality characterizes both the form of democratic deliberation and its outcome) than as equality. He believes that the ideal of impartiality is better able to serve as a criterion for assessing the justness of a decision than that of equality. Impartiality prevents one group from being favored over another. Thus, for Vandamme, increasing inheritance taxes is both *unequal* and *impartial*, in the sense that it places a heavier burden on the most privileged, in order to combat a distribution that structurally disadvantages the poorest. This shows that impartiality can be compatible with unequal measures that are, moreover, more sensitive to differences than the ideal of equality.

The democratic ideal that Vandamme defends is supposed to produce the same effects of impartiality as the Rawlsian veil of ignorance, while allowing for better quality decisions. As Vandamme himself acknowledges, this is not an original option. For example, Rousseau condemned guilds or intermediary groups that tend to be biased in favor of their own private interests. It is more original, however, to make the ideal of impartiality just as decisive for fair deliberation. Vandamme also shows that democracy is the political system that most favors impartiality, as it takes equal account of everyone's point of view. This short, dense chapter paves the way for fruitful avenues of reform to bring our institutions more into line with the democratic ideal defended by the author.

Democratizing our democracies: prospects for reform

The final chapter focuses on the prospects for democratizing democracy. Vandamme's first proposal is for a more democratic education based on decentralization and the ability to understand other people's points of view. Such a decentered approach to education would help people to avoid favoring their own perspective and promote democratic impartiality. Vandamme also tries to guard against the risk of indoctrination by advocating that teaching should present itself as fallible, committed to objectivity and impartial. The idea is to develop an education that fosters the formation of critical knowledge that is receptive to the point of view of others and sensitive to the best argument. There is no denying that education plays a

key role in encouraging certain dispositions necessary for civic life within a democratic framework. Vandamme's initial suggestions are interesting and allow us to take a critical view of a school system that is essentially subordinate to vocational training. Nevertheless, we may well ask whether schools and the media do not also act as a means of disciplining individuals and perhaps shaping their choices, including their political choices. The vertical logic of information and the very idea of a "national system of education" always carry the risk of perpetuating both paternalism and the artificial homogenization of points of view, when democracy presupposes self-government and maximum plurality of perspectives.

Unlike Rousseau or those who advocate the drawing of lots (replacing or supplementing classical representative democracy, based on elections and the party system, with the selection of leaders by lots), Vandamme does not criticize political parties in the name of impartiality. They can be useful places of deliberation for the emergence of morally impartial conceptions of justice, and for structuring different public perspectives on justice. This also prompts Vandamme to qualify the contribution of a chamber drawn by lots against party democracy structured by voting. Instead, he opts for a mixed approach that draws on the merits of both models and acknowledges their respective shortcomings, with a view to achieving a democracy that favors moral impartiality without sacrificing the party form (some of whose shortcomings Vandamme nonetheless criticizes).

Vandamme also tackles the issue of voting secrecy, often held to be an indisputable condition of democratic life insofar as it presupposes that individual political choices can escape the various types of social pressure exerted on them. But, as Vandamme points out, a secret ballot frees voters from having to justify their choices, and therefore fails to live up to the ideal of rationality and responsibility that should guide a democratic life capable of improving the quality of political choices. Far from recommending open voting, whose risks are well known, Vandamme instead defends a balanced position in favor of "justified voting", which consists in inviting voters to select possible justifications for their choice on the ballot paper. Such a system is not without its practical and normative problems, but it is a promising way of improving the quality of political choices without sacrificing the privacy of their expression.

Vandamme is also interested in how democracy can lead to the consolidation or even constitutionalization of social rights: "A more impartial human rights regime seems [...] necessary to increase the potential for justice in existing democracies."

(p. 198) Indeed, while we might expect that the inclusive nature of democracy, and the obligation placed on all stakeholders to consider other people's perspectives equally in public deliberation, would lead to more egalitarian social relations, we might also wonder whether democracy alone can overcome the social determinisms that skew its procedures. As Pierre Bourdieu has shown, for example, the inequality of cultural and social capital prevents people from taking part in deliberations on an equal footing with others.

Some reservations about the overall project

I will conclude my reading of this very stimulating work with a few reservations, which in no way detract from the quality of Pierre-Étienne Vandamme's work, but which are intended to contribute to the debate he has so brilliantly helped to enrich.

My main criticism of the book is that it fails to deliver on its promise to show the precise nature of the relationship between democracy and social justice. This is no doubt due to the fact that Vandamme adopts a very broad definition of the term "social justice", according to which a just society is one in which no one is arbitrarily privileged or disadvantaged. It necessarily follows that democracy provides the best chance of achieving social justice, because it reduces the risk of decisions being biased in favor of the few.

However, this broad definition of social justice does not correspond to its standard usage. In its conventional sense, social justice refers to distributive justice; it aims, for example, to equalize the distribution of resources, to intervene in the economy to correct its unequal effects, to limit the free use of private goods through taxation, etc. However, there is very little mention of this in the book. What is more, the question of the link between democracy and social justice is only addressed (and even then relatively succinctly) in two places, in the sections "*Impartialité et justice sociale*" and "*Protéger les droits sociaux*". The remaining references to social justice are not specifically aimed at illustrating democracy's intrinsic capacity to promote it. As a result of what may just be a quarrel of words, Pierre-Etienne Vandamme's very fine book does not appear to fully deliver on the promise its title suggests.

Indeed, in my view, establishing a plausible link between democracy and social justice requires defending a conception of justice as a mutually advantageous normative system. This strikes me as the most convincing way of showing that the most disadvantaged have an interest in wanting social cooperation to benefit them more, and that the most advantaged have an interest in accepting it if they want the rest to continue cooperating. On the other hand, justice conceived as impartiality does not seem to be able to achieve this objective: we can, for example, construct an argument showing that a normative system that effectively takes part of the wealth acquired by the richest to put it at the service of the poorest is not impartial, but shows partiality towards the latter to the detriment of the former. From this point of view, the ideal of impartiality, necessary for the democratic ethos, is not sufficient to justify social justice. While more relevant than the principle of equality, it is still too indeterminate. It may even support counter-arguments to social justice. It may be that the competing representations of justice on which we base our reasoning cannot be resolved by an impartialist conception of justice, but by a stronger, cooperativist conception that sees justice as a mutual benefit.

The hope that democracy might promote social justice is inspiring, and there is good reason to believe that opposition to the equalization of conditions is more likely to be challenged by subjecting all public decisions to deliberation than by removing from public discussion the policies, structures and mechanisms that foster inequality (since certain advantaged categories of the population have a vested interest in maintaining these inequalities). However, it has not yet been shown that the ideal of truth to which Vandamme's conception of democracy is supposed to lead must necessarily result in positions that favor social justice rather than social inequality. From this point of view, a theory of justice seems better able to provide good reasons for believing that the equalization of conditions is fair, compared to a theory of democracy that has difficulty defending a binding option in matters of justice while asserting the fallibility of our judgments and the need to take all perspectives equally into consideration.

Further reading:

- Jason Brennan, *Against Democracy*, Princeton, Princeton University Press, 2016.
- Joshua Cohen, "An Epistemic Conception of Democracy", *Ethics* 97/1, 1986, pp. 26-38.
- David Estlund, *Democratic Authority: A Philosophical Framework*, Princeton University Press, 2008.

- Jürgen Habermas, *The Theory of Communicative Action*. Vols I and II, translated by Thomas McCarthy, Boston, Beacon Press, 1984.
- Bernard Manin, *The Principles of Representative Government*, Cambridge University Press, 1997.
- David Van Reybrouck, *Against Elections: The Case for Democracy*, translated by Liz Waters, Random House UK, 2016.

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