

# Open-mindedness and Deliberative Democracy

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I, Kasim Khorasane, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

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It is a cliché that PhDs are a long slog, and in this respect I've very much lived up to the stereotype. I am, nevertheless, reminded of another long slog I once embarked upon – the Tour du Mont Blanc – and how getting to the end was in no small part due to the friendship and support of the people around me. While writing a PhD thesis can be a lonely and solitary endeavour, this has made my relationships these past years all the more precious. I therefore write the following to express a small part of the gratitude I have to those people whose companionship helped me get this far up the mountain.

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## Abstract

The dominant justificatory framework for democracy is deliberative democratic theory. It holds that democracy is legitimate to the extent it instantiates, and is guided by, the ideals and processes of good deliberation. This thesis challenges the dominance of the deliberative paradigm by highlighting an under-explored, and yet critical, element of the theory – its dependence on participants’ open-mindedness. The thesis addresses two central issues – the empirical feasibility and normative desirability of open-mindedness.

By surveying the psychological literature on directionally motivated reasoning this thesis identifies robust findings across a range of contexts and subjects that people engaged with, or knowledgeable about, politics are systematically closed-minded in a manner resistant to straightforward correction. This analysis is twinned with a novel methodological approach to feasibility. This entails that if we are to maintain any connection to ‘ought implies can’ we cannot draw any firm dividing line in feasibility analysis between impossibility and the types of probabilistic discoveries produced by the social sciences, such as motivated reasoning. Therefore such results have to be accounted for in normative theorising.

This thesis builds a novel account of open-mindedness and its related phenomena – credulity and closed-mindedness – and finds that whether one ought to be open-minded is sensitive to a range of contextual criteria. It applies this context-sensitive approach to the case of elected representatives as centrally important figures in modern democracies. In particular, the practice of elections and electoral campaigning require elected representatives to uphold their electoral commitments while in office, an obligation put at risk by open-mindedness. The adversarial political context faced by elected representatives and their limited internal capabilities provides further reasons to deviate from open-mindedness.

These findings call into question the central role open-mindedness plays in deliberative democratic theory. As a result, they open up theoretical space to explore alternative justifications for democracy’s legitimacy.

## **Impact Statement**

We advocates of democracy are currently facing challenging times. This thesis contributes to improving our understanding of democratic legitimacy by critiquing the dominant deliberative paradigm. In doing so I aim to open up the space to explore as well as rediscover alternative accounts of democratic legitimacy. The intended benefit to future academic research would be to direct our scholarly energies in new productive directions to research democratic legitimacy. In my concluding Chapter 7 I suggest one approach – that of more practice-dependent analyses beginning with democratic practices as they exist around the world and from this starting point deriving grounding principles for democracy’s legitimacy. I also recognise that deliberative democratic theorists may prefer to cleave to the deliberative ideal in opposition to the thrust of my research. In Chapter 7 I therefore also tentatively suggest some paths they may wish to pursue to address the challenges I have posed with respect to open-mindedness and deliberation. In both ways I hope to help advance democratic theory scholarship within the academy.

A further benefit of this research is to help introduce more nuance into academic and public discourse around open- and closed-mindedness. It is undoubted that excessive closed-mindedness in politics can be a problem – impeding the potential for necessary compromise or belief revision. However, the standard framing both inside the academy and beyond of open-mindedness as an inherent good and closed-mindedness as an inherent bad is overly simplistic. It prevents us from recognising when we, or others, legitimately deviate from open-mindedness. It is true – albeit not widely acknowledged in how we use the terms – that people treat many of their beliefs as closed and do not readily entertain challenges to them in an open-minded manner. We might do so for any number of reasons ranging from preserving our attention and cognitive resources to avoiding being misled by spurious claims. Currently closed-mindedness is often instead used as an epithet to criticise interlocutors who do not accept our arguments. Of course, one accusation readily invites another – as discussed in Chapter 6 – potentially leading to fruitless disputes over hard to verify internal mental states. By clarifying what open- and closed-mindedness entail and directing our attention to the reasons for these cognitive attitudes – rather than whether they are inherently good or bad – my research helps to move us towards a more productive discourse on the subject.

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# Chapter 1 - Introducing the Project

## 1.1 - Introduction

The focus of this thesis is an under-explored, and yet pivotal, requirement of deliberative democratic theory – that of open-mindedness. Given the importance of deliberative democracy in political theory – considered by some its most productive research paradigm (Warren 2017: 40; O’Flynn 2022: 3), leading normative framework (Sanders 1997: 1; Dryzek 2003: 1; Mansbridge et al. 2012: 1; Pateman 2012: 7), and even its most active and dominant ideal (Dryzek 2007: 237; Gunn 2017: 88-89) – this research contributes to a highly important area of study.<sup>1</sup> The findings of this thesis challenge both the feasibility and universal desirability of open-mindedness in the context of democratic politics. In doing so it provides us with a more nuanced understanding of open-mindedness, emphasises the importance of context for understanding its desirability, and develops the space to consider alternative non-deliberative groundings for democracy’s legitimacy.

Open-mindedness occupies a role as an unassumingly obvious good in modern liberal democratic societies. The history of liberal political thought is tied to notions of progress which incorporate open-mindedness, in particular the idea that the human condition can be improved through open-minded discourse and developing the scope of human knowledge (Mill 1859). This logic is closely related to ideas of scientific progress and a willingness to revisit and revise claims leading to progress (Popper 1945). Although the modern deliberative ‘turn’ in democratic theory has heterogeneous intellectual roots it has come to incorporate this liberal emphasis on individuals reasoning in an open-minded way.<sup>2</sup> As will be elaborated in Chapter 2 open-mindedness is frequently cited as a requirement of persons in deliberative democracy, but what this means is seldom explored in any significant detail. For example, what exactly it entails, how feasible it is, and whether the requirement is normatively more complicated than deliberative democratic theory implies. This thesis, after developing a novel understanding of open-

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<sup>1</sup> Deliberative democracy has also drawn attention from empirical political scientists (Mutz 2008; Mansbridge et al. 2012: 1) and fields as diverse as law, psychology, clinical medicine, planning, policy analysis, ecological economics, sociology, environmental governance, and communication studies (Kuyper 2018: 1). Deliberative democracy has furthermore inspired a range of practical measures adopted around the world to facilitate decision-making (Renwick and Hazell 2017).

<sup>2</sup> The history of deliberative democracy dates back to movements in a number of disciplines in the 1980s including philosophy, legal-constitutional studies, social theory, and political science (Florida 2018: 35). The first usage of the term ‘deliberative democracy’ is often traced to Joseph Bessette’s (1980) descriptive analysis of the US Congress (Bessette 1980), although its intellectual roots can be found as far back as Rousseau and Aristotle (Bohman 1998: 400). Within political theory the two broad schools which originated the approach derive from the works of John Rawls and Jürgen Habermas (Gunn 2017: 330-331; Goodin 2018: 884-885).

mindedness, challenges it on both feasibility and desirability grounds as a universal requirement of agents in democratic politics.

Given the widespread celebration of open-mindedness in liberal democratic political theory and culture this questioning is likely to strike some readers as an unwelcome indictment. Open-mindedness is, on the prevailing view, quite obviously desirable; and so its problematisation is something to be opposed. Indeed, some are likely to see open-mindedness as so obviously a good that they would argue we should be very reluctant to conclude that it is in any way problematic. A core task of this thesis is to show that such concerns are misguided. Open-mindedness is not, I argue, the uncomplicated obvious virtue that deliberative democrats and liberals hold it out to be. In fact, I will argue to the contrary, that open-mindedness, closed-mindedness, and credulity all have their place in democratic life, especially among elected representatives.

At stake in this theorising is the basis of democratic legitimacy – that it should be rooted in deliberation (O’Flynn 2022: 1). The dominance of the deliberative paradigm has encouraged theorising and reforms to be oriented around its central mechanism – deliberation. My account addresses deliberative democracy as part of a wider – albeit not universal – trend in democratic theorising which seeks to identify democracy’s value in a single concept or overarching justification.<sup>3</sup> The purpose of this thesis is in some sense negative – to deflate some of this overwhelming emphasis on deliberation. Its intention is to help widen our focus to recall other elements of democracy which help ground its value – including self-government through representation, integrity, and commitment. There is no doubt that deliberation is a useful and important tool of good governance and should be considered an important aspect of democracy. Nevertheless, by problematising the open-mindedness requirement which underpins deliberation this thesis intends to rekindle a more pluralist approach to democracy’s values. This can help avoid a myopic focus on deliberation as the single most important element of democracy. It can also help combat a consequent trend in stretching the concept of deliberation to encompass an increasingly wide range of behaviours and phenomena to maintain its justification as the keystone of democracy (Goodin 2018).

This thesis approaches the question of open-mindedness from two distinct directions. The first is from an analysis of empirical research in social psychology – specifically the

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<sup>3</sup>For a recent systematic work in this vein see Kolodny (2014). For an account more in line with my own pluralist aspirations see Warren (2017).

directionally motivated reasoning (DMR) research programme. In this it joins a recent literature critical of the empirical assumptions which underpin democratic theory (Caplan 2007; Gunn 2014; Bell 2015; Brennan 2016; Somini 2016; Brennan 2022). The challenge posed to deliberative democracy by DMR in particular has been noted in the literature (Richey 2012; Moscrop 2017). This thesis innovates and develops on this existing literature in three ways. First it offers a more in-depth review of the psychology literature than is customary in the critical literature cited above. It also considers evidence on attempts to correct for such effects. Second, it advances a novel approach to feasibility to argue that normative democratic theory should accommodate, and not dismiss, this type of social scientific evidence. Third, in identifying this psychological research explicitly with closed-mindedness it links DMR to the broader question of open-mindedness which I diagnose as fundamental to the deliberative project.

The second approach adopted by this thesis focuses on the normative implications of deliberative democratic theory's calls for open-mindedness. To do this it first sets out a novel approach to open-mindedness inspired by existing accounts, drawing on the field of virtue epistemology and ongoing work on philosophical accounts of open-mindedness. Here I propose my own account of open-mindedness as a three-stage process of not screening new information, assessing it impartially, and updating one's beliefs in accordance with one's assessment. Importantly, I do not characterise it as inherently virtue per se – its appropriateness or not being highly dependent on the specific context in question. To focus this contextual analysis I apply it to a class of persons critical to the functioning of any modern democracy – elected representatives. I set out that elected representatives have particular obligations to uphold and maintain their political commitments. Furthermore, I argue that open-mindedness can pose a threat to the carrying through of such commitments. Finally, considering the context of strategic disagreement which elected representatives face I argue that their specific circumstances can justify deviations from open-mindedness towards closed-mindedness or credulity.

My analysis illustrates that the deliberative democratic reliance on open-mindedness is much more complex and problematic than its previous limited treatment in the literature suggests. On the one hand, the empirical challenge to open-mindedness when it comes to politics is formidable, including when attempts are made to correct for such effects. On the other hand open-mindedness, even when it can be attained, is not an unalloyed good. Instead, its appropriateness depends on a balance of factors including the duties incumbent on the agent and the strategic context they face. My thesis points towards the need to diversify the multi-faceted practice of democracy away from such heavy reliance on deliberation as the foundation

of its legitimacy. Deliberation in the manner hailed by deliberative theorists can, and should, only occur part of the time and under particular circumstances. The values canvassed in the course of the latter part of my thesis – electoral self-government and democratic integrity – indicate further potential normative grounds for democracy and democratic practice which do not rest on deliberative foundations. This thesis also contributes to the literature on the concept of open-mindedness itself, in particular the field of virtue epistemology, by explaining how the normative value of open-mindedness properly understood derives from its deployment in appropriate contexts.

## 1.2 – Summary of the Work

The first step in my argument is establishing open-mindedness as the crucial element of deliberative democracy I make it out to be. My focus on open-mindedness would be misguided if it were not in fact critical to the internal logic of deliberative democratic theory. The scope of my analysis is necessarily limited relative to the vast range of existing deliberative democratic scholarship. As suggested at the outset of this chapter deliberative democratic theory has been a highly productive area of research and scholarship, with an accompanying vast literature. I therefore select a few well-regarded examples of deliberative democratic theory drawn from varying traditions to indicate their common reliance on open-mindedness. These include Gutmann and Thompson’s (1996 and 2004), Dryzek’s (2003), and Goodin’s (2003) theories. To reach my intended focus on open-mindedness requires reconstructing the internal logic of deliberative democratic theory which I carry out in Chapter 2.

This begins with the history of deliberative democracy’s project to ground democracy’s legitimacy in a talk-centric conception of democracy and how it has developed over time (Chambers 2003: 308-309).<sup>4</sup> The content of this ‘talk’ is the mutual exchange of reasons, “that involves weighing and reflecting on preferences, values, and interests regarding matters of common concern” (Bächtiger et al. 2018: 2). I note that there has been some debate regarding how much a focus on ‘reasons’ in deliberative democracy rules out other communication such as perspectives or narratives (Young 1996; Sanders 1997). Theorists of deliberative democracy have in the past two decades mostly sought to accommodate these critiques so what is considered a ‘reason’ is construed broadly to include ‘relevant considerations’ such as perspectives or

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<sup>4</sup> This talk-centric communicative basis for democracy is often contrasted with conceptions which foreground voting and the aggregation of citizens’ preferences (Goodin 2003: 3; Gutmann and Thompson 2004: 13-16; Chambers 2012: 52; Bächtiger et al. 2018: 2).

narratives (Dryzek 2003: 15; Bächtiger et al. 2018: 7; Goodin 2018: 886). Deliberative democracy theorists generally require a number of conditions to be in place for this talk to be normatively satisfactory such as freedom from any coercion or force (Habermas 1962), mutual respect (Gutmann and Thompson 2004), and substantive equality (Cohen 1997: 69). I furthermore suggest that the value of deliberation under proper conditions rests on its impact on participants. In particular, participants' preferences and understanding are expected to be shaped by their deliberative engagement, a form of learning. I identify that this learning process requires a number of characteristics from deliberative participants, but one in particular is necessary for this deliberative learning to take place - open-mindedness. All three of the major accounts of deliberative democracy surveyed in this review, despite their manifest differences, display a reliance - more or less explicitly - on open-minded learning from deliberative participants. By identifying and drawing out these commonalities I can make a generalisable claim about deliberative democratic theory's reliance on open-minded deliberative learning.

Once this reliance has been identified I then need to specify what exactly open-mindedness means. References to open-mindedness in the deliberative democracy literature tend to rely on a general understanding of the term - rather than developing it in significant detail. As the concept is not explored in significant detail within the deliberative democracy literature I turn to virtue epistemology and the philosophy of education where the concept has received significant attention in recent years. Because my argument suggests that open-mindedness is normatively appropriate under some circumstances but not others I need an account of open-mindedness which is not fundamentally evaluative and does not assume open-mindedness as inherently correct or good. This leads me to develop my own definition of open-mindedness in Chapter 3, inspired by Hare's work in the philosophy of education (Hare 1985).

I conceive of open-mindedness as a form of impartiality across three-stages of cognitive activity towards new claims. These three stages are not actively screening claims, considering the merits of claims impartially, and updating one's beliefs accordingly. With respect to each of these three stages open-mindedness is the midpoint on a spectrum of partiality ranging from credulity to closed-mindedness. One aim of my definition is to separate out the definition of the trait from considerations of whether it is appropriate in a given context. This is to facilitate its usage in my wider analysis as to whether deviations from open-mindedness are sometimes justified and on what grounds. With respect to the first step in my definition - not screening - open-mindedness is an attitude of receptiveness towards information in the world, but is not necessarily motivational. This distinguishes it from motivational characteristics such as curiosity

or love of knowledge. A person's open-mindedness to new claims is expressed by not screening or filtering them out in advance of engaging with them. The second stage of my definition concerns impartial judging – assessing claims with the same tools and approach they would apply to other claims of that type. This is, of course, no guarantee that the claim will be assessed well – this would depend on other intellectual characteristics such as good reasoning skills. The third stage of my definition requires updating one's pre-existing beliefs in accordance with one's judgement. New claims must necessarily be reconciled with the pre-existing belief structure, and this necessarily requires rationally assessing and evaluating the new claims to appreciate how they fit with the agent's prior beliefs. This definition allows us to consider the context-dependent nature of the benefits, and potential downsides, of adopting open-mindedness. Relevant factors include our own cognitive abilities – we may be more easily misled with respect to topics we are less competent in – as well as how challenging the epistemic environment is. Furthermore, open-mindedness can be costly in terms of cognitive and emotional resources, all of which bear on when it is apt to be open-minded.

With the definition of open-mindedness clearly set out we can consider the first question of how empirically likely or challenging political open-mindedness is. While other authors have made reference to DMR as posing a challenge for normative theories democracy I advance this scholarship by providing a more in-depth review of the latest evidence. This is important to grasp the practical issues faced by deliberative theory's demands for open-mindedness. This also requires setting out my methodological approach with respect to social scientific research and normative theorising – and democratic theory in particular. There is a significant school of theorists who argue that social scientific research should have no bearing on our fundamental normative aspirations or claims. Dealing with their arguments and setting out my own approach is therefore important to ground the relevance of DMR research to deliberative theory. I address these points in Chapter 4.

DMR is part of the widely accepted dual-process model of cognition whereby our unconscious System 1 processes run automatically processing vast quantities of information. The outputs of this unconscious processing inform and shape our conscious System 2 processes. DMR suggests that information which potentially threatens our existing belief structure will be assessed negatively by our System 1, leading our System 2 conscious processes to be work to try and disregard or counter-argue it. I survey a range of experiments carried out to test for and identify DMR. These include testing subjects' policy preferences, assessments of political arguments, and mathematical abilities. I also canvass experiments designed to counteract biases,

and instances where people accept new information but still maintain their overall attitudes by shifting other related beliefs. I conclude by addressing a range of potential challenges to the empirical evidence – such as whether study populations are too narrow or whether its findings are relevant to deliberation itself. I find that the range of studies, both in terms of methodologies adopted and types of populations surveyed, provides confidence that the results are robust and generalisable. I also find that – whilst not testing active deliberation directly – the circumstances modelled in DMR experiments provide a good natural experiment for how people process political information. Specifically, when important beliefs or decisions are at stake, in contrast to how artificially structured many deliberative fora often are.

Nevertheless, a defender of deliberative democracy might argue that DMR is not an immutable law of nature and therefore should not influence or constrain normative theorising. I therefore am required to survey the argument that only impossibility should function as a feasibility constraint on normative theorising – a position I attribute to theorists such as Estlund, McTernan, and Valentini. This position holds that social scientific research – which can only produce probabilistic assessments – cannot constrain the aspirations or demands of normative theorising. The logic of this argument relies on a strong distinction between impossibility and very low levels of likelihood, a point emphasised by Estlund (2007: 265). This distinction runs into problems, however, due to the revisable and therefore uncertain nature of all scientific enquiry. Any strong clear distinction between the empirically impossible and possible therefore becomes blurred. This leaves us with two remaining options – either accepting that normative theorising should be untethered by any empirical knowledge or limits whatsoever, or acknowledging that probabilistic claims need to be incorporated into our theorising. I argue that even theorists such as Estlund and McTernan do not wish to endorse the former position, and so we should adopt the latter. I buttress this argument by pointing to the fact that deliberative democratic theorists themselves draw on empirical evidence to support their arguments, and therefore consistency requires that empirical evidence less helpful to their case also be considered.

Moving on from the findings of DMR and how open-minded – or not – people are with respect to democratic politics brings us to the further question of how open-minded they *ought* to be. Given my discussion of how the appropriateness of open-mindedness depends on its context, addressing this question requires narrowing our focus of enquiry to better describe the relevant background information for determining whether or not one should be open-minded. I therefore adopt a narrower focus than considering the circumstances of all democratic

participants and concentrate on the case of elected representatives, individuals whose activities are of central importance to modern democracies. What the analysis loses in breadth it gains in understanding the particular conditions of a key component of democracy. This dovetails with my overall approach to the question of open-mindedness and the need for contextually rich analysis. From this I can draw more specific implications for the behaviour and obligations of elected representatives – particularly the need for them to maintain their electoral commitments which can at times justify closed-mindedness. I do so in Chapter 5.

To characterise the normative circumstances of elected representatives I draw on the mandate theory of democracy and insights from the practice-dependent methodological approach to political theory. Essentially, that representatives make explicit promises and representations to the electorate in exchange for being elected. Combining this with Mansbridge's (2003) work on representation I identify two key aspects of the role of elected representatives – their promissory and gyroscopic functions. By this I mean representatives upholding both their electoral promises and commitments and the value direction they present to voters. I combine upholding these functions into a concept I term maintaining 'democratic integrity'. Drawing on the literature on integrity, and in particular personal integrity, I go on to argue that representatives are required to act with integrity towards the political commitments they have been elected to embody. I note that there may be times where representatives may – all things considered – need to resile from their commitments. However, such breaches still leave behind moral remainders – each one a crack in functioning democratic self-government. I go on to explain how belief change and open-mindedness can pose a threat to democratic integrity. Democratic integrity entails representatives carrying out the actions entailed by their commitments. Belief change may eliminate or undermine representatives' willingness to follow through on their commitments. I note that this logic applies particularly to representatives' central or core beliefs upon which their others are founded. I conclude by acknowledging that in practice representatives are unlikely to be very open-minded. This analysis illustrates that this is not all bad, but that there is a trade-off between upholding core commitments and potentially beneficial belief revision.

The internal logic and obligations of elected representatives therefore provide one reason for deviating from open-mindedness – preserving their electoral commitments. There is another set of reasons for questioning open-mindedness focused instead on the external strategic circumstances faced by elected representatives. Deliberative interactions give rise to opportunities to use closed-mindedness to gain an advantage over open-minded interlocutors.



Furthermore, representatives face the problem of limited resources and capacities – they are not necessarily well-placed to themselves open-mindedly scrutinise all kinds of issues. Under these circumstances they may be best off deferring to more knowledgeable colleagues in a credulous manner. These arguments are addressed in Chapter 6.

Elected representatives exist in a strategic situation with their political competitors – each trying to achieve their political goals, in part through persuading the others. This account of mutual attempts at persuasion underpins the deliberative democratic account of democracy, but what is missing is proper consideration of the possibility of actors adopting more or less open-minded attitudes towards one another's claims. It therefore becomes possible for actors to effectively take advantage of others' open-mindedness by remaining closed-minded themselves. In doing so they retain the ability to potentially persuade others but are more resilient in maintaining their own commitments. A particular feature of this dynamic is that internal mental states such as open- and closed-mindedness are difficult for external parties to reliably identify. This undermines the ability of actors to adopt tit-for-tat or other punishing responses in order to maintain reciprocity. This internal opacity can be reduced, although not entirely eliminated, through iterated interactions and close working relationships. Representatives' internal capacities are also relevant. Given the range of policy areas representatives are faced with, the intensity of the role, and the vast scope of potential issues for them to act on it makes sense to engage in a division of labour with trusted colleagues and to defer to their expertise. I indicate that this potentially involves deviation away from open-mindedness towards credulity.

The challenges to deliberative democracy's reliance on open-mindedness on feasibility and justifiability grounds contributes to existing research in a variety of ways. These include the democratic critique from the perspective of voter competence, the 'stickiness' of beliefs in public policy-making, and the existing literature on open-mindedness cautioning that it can produce negative results. It also opens up two distinct paths for further research. The first would be a challenge to the findings of my thesis. In particular, an institutional design approach aimed at ameliorating the existence of, and reasons for, deviations from open-mindedness. The second would be developing the findings of my thesis – for example by using a practice-dependent approach to generate justifications for the normative legitimacy of democracy. I address these matters in the concluding Chapter 7. I begin my argument in the next Chapter 2 with a high-level review of deliberative democratic theory identifying the crucial role open-mindedness plays across its different versions.

## Chapter 2 - Deliberative Democracy and Open-mindedness

### 2.1 - Introduction

In this Chapter I set out a series of propositions which underpin the learning element of deliberation central to deliberative democratic theory. I especially focus on an under-explored aspect of deliberative democracy - its reliance on open-mindedness. My subsequent arguments regarding directionally motivated reasoning (DMR) and open- and closed-mindedness will critically respond to the propositions related to open-minded learning. At the outset it is important to note that the field of deliberative democratic theory is wide-ranging and constantly expanding. The conceptual boundaries of what constitutes deliberation are continuously being adapted by authors to incorporate wider varieties of behaviours and interactions (Goodin 2018). These propositions are therefore perhaps best thought of as minimal elements that all such theories share:

- The legitimacy of democracy rests on the practice of deliberation.
- Deliberation constitutes an exchange of reasons, broadly construed.
- Such exchanges require conditions of substantive equality between participants.
- Individuals learning from such exchanges underpins deliberation.
- Open-mindedness is required for individuals to learn from their exchanges.

A number of these propositions are brought together in a seminal work on deliberative democracy by Joshua Cohen:

When properly conducted, then, democratic politics involves *public deliberation focused on the common good*, requires some form of *manifest equality* among citizens, and *shapes the identity and interests* of citizens in ways that contribute to the formation of a public conception of common good (Cohen 1989: 69).

As Cohen sets out, the practice of deliberation is fundamental to deliberative democracy. What I will go on to argue in this chapter is that open-mindedness is a crucial, and generally under-theorised, element of deliberation. The concept frequently appears in introductory or working definitions of deliberation but without extensive elaboration (my emphases added below):

At its core, deliberation is the free, equal, and *open-minded dialogue* about a matter of public concern among anyone affected by the issue (Myers and Mendelberg 2013: 700).

The concept of deliberation is both rich and complex. Without attempting too precise a definition, we take it to be a form of reasoned, *open-minded discussion*. Those who engage in it may have very different views but they *must still be willing to listen to and reflect upon opposing arguments and to respond to them seriously* (O’Flynn and Sood 2014: 41).

Without attempting too precise a definition, we take deliberation to be a form of elevated – serious, substantive, *and open-minded – discussion* (Luskin et al. 2014: 120).

As Cohen notes above deliberation needs to shape its participants, and this in turn is predicated on their open-mindedness. Without being able to shape its participants deliberation would lack purpose, as later commentators have noted:

Deliberation would have no point if it did not produce change in the views of at least some participants... We consider deliberation “transformative,” in the sense of transforming self-interest... when participants change their minds because they have adopted to some degree the perspective of another or taken the other’s interests as their own (Mansbridge et al. 2010: 78).

Over the course of the rest of this chapter I will take the reader through the propositions I have outlined above. In Section 2.2 I set out the historical background to deliberative democracy as a response to aggregative theories of democracy. I identify some of the key steps in its development with respect to exchanging reasons, consensus, and the expansion of the concept of deliberation in response to criticisms emphasising the need for substantive equality. I then focus in Section 2.3 on the importance of learning as a necessary component of deliberation. In particular, how deliberation requires the potential for transformation of individuals’ preferences in response to interlocutors which in turn requires certain characteristics to be present in listeners – one of which is open-mindedness. Then in Section 2.4 I go on to set out how varying theories of deliberative democracy require open-mindedness, and the limited extent to which they have addressed this need explicitly. I conclude in Section 2.5 by setting out two questions which follow on from this review – how prevalent open-mindedness is in the democratic system and whether open-mindedness is a normative duty.

## 2.2 – The content of deliberation

The fundamental problem to which deliberative democracy is set to address is the question of which form of government should rule, and why. In the words of one author, “Above all, however, deliberative democracy in its classic formulations is an account of political legitimacy” (Parkinson 2006: 4). This question of justified rule has a lengthy intellectual pedigree throughout the history of western political thought where it has often been considered alongside justifications for the state and political authority more generally (Nozick 1974; Simmons 1999). For some theorists, such as Rawls, this question is addressed as part of theorising about justice (Rawls 1999)<sup>5</sup> while others happily treat legitimacy and justice as distinct (Pettit 2019; Sadurski 2019). There is a large body of literature which chiefly focuses on the grounds for justifying democracy as the leading candidate for legitimate government. This raises the further question of what exactly is meant by legitimacy in the context of deliberative democratic theory. Often this is not explicitly spelled out. When deliberative democrats discuss democratic legitimacy they tend to focus on the necessary deliberative conditions to make the system legitimate as opposed to the nuances of what exactly is meant by the term ‘legitimacy’ (e.g. Benhabib 1996; Dryzek 2001; Parkinson 2006: 1-42). The exegesis of deliberative democracy covered in this chapter and the broader arguments in this thesis do not – therefore – turn on any precise definition of legitimacy. Instead, I use the term in the broad sense adopted by deliberative democrats – to indicate a morally justified system of political decision-making which includes the exercise of power over subjects (Pettit 2019: 7). In doing so I set aside questions such as legitimacy’s relationship to all-things-considered just decision-making (Stemplowska and Swift 2018).

Beginning with the most recent history of democratic theory, deliberative democratic theory developed in significant part in opposition to aggregative theories of democracy (Cohen 1989). Aggregative theories of democracy and social choice theory are concerned with how to aggregate people’s preferences such that the results could be said to carry normatively binding weight.<sup>6</sup> A central focus of aggregative theories of democracy is therefore voting and voting systems as means of eliciting and identifying the preferences of the relevant population. This approach to seeing people’s preferences revealed through their behaviour – in this case voting – overlaps with the behavioural approach within economic theory. Aggregative theories of

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<sup>5</sup> Although see Saward (2002) for a critique of interpreting Rawls’s theories regarding justice as supportive of deliberative democracy.

<sup>6</sup> For example see Robert Dahl: “I assume that a key characteristic of a democracy is the continuing responsiveness of the government to the preferences of its citizens, considered as political equals” (Dahl 1976: 1). Although an equally significant pursuit of social choice theorists has been scrutinising voting in ways which undermines some of the normative presumptions of democracy (Riker 1988).

democracy contain propositions which overlap with economic theory.<sup>7</sup> In particular, they presuppose agents having ordinal, complete, and transitive preferences regarding politics (Elster 2005: 326). For deliberative theorists this is a problematically incomplete picture of democracy's legitimacy. It takes as fixed what deliberative theorists see as fluid – people's pre-discursive preferences and the identities they constitute. Deliberative theorists accord little, if any, value to these pre-discursive preferences. The preferences which have value to deliberative democrats are those which have survived – or rather, been enriched – through the deliberative process. This is why deliberative theorists, with varying degrees of enthusiasm, have been willing to acknowledge post-deliberative voting as a necessary part of deliberative democracy.<sup>8</sup> While counting votes is not the focus of their theories, the crucial point is that such votes are the result of preferences which have been through the deliberative process. For deliberative democrats the normative foundation of democracy is to be found in this process of shaping people's preferences through deliberation.

In classic early formulations deliberation was to be constituted by exchanges of reasons for a course of action or decision oriented towards the public good (Cohen 1989: 74) such that the unforced force of the better argument could prevail (Habermas 1975: 108). The driving motivation was that reasons and superior arguments were the only legitimate factors to determine political outcomes, in contrast to numerical approaches such as counting votes. In the words of one theorist commenting on deliberative democracy: "Deliberation is a request for a certain kind of talk: rational, contained, and oriented to a shared problem" (Sanders 1997: 370). There were many elements to this early characterisation such as freedom and equality of participants and reliance on some notion of a common good. Theorists such as Cohen and Habermas were explicit that it was an idealised theory which they hoped could be a model to orient real world practice towards.

One example of this early idealising approach was the emphasis on consensus as opposed to simple majority rule as the guiding aim of reasoned deliberation. Even though real world deliberation seldom ever reached unanimous consensus, as an ideal this was the goal deliberators were to aim for through the exchange of reasons which made reference to the public interest. The appeal of this early deliberative approach should be evident, particularly for philosophers. It seeks to ground public policy decisions on the primary philosophical currency – reasons. Deliberation would ensure that decisions were supported by the best reasons which could be

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<sup>7</sup> Anthony Downs famously described the approach as an 'economic theory of democracy' (Downs 1957).

<sup>8</sup> For example see: Goodin (2003: 2, 154, 171, 183, and 192).

brought to bear.<sup>9</sup> If the conditions of freedom and equality between participants could be achieved then this reasoned exchange held the key to grounding legitimate authority. However, many theorists, particularly critical and feminist theorists, levelled a range of critiques at this early conception of deliberative reason exchange. A singular focus on reasons in the public interest was argued to rule out too much communicative material, for example personal story-telling and narratives (Young 1996; Sanders 1997). As a result, deliberative theorists tended to relax strict criteria governing which reasons ‘counted’ in order to avoid excluding important inputs (Goodin 2018: 887-889), in the words of one prominent survey of the field:

...none of these requirements demands that deliberators use only pure reason in their discussions. Most theorists regard affective appeals, informal arguments, rhetorical speeches, personal testimony and the like as important ingredients in the deliberative process. They do not assume that only arguments that would satisfy philosophers will or should carry the day (Thompson 2008: 505).

This broadening of the content of deliberation has made it resemble more an exchange of relevant information than of reasons *per se*.<sup>10</sup> As an example of how broad this church has become, mainstream deliberative theorists have recently sought to reconcile deliberation with negotiation and bargaining (Warren et al. 2016) whereas historically these were seen as the antithesis of deliberation (Bohman 1998: 400; Elster 2005: 331; Gutmann and Thompson 2004: 114). The deliberative proposition which this gives rise to is that when considering deliberation as an exchange of reasons the criteria for what constitutes a reason is broadly construed.

While certain critical and feminist theorists contended that deliberative reason exchange excluded too much others maintained that deliberation did not exclude enough. Importantly, a range of problematic background power dynamics ranging from gendered or racial inequalities to power asymmetries built into language and communication itself were argued to be at play in deliberation (Mouffe 1999; Lupia and Norton 2017). The spirit of deliberative theory is for the reasons and arguments which constitute deliberation to be the only power or force in play in deliberation. Neither status inequalities nor the ability of one party to exercise power over

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<sup>9</sup> This also neatly solved another longstanding problem – the question of how to deal with the apparently unjust decisions of otherwise legitimately constituted democratic governments (Stemplowska and Swift 2018). By making reasoning the criterion by which legitimacy itself was measured democratic deliberation could ensure that legitimacy was firmly wedded to proper justification. There could then be no question of a slide into decisionism whereby the fact that a decision was made by a sovereign authority became its own justification (Schmitt 1932).

<sup>10</sup> This has been described as a move from ‘Type I’ to ‘Type II’ deliberative theory by Bächtiger et al. (2010). Bächtiger et al. argue for a synthesis between these two types to overcome the weaknesses accompanying each approach individually.

another are supposed to affect deliberation. Deliberative democrats were therefore all too conscious that outside of ‘ideal speech’ situations actual deliberation between existing persons could suffer from, or even worse reproduce, existing inequalities (Dryzek 2003: 68-73; Mansbridge 2015: 36-37). The critique implies that power relations will infect the process of deliberation such that its outputs are at best questionable, or at worst risk becoming a fresh form of domination. This suggests that political equality is required prior to deliberation in order to rescue it. Consequently, as well as expanding the range of acceptable inputs deliberative democrats were also at pains to specify the need for background conditions of equality in deliberation to head off the problem of existing power relations.

Gutmann and Thompson argue that their theory of deliberative democracy provides the resources to critique such inequalities:

Reciprocity also calls for establishing social and economic conditions that enable adults to engage with each other as civic equals. To the extent that those socioeconomic conditions are absent, as they are to varying extents from all existing democracies, a conception of deliberative democracy offers a critical perspective on socioeconomic as well as political institutions (Gutmann and Thompson 2004: 179).

Gutmann and Thompson use their theory of deliberative democracy to establish principled preconditions to deliberation and so to critique a status quo which deviates from these standards.<sup>11</sup> Deliberative democrats often try to instantiate participatory equality when creating real-world deliberative opportunities. Attempts to implement deliberative practices in the real world often take the form of specially gathered groups of individuals randomly selected through stratified sampling techniques. Such groupings have several terms used to describe them depending on their precise composition, structure, and purpose – citizens’ assemblies, deliberative mini-publics, and deliberative polls. These groupings almost universally require trained moderators or facilitators to encourage and enforce equality between participants (Levine, Fung, and Gastil 2005: 3). Of course, these actors are in an important sense ‘external’ to deliberation as they are

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<sup>11</sup> Others such as Dryzek argue that the practice of deliberation itself will teach values such as political equality, human integrity, and reciprocity to participants (Dryzek 2003: 47). This is an empirical claim and it seems rather optimistic. Humans have been engaged in discourse with one another for millennia and although one might detect a hint of an arc towards justice over time, it seems implausible that the act of exchanging claims itself is sufficient to inculcate these values. One can readily think of bad-tempered or adversarial exchanges which teach altogether different values – of mistrust or despondency at one’s fellow humans. There might be a limited degree of recognition and learning which comes from speaking to other persons, but this will be strongly affected by the content of the communication, as well as contextual factors such as background power relations and the purpose of the communication.

not deliberative participants but seek to shape deliberation in the same way that Guttmann and Thompson's principles are required to pre-exist and govern practical deliberation.<sup>12</sup>

To summarise the foregoing, I have set out briefly the history of deliberative democratic theory and its original commitment to basing legitimate democratic decision-making on the exchange of reasons. I have gone on to explain that over time critical approaches to deliberative democracy caused proponents of deliberative democracy to expand their conception of reasons and to make explicit commitments which deliberation must presuppose to be valid. In particular, substantive equality between deliberative participants is required as a prerequisite for effective deliberation. This briefly illustrates the first three deliberative propositions which I began this chapter with.

### 2.3 - Deliberative learning

Communicating reasons under conditions of equality is only part of the story. Much has been made of the conditions for fruitful deliberation and its contents - for example, concerning what constitutes a reason, whether it needs to be oriented towards a public good or satisfy some criterion of public reason, and whether a binding decision needs to result (Guttmann and Thompson 2004: 134; Cohen 2007: 222; Chambers 2012: 57-62; Mansbridge et al. 2012: 9). An equally important part of the deliberative story - and especially crucial for my purposes in this thesis - is the effect deliberation is to have on its participants. Across the literature, as suggested at the outset of the chapter, deliberative theorists find that deliberation is supposed to be a transformative process for its participants, shaping preferences and identity:

Advocates of deliberation claim that it somehow mediates or transforms rather than simply minimizes or accommodates conflict... deliberation has the effect of transforming the substance of participants' preferences. This might take the form of exposing and revising objectionable preferences or of inducing reflection and consideration of the grounds for holding otherwise unobjectionable preferences. In either case, deliberation, we repeatedly are told, "involves changing preferences" (Knight and Johnson 1994: 282).

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<sup>12</sup> I do not engage here with Guttmann and Thompson's tendency to rely on 'bootstrapping' to resolve such dichotomies - for example claiming that deliberation scrutinises and vindicates its own principles (Guttmann and Thompson 1996: 352; Bohman 1998: 413) or that neither procedure nor outcome can be given priority (Guttmann and Thompson 1996: 27). I only note here that such arguments demonstrate a circular quality which makes them hard to assess or apply.



As discussed above, this transformative element distinguishes deliberative democracy from aggregative accounts of democracy and the latter's strong emphasis on preferences without regard for their formation. This distinction requires further unpacking. In fact, change itself is not even a requirement of proper deliberation, at least not in its most straightforward sense. A person could be said to have engaged in a proper deliberation without any of their preferences changing at all. For example, they may have listened to their interlocutor's reasons and found them without merit or otherwise substandard and therefore felt their pre-existing views and preferences should remain unchanged. One could argue that said preferences were changed insofar as they were now informed by knowledge of the interlocutor's position. However, this would not cover situations where the listener had knowledge of their interlocutor's points ahead of time, or perhaps even knew that the interlocutor held them and was going to present them. It is therefore more reasonable to think of the deliberative claim to require preference change occur over time and in the aggregate, not applied to every instance. Not every participant undergoes change every time they deliberate, but so far as disagreement between persons undergirds said deliberations at least some of the participants should be changing over time as reasons are exchanged.

Furthermore, deliberative democracy is not simply a matter of an exchange of reasons under conditions of political equality producing changes in beliefs. It is also important that the proper processes underpin any such change. This is highlighted by the debate within empirical political science over how to identify good quality deliberative preference change. In an influential article Cass Sunstein suggested that deliberation predictably produced changes towards more extreme versions of the pre-deliberative preferences of the group (Sunstein 2002). Sunstein argued that participants' expressed preferences would be shaped by reputational concerns to hold socially preferred opinions and the sheer volume of arguments in the same direction. The upshot of this is that changes produced through deliberation would at best have no positive normative value, in the worst case they would make such deliberation counterproductive.<sup>13</sup> Alive to this concern political scientists studying deliberation have been careful to test whether preference changes are the result of such 'small-group dynamics' or due to increases in knowledge (Luskin, Fishkin, and Jowell 2002).<sup>14</sup> This is important for advocates of mechanisms such as deliberative polling who stress the importance of informed inputs into the policy process (Fishkin 2009: 102-104, 133-158). What this debate illustrates is the

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<sup>13</sup> See Thompson (2008: 499) for a review of some of the evidence regarding these empirical claims and a series of surveys of the empirical research.

<sup>14</sup> A related enterprise has been the goal of measuring the quality of discourse, most famously instantiated through the Discourse Quality Index (DQI) (Steenbergen et al. 2003).

importance of deliberation causing preference change in the right way, or rather that the proper processes occur as part of deliberation.

Change is supposed to occur from individuals learning from their interlocutors' reasons. Dryzek directs our attention to this when he states that, "The only condition for authentic deliberation is then the requirement that communication induce reflection upon preferences in non-coercive fashion" (Dryzek 2003: 1-2). This stipulation of deliberation as induced reflection is supported by other authors too (Mansbridge et al. 2010: 65). In Goodin's *Reflective Democracy* the idea is taken to one logical conclusion. If reflecting on one's preferences is central, then one does not require interpersonal deliberation at all but internal deliberation might suffice (Goodin 2003). Cohen argues, contra Dryzek, that, "The point of deliberative democracy is not for people to reflect on their preferences, but to decide, in light of reasons, what to do." (Cohen 2007: 222) but goes on to acknowledge that this "of course" requires a willingness to change one's mind, and that "deliberation is basically about reasoning". Therefore, whether it is 'the point' or not, this type of reflective reasoning is a necessary part of deliberation. In essence what is required here is that deliberators listen to their interlocutors and assess the reasons they have been presented with in light of their pre-existing beliefs and reconcile the two using their judgement.<sup>15</sup> Once attention is drawn to the situation of the individual participant in deliberation it becomes clear that what is supposed to be occurring is learning. Individuals incorporate information presented to them by others, and similarly present their own reasons and reflections for others to learn from. The deliberative proposition here is that deliberation involves the participants learning from deliberation.

The account of deliberative learning I am describing presupposes a number of things from participant listeners. They need to hear the reasons put forward by their interlocutors. Then they need to properly comprehend the implications of any new reasons for their pre-existing beliefs. Finally, they need to revise their beliefs accordingly. It is quite possible to imagine deliberation going wrong at any one of these stages. For example, they could mishear their interlocutor, lack the ability to comprehend the relevant implications of what they have heard, or simply turn a deaf ear to what is being presented to them (Goodin 2003: 185). For deliberation to be successful it therefore requires several activities to occur successfully at the level of the individual. These include communicative competency, background knowledge to

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<sup>15</sup> The requirement that participants listen to one another is important. See Andrew Dobson's *Listening for Democracy* for an illustrative analysis of the importance of listening for democracy, and especially chapter 4 for the importance of listening to deliberative democracy (Dobson 2014).

comprehend what is being discussed, appropriately developed reasoning skills, and an open-minded attitude to listening to alternatives and revising their pre-existing beliefs. This necessarily raises the question of whether deliberative participants possess these necessary characteristics.<sup>16</sup> I wish here to focus on the deliberative democratic reliance on the individual characteristic of open-mindedness as a requirement for learning and therefore for deliberation to achieve its intended aims. Whether or not theories explicitly state a reliance on open-mindedness it is nevertheless implicit in accounts of deliberation as part of deliberative democratic theory.

It is worth considering here, before moving on to analyse deliberation and open-mindedness, an alternative account of deliberative preference change advanced which appears to avoid any need for learning or open-mindedness. Dryzek presents a three-step argument that making arguments alone is enough to cause preference change. The first step in Dryzek's argument is that people are forced to present arguments in public interest terms that can be defended from deliberative scrutiny. The second step is that individuals find they cannot resile from their public-spirited arguments. The third step is that through cognitive dissonance individuals come to convince themselves of the public interest arguments they put forward (Dryzek 2003: 46-47).<sup>17</sup> This argument faces at least two issues. First, its psychological plausibility is questionable - Dryzek explicitly appeals to Jon Elster's 'civilising force of hypocrisy' (Elster 1998: 12) to explain why making arguments in public interest terms will lead individuals to think in the same way. Elster himself has corrected this misunderstanding - cognitive dissonance theory suggests that pressure to express arguments in a public-friendly way is inversely correlated with the likelihood that they will adopt it personally (Elster 2013: 93). Second, Dryzek's argument is structural - it is the setup and practice of deliberation itself which changes preferences. In one sense this is understandable as Dryzek is responding to the social choice critique of democracy, which also conducts its analysis at the structural level. However, the mechanism at work here is the pressure of engaging in deliberation inducing internal changes in participants as they seek to present publicly acceptable arguments. If we return to Dryzek's

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<sup>16</sup> The critique of democracy and deliberative democracy according to a lack of voter knowledge or competence is well known (Schumpeter 1942; Caplan 2007; Hardin 2009b; Pennington 2010; Prisching 2010; Somin 2010; Wisniewski 2010; Bell 2015; Brennan 2016). It is no accident that deliberative citizens' assemblies incorporate experts so that participants can be suitably informed in their deliberations. One might even think that being willing to engage in a deliberative citizens' assembly might be correlated with an above average degree of competence - those who are more adept at discussion may see more value in attending such an event.

<sup>17</sup> Dryzek also cites Goodin as providing support for the view that that talking in public interest terms is "quite likely" to lead individuals to think in public interest terms" (Goodin 1992: Chapter 7 cited in Dryzek 2003: 48). A similar argument is made by Miller (1992: 61) who also cites Elster to provide support for the idea that expressing a public view makes one more likely to act in accordance with it.

deliberative definition: ‘communication which induces reflection upon preferences in a non-coercive fashion’, it seems it is the process of engaging in communication, rather than the receipt of other people’s arguments, which induces the reflection. Dryzek’s deliberative mechanisms would apply just as much to individuals broadcasting their views in a unidirectional manner as they would to individuals actually engaged in dialogue. For these reasons my account of good deliberation relying on learning, and therefore open-mindedness, is a more plausible reading of the requirements of deliberative democratic theory.

#### 2.4 - Deliberative theories require open-mindedness

Open-mindedness forms a necessary condition for deliberation to effectively function, according to a wide range of deliberative democrats. Below I briefly illustrate how three prominent approaches to deliberative theory which, while differing substantially in their approach to deliberation, all come to incorporate open-mindedness.

Gutmann and Thompson require individuals to approach deliberation as a politics of mutual respect – and describe this approach variously as a “disposition”, a “family of moral dispositions”, a “favourable attitude”, and “an excellence of character” (Gutmann and Thompson 1996: 52, 79, and 81).<sup>18</sup> This “distinctively deliberative kind of character” requires openness to changing one’s mind or modifying positions in the face of objections (Gutmann and Thompson 1996: 79-80). Within this mutual respect approach, Gutmann and Thompson also include an explicit requirement of open-mindedness. More specifically they locate open-mindedness as a component of civic magnanimity, which is itself a sub-principle of the principle of accommodation which is a principle to help enable us to practise mutual respect, which is one of the conditions of proper deliberation (Gutmann and Thompson 1996: 82-84). So, open-mindedness apparently has a place here, but the authors present it buried under layers of other principles. One potential explanation for the lack of prominence afforded to open-mindedness in Gutmann and Thompson’s account can be found in their theory’s broader structure. They aim to create a second-order theory to resolve the challenge of first-order moral disagreement. Their theory’s principles are designed to govern both the procedural conditions and substance of deliberation. It is set up in this way to ensure that the content of deliberation governing

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<sup>18</sup> In the Rawlsian tradition within which Gutmann and Thompson write this mutual respect in aiming to find common ground is part of what is required to be a reasonable person. It is no coincidence that Rawls in his earliest work explicitly required open-mindedness as a necessary characteristic of a ‘reasonable man’ (Rawls 1951: 179).

outcomes involves reasons which are generally acceptable to reasonable people – in other words, ensuring that deliberation adheres to what Rawls terms “public reason” (Rawls 2005: 9). However, there is a tension in their theory between acknowledging the independent force of deliberation as a process carried out between autonomous agents, and their insistence on substantive principles of justice governing its conduct and content.<sup>19</sup> The tension is essentially resolved in favour of their separate principles, Gutmann and Thompson are explicit that deliberation is lexically subordinate to liberal principles such as liberty and opportunity (Gutmann and Thompson 1996: 17).<sup>20</sup> The result of this is that all the reasons presented for deliberation will have to have been substantively ‘pre-approved’ by their separate standards. Therefore, whatever emerges from the participants’ deliberation using these reasons will be acceptable as a public decision. The impact of the reason exchange on the individuals themselves is therefore de-emphasised. Appropriate exchange of reasons may express mutual respect, but there is simply less urgency for people’s minds to be changed through the exchange if everyone is already signed up to the substantive principles. The upshot here is that Gutmann and Thompson have correctly noted the necessity of open-mindedness for deliberative democracy.

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<sup>19</sup> James Bohman terms this the ‘horns of a dilemma’ faced by deliberative democrats: choosing between epistemic or independent standards and deliberation itself (Bohman 1998: 403). Gutmann and Thompson make an explicit point of not resolving this tension between substantive outcomes and the procedure of deliberation itself. In fact they suggest it is a strength of their theory that it does not provide a ‘definitive’ statement of deliberative democracy, and can continuously amend itself, moving between procedure and substance by ‘bootstrapping’ (Gutmann and Thompson 1996: 27; Gutmann and Thompson 2004: 122). This tension leads to internal inconsistencies in their theory, as highlighted by the following rather contradictory quotations on the relationship between deliberation and just outcomes:

Deliberative democratic theory does not deny that justice should sometimes take priority over deliberation. It suggests that deliberation is generally the best way to arrive at just decisions, or, more accurately, the least unsatisfactory... A just outcome produced without deliberation is not wrong, only less justifiable than it could have been (Gutmann and Thompson 2004: 41).

The reason-giving process is necessary for declaring a law to be not only legitimate but also just (Gutmann and Thompson 2004: 101).

An obvious but no less important virtue of a theory that does not limit itself to procedural principles is that, where necessary, it has no problem with asserting that what the majority decides, even after full deliberation, is wrong (Gutmann and Thompson 2004: 105).

<sup>20</sup>The pattern is familiar in liberal thought, as set out by Norberto Bobbio:

Once again, the conflict between liberalism and democracy resolves itself into a situation wherein liberal doctrine, while accepting democracy as a method or set of ‘rules of the game’, wants at the same time to determine, when it sees a need, the limits within which these rules have application (Bobbio 1990: 88-89).

Nevertheless, because their theory underplays the actual need for deliberation in light of their overarching governing principles they do not give it its due importance.

A similar acknowledgement of the need for open-mindedness, albeit without explicitly using the term, is found in the work of Goodin. Goodin's theory is very much focused at the micro-level of the individual. He is interested in individuals reflecting upon their preferences, called 'deliberation within', in order to improve them, especially prior to voting. For Goodin preferences which are informed by this reflective process are 'more democratic' in the sense that they will be better informed by everyone else's perspectives (Goodin 2003: 10). Key to this process of reflection is internalising the needs and preferences of others. Part of what makes Goodin's account distinctive is that he envisages this internalisation process happening in the absence of, or rather as a supplementary to, interpersonal deliberation (Goodin 2003: 188). This is because Goodin see a range of problematic issues with interpersonal deliberation.<sup>21</sup> Even if deliberative participants are not engaging in interpersonal deliberation per se in Goodin's theory they are still absorbing new information about other people's needs and preferences and using it to shape their own. Goodin envisages this occurring through processes such as social mixing and consuming media or artistic representations (Goodin 2003: 190 and 231). Goodin acknowledges that there is no guarantee that people will internalise any other relevant perspectives, but he hopes that they might (Goodin 2003: 189). He states that democratic deliberation within "require[s] people to make various changes in their basic behaviour, if not their basic character... to internalize adequately the perspectives of all those around them" (Goodin 2003: 189). Internalising the perspectives of others in Goodin's scheme means reflecting on one's own preferences in light of others'. Even without interpersonal deliberation the focus is again on individuals being open to reshaping their positions.

Dryzek is also interested in open-minded communication, even if he does not specify its underlying mechanics. Dryzek's vision is of a public sphere filled with discourses – shared sets of assumptions that enable adherents to form coherent meaning of the world – competing to influence people (Dryzek 2003: 18). He is keen to expand the ability of individuals to persuade one another, especially across different discourses relying on differing assumptions.<sup>22</sup> However

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<sup>21</sup> These include its practicability amidst large populations, the difficulty of representing excluded and mute interests, and the problem of people just not listening (Goodin 2003: 169-225).

<sup>22</sup> He is also concerned to avoid speakers using these techniques in a coercive or manipulative manner. In fact he makes a similar move to Gutmann and Thompson in specifying necessary conditions for speakers' communications to satisfy, albeit his are much looser and expansive than theirs: excluding coercion or threats of coercion and a requirement to link the particular to the general (Dryzek 2003: 68).

he does not explicitly consider what characteristics the listeners must have in order for any of these communication approaches to be effective. The key explanation for this comes from Dryzek's intellectual heritage in Habermas. Dryzek takes it as a given that communicative rationality governs interactions between deliberating individuals (Habermas 2018: 87-91). Communicative rationality presupposes communicative freedom between actors – meaning that they, “...adopting a performative attitude, want to reach an understanding with one another about something and expect one another to take positions on reciprocally raised validity claims” (Habermas 1996: 119).<sup>23</sup> In Habermas's work this attitude is frequently contrasted with an objectivating attitude oriented to consequences evaluated in light of the actor's own preferences (Habermas 1996: 20, 121, 140, 448). The performative attitude is what allows mutual understanding to be reached through the ‘unforced force’ of the better argument, a Habermasian term Dryzek himself cites approvingly (Dryzek 2003: 172). This performative attitude is the other-regarding aspect of Dryzek's requirement for deliberation to induce reflection upon preferences in a non-coercive manner. It is here that the requirement of open-mindedness bites. Neither better nor worse arguments have any force on a closed-minded person. It is an unspoken requirement in Dryzek's theory, but it is perfectly comprehensible – and perhaps all too common – for persons to engage in argumentation without adopting any serious reflexive attitude. Two people may ill-temperedly exchange reasons and arguments across a living room or a legislative chamber without being open-minded to the unforced force of better arguments. In Habermasian terms they are adopting an objectivating as opposed to a performative attitude – strategically considering arguments at a distance in light of their pre-existing preferences as opposed to internalising them in a manner conducive to mutual understanding. Open-mindedness is a requirement for Dryzek's deliberation to induce the recipients of arguments to engage in the required reflection upon their preferences. The deliberative proposition which arises from this analysis is that individual open-mindedness to the reasons and perspectives of others is a prerequisite for the learning anticipated by deliberative theory.

Therefore we find open-mindedness as a requirement across all three, otherwise quite diverse, accounts of deliberative democratic theory. One potential further question raised by this finding is what model of reasoning underpins these theories of deliberative democratic theory and where open-mindedness fits into it. My analysis does not presuppose a full-blown or elaborate account of reasoning shared across all relevant theories of deliberative democracy.

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<sup>23</sup> This ‘performative attitude’ of wanting to reach an understanding with another person is crucial to the Discourse Principle which underpins Habermas's account of legitimacy.

Instead, I assume a relatively simple model. First deliberative agents have interrelated sets of beliefs. They are interrelated in the sense that changes in certain beliefs will trigger consequent changes in other beliefs to maintain internal consistency. Second the deliberative learning process entails agents changing their beliefs as a result of mentally processing the propositions of their interlocutors.<sup>24</sup> Third open-mindedness requires a certain kind of openness to the claims of interlocutors – in terms of hearing them out, processing them in a certain way, and updating pre-existing beliefs accordingly. A more full-blown account of open-mindedness will be presented in Chapter 3. As the empirical review in Chapter 4 will show individuals who are interested or engaged by politics frequently do not update their beliefs in what we would understand as an open-minded way with respect to claims they disagree with.

## 2.5 – Conclusion

To sum up so far, this review has identified that deliberative democratic theory grounds the legitimacy of democracy on the activity of deliberation. This deliberation is constituted by exchanges of reasons under conditions of substantive equality between participants. Such deliberation is supposed to involve, among other things, individuals revising their preferences and beliefs in response to the reasons presented to them – a form of learning. For this learning process to occur as envisaged several individual-level characteristics are required, one of which is open-mindedness. This raises two primary questions which will be addressed in the later chapters in this thesis.

The first is how open-minded people are with respect to politics. From a certain idealising perspective this is moot – to the extent that empirical evidence suggests individuals are not open-minded deliberative theory places them under a normative obligation to open their minds to the reasons of others. However this answer is too quick. Many of deliberative theory's claims are explicitly empirical. Individuals are psychologically understood as likely to react to deliberation in the ways that deliberative theory envisages, otherwise the normative payoff for deliberation is reduced, if not nullified. In the words of Bohman, "...the best and most feasible formulations of deliberative democracy require the check of empirical social science... Many of the claimed moral and epistemic benefits of deliberation are surely an empirical matter" (1998:

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<sup>24</sup> The quality of such processing will depend on a range of factors. As indicated above these will include factors such as communicative competency, the background knowledge required to comprehend what is being discussed, and skills at comprehending and assimilating new information to existing beliefs. This point will be developed further in Chapter 3.



422). In recognition of this there has been extensive interaction between political science and political theory with respect to deliberative democracy (Steenbergen et al. 2003; Mutz 2008; Thompson 2008). Research programmes such as Fishkin's deliberative polling, Steenbergen et al's discourse quality index, and the global proliferation of citizens' assemblies are all empirical research-driven attempts to measure and instantiate deliberative democracy. Therefore, to the extent that deliberative theory assumes or requires empirical premises such as the open-mindedness of individuals it needs to properly account for empirical evidence which bears on such premises. In Chapter 4 I elaborate a particular line of empirical challenge to this open-mindedness requirement - social psychological research into a phenomenon known as directionally motivated reasoning. In brief, findings from this research suggest that people who are engaged with - and/or are knowledgeable regarding - politics tend to reason in a closed-minded manner. Their reasoning processes work to assimilate new information in order to confirm their pre-existing commitments and to diminish, underplay, or ignore countervailing evidence. It is of course open to deliberative democrats to argue that such evidence only suggests that people sometimes fail at their moral obligations, and that this should not impact on the theory of deliberative democratic theory itself (Habermas 2006: 420). This raises the question of how empirical evidence relates to normative theorising. Feasibility has been the subject of significant recent debate within political theory. In Chapter 4 I therefore consider the views of several prominent theorists for whom empirical considerations should not impact the development of our fundamental theories so long as they do not make them impossible. In response I develop an account of feasibility and impossibility which suggests that we cannot rely on any hard impossibility distinction. Instead, we must use our judgement on incorporating evidence as to feasibility. I argue that understood from this perspective deliberative democracy's reliance on an empirical phenomenon - open-mindedness - which evidence suggests is undermined by unconscious psychological processes with respect to politics, is problematic.

The second question raised by this requirement of open-mindedness is whether it is a normative duty. As discussed above there tends to be little justification of open-mindedness per se in the deliberative democratic literature beyond that it is a necessary component of deliberation. Gutmann and Thompson speak generally of a particular kind of deliberative character, but open-mindedness itself is not addressed at length. Goodin similarly mentions that behavioural and character changes may be required for deliberation within to be successful but does not say much more than that these requirements "seem relatively undemanding" (Goodin 2003: 231). The implication is that democratic participants are required to be open-minded, but

this is not given a full-throated defence beyond the argument that good quality deliberation is an important political good, and open-mindedness is instrumental to good quality deliberation. Open-mindedness receives a more attentive treatment in the literature on virtue epistemology where it is generally characterised as a virtue (Baehr 2011: 140). This would tend to support the implication of deliberative democrats that open-mindedness is a moral duty. That said, there are elements of the virtue epistemology literature which recognise that open-mindedness comes with attendant risks, particularly once attention is paid to the context it is exercised in (Battaly 2018b; Fantl 2018). To apply the concept to the particular context of politics I develop my own three-step account of open-mindedness in Chapter 3 – of how one filters new information, assesses it impartially, and then updates one’s beliefs accordingly. In setting out my definition I distinguish it from existing accounts which lean heavily on open-mindedness as inherently virtuous. Instead, I argue for shifting the focus of normative analysis to the context in which it is applied, where it can pose both benefits and risks. This contextual approach is then applied in Chapters 5 and 6 to the particular case of elected representatives.

Most accounts of deliberative democracy consider the subjects of its demands in a relatively undifferentiated way. This thesis diverges from the orthodox approach by focusing on a particularly important part of the democratic system – elected representatives. While plenty of empirical studies of deliberation have specifically considered representative arenas such as legislatures (Lascher 1996; Bächtiger 2014) normative theories of deliberative democracy have tended to consider deliberation as a relatively universal requirement underpinning democracy in general. This thesis argues that the particular duties and circumstances of individuals matters when considering potential requirements of open-mindedness. Therefore, this requires a more focused approach as generalisations across the entire population will not capture necessary nuances of these particularities. I focus on elected representatives because of their pivotal role in the democratic system – the ones whose actions directly determine political outcomes. If open-mindedness for elected representatives is more complicated than deliberative democracy implies – then this raises questions for the grounding of democracy on deliberation as a whole. In Chapter 5 I consider elected representatives and some of the important duties they incur as part of becoming elected. This analysis is developed in Chapter 6 where I consider the external circumstances of elected representatives, their internal capacities, and how this interacts with their positioning regarding open-mindedness.

## Chapter 3 – Open-mindedness

### 3.1 – Introduction

In Chapter 2, I set out the centrality of open-mindedness to deliberative democratic theory. Deliberative democracy premises democratic legitimacy on the practice of deliberation – individuals exchanging reasons with respect to political decision-making. Without open-mindedness the deliberative process becomes a formality as it has no effect on its participants, it may well have not occurred. I identified two questions which flow from this – the first concerning how open-minded people are with respect to politics, and the second concerning whether this normative obligation of open-mindedness is not more complicated than the deliberative account suggests. These challenges to the feasibility and desirability of open-mindedness respectively will be addressed in Chapters 4-6. What I propose to address here is a more basic prior question left unaddressed by deliberative democrats: what exactly is open-mindedness? The lack of an elaborated definition in the deliberative democracy literature is significant given the important role open-mindedness plays in the theory. Over the course of this chapter I aim to rectify this gap.

As will be discussed in this chapter there are a variety of competing definitions of open-mindedness in the literature. They generally share a virtue-vice paradigm – seeking to identify the inherent goodness or badness of character traits. Because my arguments relies on a more contextually nuanced assessment of open-mindedness I propose to develop my own account over the course of this chapter. On my definition open-mindedness entails impartiality – giving new empirical or normative claims a chance to be incorporated into the agent’s belief structure after being subjected to their judgement without fear or favour.<sup>25</sup> When I say ‘without fear or favour’ I mean absent particular motivations for the assessment to arrive at a certain result in advance of considering the claim. Although he disagrees with defining open-mindedness through impartiality, Baehr provides a useful description of it as an honest and impartial judge preparing to hear opening arguments (Baehr 2011: 143-144).<sup>26</sup> It characterises a person willing to listen to all sides of an issue and to follow the relevant claims wherever they may lead. My approach to open-mindedness imagines it as the mid-point, or perhaps more accurately as the pinnacle, of an

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<sup>25</sup> I do not differentiate here between empirical and normative claims or beliefs here because both empirical and normative belief systems can be open to revision in light of fresh claims if one is suitably open-minded. There is no reason in principle why open-mindedness to new claims should differ between one or the other. On my account persons whose normative beliefs are such that they are impervious to any possible contrary evidence or claims are simply closed-minded.

<sup>26</sup> It is no surprise that, despite Baehr’s dismissal of this approach, a recent attempt to conceptually analyse judicial impartiality defined its attitude as one of open-mindedness (Lucy 2005: 15).

inverted ‘V’, on a spectrum of partiality between two alternative character traits: credulity and closed-mindedness. The horizontal axis indicating the range of positive or negative attitude towards a given new claim, and the vertical axis going from low impartiality to high impartiality. Credulity tips the scales one way in that an agent is predisposed to exercise their judgement favourably towards a new claim. Correspondingly closed-mindedness inclines an agent towards making it harder for a new claim to become part of the agent’s beliefs. The terms ‘credulity’ and ‘closed-mindedness’ here are not intended to carry the pejorative meaning they do in their common usage – instead they are only intended to signify deviations from open-mindedness. When referring to this range as a whole I will use the term ‘Spectrum of Credences’. This approach is inspired by the empirical directionally motivated reasoning (DMR) research programme discussed in Chapter 4 – open-mindedness as impartiality is the converse of DMR. Open-mindedness as impartiality constitutes reasoning absent particular motivations to confirm or reject certain conclusions. While the DMR research covered in Chapter 4 focuses on people encountering claims they are motivated to reject – closed-mindedness – my spectrum is intended to conceptually cover the opposite too, of claims people are motivated to accept – credulity. The partiality represented by both ends of the Spectrum of Credences – credulity and closed-mindedness – resemble opposite types of motivated reasoning, reasoning to support or reject certain claims respectively. I divide open-mindedness as impartiality into three steps – how an agent selects which claims they are exposed to, the assessment of said claims, and then the updating of the agent’s beliefs. To be open-minded is:

- 1) Not actively screening claims due to their content or source,
- 2) Considering the merits of claims impartially, and
- 3) Updating one’s beliefs in accordance with one’s assessment at (2).

It is possible for an agent to deviate from open-mindedness towards either credulity or closed-mindedness at any of the three stages. Each of these three stages will be developed in greater detail over the course of this chapter – comparing and contrasting them with prevailing accounts in the existing literature.

The remainder of this Chapter proceeds as follows. In Section 3.2 I explain the advantages of a conception of open-mindedness which can be readily distinguished from arguments as to whether it is appropriate or not in any given situation. I also explain two assumptions which form part of my definition. The first is that we have a degree of control over

our positioning on the Spectrum of Credulity. The second is that my definition is concerned with particular instances, as opposed to describing global enduring character traits. In Section 3.3 I discuss the first step in my definition – not screening new claims due to their content or source. I differentiate open-mindedness from proactive attributes such as intellectual curiosity to explain why the first step is a reactive one – ‘not screening’. Using the example of conversion between religious and non-religious viewpoints I explain how not screening by source enables open-minded people to entertain not only new claims, but those which radically conflict with their basic presuppositions. Finally, I differentiate my approach from Battaly’s, who imports criteria external to the individual to suggest selecting new claims by ‘relevance’ in order to be open-minded. In Section 3.4 I set out the second step in my definition – impartial judging. I explain how this impartial judging is narrower than straightforward rational thought, but suitably broad to encompass what we should understand by open-mindedness. I respond to Baehr who argues that open-mindedness as impartial judging is too narrow to capture what is meant by open-mindedness. This is because he is concerned for open-mindedness to apply in situations absent intellectual conflict – which he suggests are not captured by a sense of ‘impartial judging’. I clarify that the potential for an intellectual conflict always exists with respect to any claim and therefore my definition is apt on this point. In Section 3.5 I elaborate the final stage of my definition – considering the outputs of one’s assessment of the new claim and reconciling it with what one already knows to update one’s beliefs. I consider Baehr’s critique that open-mindedness does not require assessment or evaluation by explaining that this is a necessary step in order to reconcile new information with existing beliefs. I also consider the arguments of Adler and Riggs who argue against updating one’s beliefs as a necessary component of open-mindedness in order to make ‘strong belief’ – beliefs one holds without entertaining any possibility of their being wrong – compatible with open-mindedness. In Section 3.6 I use this definition to illustrate how open-mindedness comes with potential risks, such that its appropriate deployment depends on careful consideration of its context. In Section 3.7 I summarise my analysis and conclude that an important consequence flowing from my definition is that the question of what position to occupy on the Spectrum of Credences in any given situation is an open one – open-mindedness is not necessarily always the correct answer.

### 3.2 – Conceptual analysis

Significant recent work on the concept of open-mindedness has taken place in the field of virtue epistemology – the study of how character traits relate to the pursuit of knowledge and truth.

Surveys of virtue epistemology often place open-mindedness atop the list of intellectual virtues (Riggs 2010: 173; Baehr 2011: 140). This is despite the fact that there remains thriving disagreement over what exactly open-mindedness is – as the survey of approaches canvassed in this chapter indicates. I will reflect on, and respond to, these competing accounts of open-mindedness as I develop my distinct approach to open-mindedness which I term open-mindedness as impartiality. Other mentions of open-mindedness as impartiality by way of support (Hare 1985) or critique (Baehr 2011: 143-144) do not present a full account of what it entails, and this chapter is intended to address this gap in the literature.

I argue open-mindedness as impartiality requires treating a given matter as not finally decided and accordingly treating new claims as candidates for being incorporated into an agent's existing beliefs without fear or favour. This approach carries with it two advantages over existing accounts of open-mindedness. The first is that in terms of conceptual clarity it helps distinguish open-mindedness from other cognitive concepts with which it is potentially confused. These related concepts include curiosity, intellectual diligence, openness to new experiences, or knowledge of one's own fallibility. Second, this definition is intended to be normatively 'thin' in that it does not entail a positive requirement or obligation on individuals to be open-minded. Instead, it turns our attention to the specific circumstances and context facing an agent in determining the degree to which open-mindedness is appropriate. This enables us to avoid a second issue facing the literature which at times conflates open-mindedness itself with the reasons one might have for being open-minded. This normatively thin approach helps advance the wider objective of this project to accommodate a place for deviations from open-mindedness in our normative theories of democracy. If deliberative democrats require open-mindedness for their theories to work, then demonstrating that degrees of closed-mindedness may be morally appropriate for key democratic actors such as representatives will necessitate revisions to deliberative democratic theory.

My aim in pursuing a non-normative definition of open-mindedness is to separate the trait itself from the considerations which go into its appropriate practical deployment. In doing so I approach the question of character trait analysis in a different manner than orthodox virtue ethics. In virtue ethics the terminology of virtue and vice is used to ascribe inherently positive or negative assessments to character traits. This means that to characterise a person as embodying a given trait praises or condemns them. Instead my approach follows a line of thinking in conceptual analysis that we should aim to avoid moralised definitions where possible so that concepts can be used to build theories, rather than having theories define our concepts (Dowling

2016: 194-196; Olsthoorn 2017: 174). This is more difficult, if not impossible, with respect to essentially evaluative concepts such as ‘good’ or ‘justice’. For example, to describe something as ‘good’ is to reflect positively on it (Olsthoorn 2017: 172).<sup>27</sup> Other concepts are non-essentially evaluative, such as charity or law, and in this category I include open-mindedness. Although the context in which non-essentially evaluative concepts are used may often imply an evaluation, the direction of this evaluation can vary. For example, an act of charity may be considered bad if ill-intentioned or undertaken to the detriment of other important duties such as providing for those one has a duty of care towards. Similarly, one can easily imagine bad but nevertheless legal acts or contexts where the rule of law is turned towards morally repugnant ends. The aim of this approach as applied to open-mindedness is to provide conceptual clarity – distinguishing descriptively what open-mindedness is from its purported normative characteristics. To put my rationale another way: before we can assess something normatively, we necessarily have to have some understanding of what it is we are assessing.<sup>28</sup>

One concern which might be raised from the outset of this project is that there may be no single univocal definition of open-mindedness which encompasses all the ways we use the term in practice. My view is that we should remember that concepts themselves do not contain propositional content and are simply proposals for categorising and classifying phenomena (List and Valentini 2016: 531). Therefore, I cannot, and would not wish to, exclude a degree of definitional pluralism with respect to open-mindedness. That is not to say that all definitions are

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<sup>27</sup> This analysis is complicated by theories which limit the scope of essentially evaluative terms such as morally ‘good’ or ‘bad’ to particular spheres or practices. For example, Machiavelli’s account of a ruler’s duties required them to be able to dispense with being good (Machiavelli 1532: 57-59) or Weber’s description of an irreconcilable conflict between the Christian ethic of ‘ultimate ends’ and a political ethic of ‘responsibility’ (Weber 1919: 120-127). With respect to these theories which pose a fragmented rather than unitary normative universe the distinction between essentially evaluative and non-essentially evaluative concepts is one which can only apply within a given sphere of application, rather than universally.

<sup>28</sup> A further potential issue with my approach is the question of whether or not we can disentangle normative commitments from the descriptive analysis of terms (Gallie 1956; Putnam 1998; Dworkin 2011: 166-170). This view that a properly full and rich understanding of a phenomenon – a conception – requires interpreting its role within a larger theory of value is most closely associated with Dworkin (Dworkin 1996; 2004; 2011). While I cannot engage fully with this debate here my view is that it is true that there is no Archimedean ‘view from nowhere’ and that our own subjective interests and perspective will inevitably influence our attempts at definition as a matter of interpretation. For a contrasting view arguing for a categorical descriptive-normative division see Oppenheim (1981). Therefore, the exclusion of normative considerations from a definition will be a matter of degree. Judgements, influenced at some level by normative considerations, will inevitably be made in the process of arriving at a working definition. However, it is one thing for there to be a degree of influence in the formation of a definition, and it is another for a definition itself to be so influenced as to become a normative claim in itself. One example of this scalar approach is that used by Carter who proposes the term ‘value-neutrality’ to denote concepts which are neutral from a very broad range of – but not all – ethical perspectives, and so allow for consensus and constructive disagreement between competing perspectives which rely on such shared terms (Carter 2015: 285). Simply put, while there may be an element of evaluation in the process of coming up with a description, this does not make a descriptive statement equivalent to an evaluative one.

equally sound. As I will go on to illustrate, I favour my own definition over competing accounts because of both its ability to account for a variety of, hopefully uncontroversial, examples of open-mindedness and also because it helps distinguish open-mindedness from related but distinct cognitive characteristics.

I also want to note here two assumptions which provide important context for my substantive definition of open-mindedness. The first is that my definition is at least partially voluntarist. By which I mean it assumes we have some degree of control over how open-minded we are. This voluntaristic approach accords with its treatment in the responsibilist literature (Baehr 2011: 27; Arpaly 2011: 75). No doubt environmental factors will influence how open-minded we are on any given occasion.<sup>29</sup> Even so, it accords with our usual understanding of the term ‘open-minded’ to think of it in at least a partially voluntarist manner. By way of example think of direct appeals for individuals to be open-minded or our own endeavours to be open-minded to new claims. Practically we can use techniques to enhance our open-mindedness such as discounting our initial or intuitive conclusions and devoting extra effort to trying to assess the merits of claims fairly. Were open-mindedness entirely beyond our voluntary efforts it would make no sense to discuss obligations or reasons to be, or not to be, open-minded.

The second feature is that my definition is focused on open-mindedness with respect to particular domains or even specific pieces of information. This follows from the above discussion of voluntarism, in that we can call upon others or ourselves to strive to be open-minded, or perhaps closed-minded, with respect to domains of information or on specific occasions. Again, it also accords with our own experiences – we might know certain people who are regularly open- or closed-minded, and yet recognise that in given instances or perhaps on certain topics they demonstrate the contrary characteristic. This differentiates my conception from certain others which see open-mindedness as a settled or persisting state of character (Zagzebski 1996: 137; Adams 2006: 6; Baehr 2011: 21).<sup>30</sup> My intention here is not to rule out the possibility of an enduring character trait open-mindedness, or that people can be generally more or less open-minded. Nevertheless, it stands to reason that in order to understand open-mindedness even as a settled state of character arrived at through repeated actions one needs to

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<sup>29</sup> I am here adopting a middle ground amidst the ongoing ‘situationist’ debate regarding whether a person’s character is determined by external circumstances as opposed to internal stable character traits (Harman 1999; Doris 2009; Alfano 2012). Because my account is not one of generalised character traits but instead of specific responses to claims it is less susceptible to these critiques of ‘globalist’ accounts of character.

<sup>30</sup> Although see Hurka (2001: 42-44) for an account of virtue which focuses on discrete instances instead of reasonably stable dispositions or character traits. Battaly adopts a similar approach in her work (Battaly 2018b: 43; Battaly 2020) as does Fantl (2018: 3).



have a conception of what an instance of it might look like (Baehr 2011: 21). My definition accounts for these individual occasions and instances.

### 3.3 – The first step is not screening

The first stage of my definition relates to how people identify claims they are going to engage with.<sup>31</sup> An open-minded person on my account is someone who does not pre-select claims before analysing them because they either disagree or agree with its content or source. This is part of what it means to treat a matter as not yet decided and to neither fear nor favour a claim before assessing it substantively. The point is to subject the substance of claims to one’s own judgement to determine their value, instead of relying on pre-existing beliefs regarding their content or source. There are two important elements to this stage. The first is not selecting or dismissing claims before analysing them, the second is such action taking place because of views about its content or source. Addressing the first element, this definition is framed as refraining from a type of positive action. This is because open-mindedness is primarily concerned with receptiveness to claims. While an open-minded person might actively seek out new claims, they may equally be open-minded but without any particular motivation for learning new things so long as they approach what they do consider in an open-minded way. This distinguishes open-mindedness from other characteristics such as intellectual curiosity or a love of knowledge which by definition are motivational for their holder.<sup>32</sup> That said, despite open-mindedness not being identical with a proactive search strategy it is of course possible for people to influence what claims they are exposed to. This can effectively constitute a pre-emptive determination of a matter, either by seeking out only claims favourable to certain interpretations, or conversely avoiding contrary claims. This is captured by the meaning of screening – conscious strategies designed to filter upstream of actually encountering claims. Therefore, a conscious strategy to avoid particular claims or types of claims on my account would fail to constitute open-mindedness, but a person who did not engage in a proactive search could still be open-minded.

To some readers this may seem to have counterintuitive results – a person who does not seek to inform themselves is somehow more open-minded than the person who takes the effort

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<sup>31</sup> It is worth noting that my definition of open-mindedness is concerned with how persons respond to new claims ‘external’ to the individual. It is not intended to cover cases of introspection leading to shifts in belief. This accords with how open-mindedness is generally understood, as a person’s attitude to the world around them.

<sup>32</sup> In this sense open-mindedness is what Audi describes as a ‘virtue of responsiveness’ as opposed to a ‘virtue of pursuit’ (Audi 2018: 360).

to learn a domain, and in so doing screens out various sources of claims. Even so, I believe this result is the correct one and arises as a result of distinguishing open-mindedness from intellectual curiosity. One should be considered closed or open-minded regarding an enquiry or domain of knowledge only once one is engaged with it. There exist vast tracts of potential knowledge which the vast majority of people will never grapple with. For example, I know next to nothing of mathematical set theory, the various histories of the Central Asian Republics, or the intricacies of what - if anything - distinguishes between electro, EDM, and techno styles of music. I am, on my account, not closed-minded with respect to these by virtue of having never sought to investigate these domains of knowledge. I might be considered by some to be intellectually lazy for not broadening my understanding, but this is not a matter of open- and closed-mindedness. There are practically infinite realms of knowledge to learn about, and so a person who has not actively closed themselves off to something, but also never gone inquiring, into any one facet of this multitude is not by this fact alone closed-minded.<sup>33</sup> As mentioned above, this distinction allows us to distinguish open-mindedness from curiosity and other more motivational traits.

Open-mindedness is also separate from whether a person has either reasons of prudence or duties to engage in a proactive search. For example, imagine I have agreed to carry out research and bookings for a group hiking holiday with friends. In doing so say I have incurred a duty of due diligence to carry out this research well. I then fail this duty in one of two alternate ways. The first is that I leave the task so late that due to time pressure I book the first route I come across without making any enquiries and therefore without any supported belief that it is appropriate or well-suited for our holiday. The second is that before starting my research proper I feel myself wedded to a particular route, say it is very pretty and I have already pitched it as ideal to my friends. As a result of this I consciously avoid reading negative or critical reviews when doing my research. Both of these are failures of my independent obligation to carry out proper enquiries, and both result in an improperly informed accommodation decision, risking bed bugs or worse. However, only the latter is a matter of closed-mindedness, closed-mindedness is not synonymous with negligence.<sup>34</sup> Neither is closed-mindedness synonymous

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<sup>33</sup> This distinction is important to bear in mind to avoid open-mindedness becoming synonymous with the big five personality trait openness to new experiences (Sutin 2015). Collapsing this distinction robs open-mindedness of its particular epistemic character, for example see: Song (2018).

<sup>34</sup> A number of authors separate closed-mindedness as a general concept from closed-mindedness to alternatives to current beliefs - and label the latter dogmatism (Kripke 1972; Battaly 2018a: 262; Battaly 2018b; Fantl 2018; Cassam 2019: 100-119; Battaly 2020). Given the motivations for being closed-minded on my schema emerge from an agent's existing belief structure at some level the two may collapse into one another. In addition I suspect that in practice many instances of closed-mindedness are forms of dogmatism, and the examples I use

with carelessness or other instances of epistemically poor decision-making. Imagine that the same screening out of negative or critical reviews is achieved purely by accident, for example when reading the reviews website my settings are accidentally set to filter out the harshest reviews. Again, I have fallen below the proper standard of enquiries and the resulting decision is improperly informed but although I may be faulted for my error this is again not closed-mindedness per se because I did not choose to screen them out.<sup>35</sup> This distinction allows us to distinguish closed-mindedness from mistakes which might produce similar epistemic results.

The second element of my definition is that such screening occurs because of the source or content of the new information. Being open-minded here entails being open to engaging with all kinds of sources or potential claims. Let us first consider screening on grounds of content. This is perhaps the paradigmatic case of closed-mindedness – people rejecting claims because they disagree with them. I set out here an illustration of an agent’s closed-mindedness on my first criteria:<sup>36</sup>

**Democratic Senator:** A Senator from the US Senate representing the Democratic Party receives from an aide a public report entitled: “President Trump better for the country than many believe”. The Senator holds unfavourable views about the former US President and so does not read the article on the basis of these views.

One might think that the Senator has good reasons for her unfavourable views and that she is therefore in a good epistemic position not to read this article. She does not believe that she will learn anything from it, or perhaps she has better uses for her time as a legislator. One might even go further and argue that the President is morally problematic and therefore that one is under an obligation not to engage with reports supporting him. I rattle through these potential justifications for the Senator’s decision not to comment on their potential validity or justification for her closed-mindedness. Instead, I simply want to draw attention to the fact (which will be highly relevant in later discussions) that an all-things-considered judgement on whether to be

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reflect this. Nevertheless, given my conception of closed-mindedness does not rest on defending an existing belief per se I shall continue to use the term closed-mindedness.

<sup>35</sup> The error might be thought of as an instance of epistemic negligence (Sosa 2014).

<sup>36</sup> It is a frequent practice in the literature to use examples of closed-minded individuals whose substantive beliefs run contrary to those expected to be held by the readers. For example officers derelict in their duty (Cassam 2019:28-30), the religious (Adler 2004: 134; Cassam 2019: 41), and various right-wing associated beliefs such as endorsing Manifest Destiny, criminal punishment without rehabilitation, or the poor being responsible for their own plight (Battaly 2018a; Battaly 2018b; Battaly 2020). The examples used in this chapter are intended to provide an alternative to this general approach because the Spectrum of Credences should be intelligible separate from the object-level beliefs it pertains to. The examples discussed in this chapter are otherwise hypothetical and do not constitute endorsement or condoning of any of the actual claims they discuss.

open- or closed-minded in a particular instance will depend on a variety of factors facing the agent making the decision. This will in practice rest upon the agent's particular judgement and context, including their goals, costs such as limited time or energy, their own expertise in the relevant domain and relative to the complexity of the information, and the downside risks of being misled. Not engaging with claims because one disagrees with the conclusions they endorse demonstrates closed-mindedness, but I want here to leave open the possibility that it may be justifiable.

The above considers disagreement with the content of the claim, but my definition also considers disagreement with the source of the claim – believing it to be an incorrect or unreliable source.<sup>37</sup> It might strike readers as highly unorthodox or incorrect that not engaging with claims believed to have poor source validity might constitute closed-mindedness. They might have in mind a person dutifully seeking to learn about a topic screening out sources from non-experts with no more imprimatur than a random blogpost on the internet. Yet these people are in fact treating part of the matter as decided if before they engage with the substance of claims they use their pre-existing belief structure to determine which sources are worthy of consideration and others not.

To illustrate this, imagine a highly stylised example of a dramatic potential shift in beliefs – moving from Abrahamic theism to naturalistic atheism or vice versa.<sup>38</sup> Each of these positions includes beliefs regarding what constitutes reliable sources of knowledge. In one view God and their divine guidance, either through prophetic instruction or direct revelations to believers, are sources of truth. The other view considers metaphysics a non-starter and empiricist enquiry the basis of truthful enquiry. Each of these worldviews comes with a community-supported set of beliefs about what sources are valid or reliable sources of knowledge. In order to move between

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<sup>37</sup> It is worth noting that source and content validity assessments in practice are likely to be linked. For example an individual's degree of trust or credence assigned to particular newspapers or politicians will likely be conditional on the individual's positive or negative assessment of their substantive output. This helps explain the heuristic by which some voters come to 'outsource' their political judgments to particular parties or politicians (G.L. Cohen 2003; Lupia 2006: 226-232).

<sup>38</sup> Although I use the example of moving between paradigms as a particularly dramatic example of open-minded belief change, the same principles of setting aside pre-existing source validity assessments can apply to more incremental belief change too. For example, people often trust news sources which broadly occupy the same political space that they do (Sunstein 2017). To be open-minded to competing claims such persons need to set aside their pre-existing views as to source validity and reach outside of their usual news consumption to experience alternatives. Both incremental belief change and paradigm shifts work according to the simple model of reasoning I sketched at the end of Section 2.4 – changes in interrelated sets of beliefs as a result of processing new claims. One qualitative difference between the two is that paradigm shifts require changes to what are likely to be more core or foundational beliefs – upon which a wide number of other beliefs rest. Hence why open-mindedness producing paradigm shifts is more dramatic than more 'run of the mill' belief change but the same fundamental processes are at work in both.

these two positions a person must be able to set aside these meta-beliefs about source validity in order to even begin to process the contrary claims on their own terms. Similar examples can be found in politics too, for example the challenge of incommensurable discourses and traditions (MacIntyre 1988; Dyrzek 2013: 333-334). To be open-minded to an alternative paradigm of thinking requires setting aside one's pre-existing paradigm-informed views of source validity. This may strike some readers as contrary to what a functioning social epistemology requires – the ability to discriminate between sources and identify experts (Goldman 2001). If someone screens for expert opinions or avoids sources lacking in credentials it seems manifest to critics that this should not be seen as deviating from open-mindedness.<sup>39</sup> The point I want to make here echoes the discussion of content-discrimination above, that there is a distinction between demonstrating the trait open-mindedness and what we might think is better or worse epistemological practice or an all-things justified epistemological attitude in a given instance. I will now illustrate that distinction by considering Battaly's account of closed-mindedness (2018a).

Like me, Battaly separates out character trait analysis from questions of vice or virtue and considers traits as restricted to particular topics, domains, or even one-off events (2018a: 261-263). Where we primarily differ is her approach to defining closed-mindedness which applies substantive criteria to choosing which claims to engage with.<sup>40</sup> Battaly argues that closed-mindedness – as the opposite of open-mindedness – is an unwillingness or inability to engage seriously with relevant intellectual options. Relevance, as part of her definition of closed-mindedness, performs the function of determining when and what to be open-minded towards. Battaly recognises that this raises the further question of what constitutes relevance – which she goes on to address. She explicitly dismisses determining relevance by agent-level beliefs because, “Closed-minded people can have systems of belief that cohere with, support, and enable their closed-minded behavior” (Battaly 2018a: 269). She does not want agents' beliefs or assessments

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<sup>39</sup> This type of openness to all competing claims is in fact defended as a necessary requirement of coming to have confidence in one's judgement by Mill. He argues:

In the case of any person whose judgement is really deserving of confidence, how has it become so? Because he has kept his mind open to criticism of his opinions and conduct. Because it has been his practice to listen to all that could be said against him... Because he has felt that the only way in which a human being can make some approach to knowing the whole of a subject is by hearing what can be said about it by persons of every variety of opinion, and studying all modes in which it can be looked at by every character of mind (Mill 1859: 80).

My argument here does not address the question Mill is concerned with – of justifying or having confidence in belief – but it is noteworthy that his approach to keeping an open mind parallels mine in not screening out claims because they are in some way extreme or doubtful (Mill 1859: 81).

<sup>40</sup> Battaly is also somewhat more expansive in her definition of closed-mindedness, including a lack of capacities and not just voluntary attitudes as constituting closed-mindedness (Battaly 2018b: 25).

to determine relevance because then too few people would count as closed-minded while still having internally coherent belief systems. Instead, she suggests a variety of alternative routes to determine relevance, including objective truth, whether an agent has ‘good reason’ for their beliefs about relevance, and whether the community has reliable beliefs or good reasons. Battaly’s options for relevance are set out as a formal characterisation – she is not necessarily committed to any one in particular. However, in reviewing her proposed options for relevance we can see how they require addressing substantive epistemological questions as a necessary precondition for identifying the trait of open- or closed-mindedness. Depending on how these options are cashed out this has the effect of either inverting the proper relationship between open-mindedness and these questions or narrowing the proper scope of open-mindedness.

Battaly worries that using truth to determine relevance may count too many people as closed-minded because they might mistakenly dismiss the truth when they have every reason to believe it is false (2018a: 269). My concern is instead that this approach does not leave us with a clear way to identify open- or closed-mindedness at all.<sup>41</sup> It does not seem practical, or even possible, to identify in every instance of potential open- or closed-mindedness what the truth of the matter is. Furthermore, although being open-minded is not synonymous with whichever epistemic strategy is most likely to lead to truth an important implication for stances of open- and closed-mindedness is that they affect the bearer’s truth-seeking ability and likelihood of gaining knowledge (Carter and Gordon 2014). Incorporating truth into the definition of open- and closed-mindedness gets this relationship backwards, answering the question of what is true and making it a condition of identifying the attitude when it is in fact the attitude which is supposed to bear on the individual’s propensity to find truth. Battaly suggests another option as the agent or community having ‘good reason’ to hold a certain option relevant. She does not commit to how exactly good reasons are to be understood in order to maintain her account’s potential compatibility with both internalism and externalism (Battaly 2018b: 26). If good reason is understood in objective terms it faces the same issues as truth discussed above – that open-minded enquiry is supposed to help one to consider and therefore discern good reasons. One can therefore not act in an open-minded way oneself or be identified as open-minded if the identification of open-mindedness relies on already knowing the good reasons which open-mindedness is supposed to be conducive to uncovering. This type of circularity would render open-mindedness an entirely post-hoc attribution, and not something an agent could adopt in

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<sup>41</sup> Following List and Valentini the problem here would be that the concept is not epistemically accessible – we cannot know when an object meets this criterion (List and Valentini 2016: 534).

any forward-looking sense towards a new domain where they did not already know the good reasons. Understanding good reasons as an internal standard by the agent's own lights also seems to contradict Battaly's earlier opposition to determining relevance by the agent's own system of beliefs, even if they are coherent.

It therefore seems necessary to understand good reasons in external intersubjective terms. Now it is true that without social learning and accepting community-driven insights humans could not progress or develop (Sterelny 2012). Yet there are problems too with making intersubjectively understood good reasons a condition of open- or closed-mindedness itself. This can be illustrated by the examples of iconoclasts and deep disagreement. Iconoclasts are individuals who reject accepted beliefs or reasons – whether shared by experts or their communities (Berns 2008). Instead they apply their own standards of analysis to a given domain, irrespective of what constitutes a 'good reason' according to the wider community. Now it may be the case that many iconoclasts go awry in their enquiries.<sup>42</sup> Iconoclasts engage in unusual and risky epistemic behaviour because their reasons, their standards for relevance, are doubted by their community or their peers. But it should be clear that iconoclasts are not closed-minded simply because they try to assess things by the standards of their own rationality and reason. The problem here is that disagreement at a deep level can preclude clear identification of what constitutes 'good reasons' by intersubjective standards. As indicated by the earlier example of conversions between Abrahamic theism and naturalistic atheism one of the features of open-mindedness is it – potentially – enables one to cross between such radically different worldviews. This is even so when what each might consider a 'good reason' is radically divergent due to strong axiomatic and metaphysical disagreement. Open-mindedness enables enquiry to reach outside of one's pre-existing or community-endorsed paradigms. Therefore it is a mistake to try and make its operationalisation dependent on the paradigms it holds the potential to transcend.

### 3.4 – The second step is impartial judging

Once an agent has decided to engage with a claim, there comes the question of what open-mindedness requires they do with it. My definition of impartial assessment draws from William

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<sup>42</sup> The question of when or how much to rely on one's own judgement in opposition to the community's received wisdom is a knotty one, for a not entirely satisfactory attempted solution see Yudkowsky (2017). Although it is worth noting that famous scientists such as Isaac Newton and Robert Boyle who advanced the disciplines of physics and chemistry respectively also held more dubious beliefs such as the validity of alchemy. For these individuals being open-minded enough to innovate within their respective fields entailed open-mindedness to lines of enquiry which their contemporaries doubted had validity altogether.

Hare's account of open-mindedness as: "...a willingness to form and revise one's views as impartially and objectively as possible in the light of available evidence and argument" (Hare 1985: 3).<sup>43</sup> As discussed in the above analysis of screening what constitutes 'available evidence and argument' is not a straightforward matter, as much hangs on how the agent selects which evidence and arguments to engage with. However, once an agent is considering a new claim open-mindedness is equivalent to giving it an impartial hearing – treating it as a candidate for the truth of the matter until they assess it to be otherwise.<sup>44</sup> One of the oft-cited criticisms of Hare's definition of open-mindedness is that it is too broad and akin to a definition of rationality itself (Riggs 2010: 179; Baehr 2011: 152; Kwong 2016a: 407; Fantl 2018: 6). Given my own definition is partly inspired by Hare's it is important therefore to clarify its boundaries which distinguish it from straightforward rational assessment.<sup>45</sup>

When I say open-mindedness requires impartial assessment I mean open-minded individuals assess claims with the same cognitive tools and approach they would use to assess any other claims of that type – without fear or favour of it being true. To illustrate approaching a claim with fear consider an example of dealing with stories which negatively characterise someone we regard as a good friend:

...we tend to devote more energy to defeating or minimizing the impact of unfavorable data than we otherwise would. To start with, we are more liable to scrutinize and to question the evidence being presented than we otherwise would be... we are more likely to ask ourselves various questions about the person telling the story, the answers to which could discredit the evidence being presented... We will spend more mental energy generating and assessing such possible discrediting factors than we typically do when we hear gossip about someone who is not a friend (just think how rarely we do these things in those cases). Furthermore, we will go to greater lengths in the case of a friend to construct and to entertain alternative and less damning interpretations of the reported conduct than we would for a nonfriend.... In the case of a nonfriend, we would be unlikely even to devote the time and energy necessary to develop these other options and put them on the table (Stroud 2006: 505-506).

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<sup>43</sup> Dewey is another author who contrasts open-mindedness with partiality (Dewey 1916: Ch 13).

<sup>44</sup> Given the thrust of my conception of open-mindedness as based on individual assessment I also drop Hare's 'objective' assessment criteria from my own definition.

<sup>45</sup> See Hare (1979: 11-14) for Hare's own defence distinguishing open-mindedness from rationality.



Given the above example one can imagine conversely exercising one's judgement in a way designed to favour a claim – skimming over weaknesses and looking for reasons or ways to interpret it in as positive a light as possible.<sup>46</sup> To be open-minded to a particular claim is to adopt a middle path, to give it its opportunity to be assessed for incorporation into the agent's belief structure. However, what this chance or opportunity constitutes will necessarily be a subjective as opposed to objective measure and be agent-specific according to their capacities. Humans have only a bounded rationality and therefore any given agent may, depending on the standards one imputes to rationality, fall short of rationally assessing new information (Simon 1955: 99). For example, imagine a young student who is unfortunately far out of their depth in a class. They may deploy their available cognitive tools to the task at hand but end up making all kinds of logical or other substantive errors in revising their understanding. They may even leave more confused or incorrect than when they started, even if the information conveyed to them is true. A failure to conduct a proper rational assessment here is not necessarily caused by insufficient open-mindedness, but by a lack of other cognitive capabilities. To infer otherwise without further evidence would be to affirm the consequent. In this way open-mindedness as impartiality is narrower than rational thought; open-mindedness to new claims is no guarantee that they will be assessed according to a given substantive standard of rationality, for example being free of logical or other errors. Impartiality here constitutes a willingness to scrutinise the claims at hand absent particular motivations to try and accept or defeat them. It is reasoning absent particular partial motivations – what I describe as without fear or favour. While this might on some accounts form part of a definition of rationality, it is not synonymous with rationality.

Along with this critique of being overly broad, the impartiality approach is critiqued as overly narrow by one of the most cited accounts of open-mindedness put forward by Baehr (Baehr 2011: 140-161; Carter and Gordon 2014: 211-212; Kwong 2016a: 407-410; Kwong 2017: 1614 ; Fantl 2018: 3; Battaly 2018a: 263-265; Song 2018: 70). Baehr defines open-mindedness as transcending a default cognitive standpoint to take up or take seriously the merits of a distinct standpoint (Baehr 2011: 152). Baehr distinguishes his account from an impartial assessment approach to open-mindedness, which he terms the 'adjudication model' of open-mindedness, because he believes the latter is too restrictive (Baehr 2011: 145). In particular, he argues that the model fails to encompass situations devoid of conflict or disagreement and also fails to encompass intellectual activities outside of rational assessment or evaluation. My own account

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<sup>46</sup> For a practical example see Keller (2004: 331-333).

of the second stage of open-mindedness rests on assessing new claims and so it is worth distinguishing why Baehr's account goes awry here. I will address Baehr's first criticism here, and the second in the next section.

To address Baehr's first criticism of open-mindedness as impartiality. Baehr defines the adjudication model as assessing "one or more sides of an intellectual dispute in a fair and impartial way" (Baehr 2011:145) and so he reasons that if there is no dispute or intellectual conflict there is nothing to be impartial 'between'. What Baehr misses here is that there is always the potential for relevant intellectual dispute or conflict with respect to any claim - whether there are clear sides or not. This is because an agent always has the options to believe or disbelieve a claim, and can always stand in an attitude of partiality or impartiality in how they arrive at this belief or disbelief. For example, a person explains to me that through new scientific methods it has been identified that there is a higher oxygen content than previously thought on the planet Proxima Centauri b. I am no astronomer and have no knowledge of alternative hypotheses or theories regarding the oxygen content on Proxima Centauri b. It therefore appears that there is no intellectual dispute to assess. Yet if I happen to have a deep antipathy towards the explainer I can still take a closed-minded adversarial attitude towards her claim, even without any 'dispute' between competing hypotheses, by trying to pick any holes I can in her explanation. For example, I could demand that she explain in further detail her terms and the method used to arrive at the claim, interrogate the credibility of her sources, or even challenge her motivation for supporting the claim. Baehr's criticism is here an artefact of how he defines the adjudication model in terms of intellectual dispute, but it does not defeat it substantively once we consider the possibility of potential conflict with respect to any claim.

Still, even if one acknowledges the potential for conflict and partiality with respect to any and all claims some may question what standards one might apply to determine whether a person is judging a claim in an impartial manner. As I stated above what this constitutes will vary from person to person according to their capacities but the central criterion is reasoning in the absence of particular motivations to try and accept or defeat the claims. To avoid open-mindedness collapsing into some broader substantive account of epistemic diligence the judging standard of open-mindedness as impartiality is to treat like cases alike. To return to the example of the Democratic Senator mentioned above, let us say the Senator decided to in fact review the article commenting on the former President and it contained an economic analysis of the former President's foreign trade policies. To assess this open-mindedly the Senator would have to apply the same approach to reviewing the evidence presented by the article as they would any other

economic policy assessment. If the Senator happened to review all economic evidence presented to them in a thoughtless and ineffective manner and thus formed their resulting beliefs haphazardly this would make them incompetent at economic analysis but not closed-minded per se. In particular, when considering alternatives to current existing beliefs, open-mindedness as impartiality requires devoting similar levels of scrutiny to the new claims as they did to the claims which caused their existing beliefs to arise in the first place.

It could be argued that this standard remains insufficiently determinate; it raises the further question of which claims are suitably alike so as to receive similar treatment. This is closely related to the issue of following or distinguishing precedent in legal systems (Lamond 2006). Ultimately this will be a matter of judgement – as it is in the judicial arena. Further guidance is provided by the motivational point I made, people making impartial judgements as to which cases are alike should not be motivated by a particular desire to accept or reject the claim at hand.<sup>47</sup> Beyond this it is difficult to specify in advance what impartial judgement entails. Like the concept of open-mindedness itself impartiality is in some sense a passive or responsive feature. It is significantly characterised by what is absent – partiality – rather than necessarily what it does contain. Stipulating impartial judgement as a necessary step in open-mindedness also falls far short of describing what these judgements may entail. As I have stated above there are many elements of judgement which affect how it is performed, and impartiality is only one of these.

### 3.5 – The third step is updating

Once a claim has been received and assessed, the third stage in my definition of open-mindedness involves changing one's own beliefs according to one's assessment, again without fear or favour towards the new claim or one's pre-existing beliefs.<sup>48</sup> For an agent to be open-minded it is necessary but not sufficient to engage with, and analyse, new claims – the agent must update their beliefs in accordance with their analysis.<sup>49</sup> In many cases claims will have

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<sup>47</sup> The overlap here between impartiality and neutrality is clear and welcome. The two are close synonyms, as illustrated by Burke's famous phrase: "...the cold neutrality of an impartial judge." (Burke 1794: 501), also see Lucy (2005: 13).

<sup>48</sup> This requirement to adjust beliefs in line with the assessment of claims overlaps this stage of my definition with that of rationality if rationality is understood in its broadest sense as being moved by reasons (Scanlon 1998:23). Here my account is actually marginally thicker than this broad sense of rationality because it requires being moved absent partial motivations.

<sup>49</sup> Some readers might be tempted to think that the third step as I have outlined here necessarily flows from the second. Yet this is not the case. As Scanlon states: "...there is a distinction between an agent's assessment of the reason-giving force of a consideration and the influence that that consideration has on the agent's thought and action." (Scanlon 1998: 36). Scanlon discusses this possibility as that of 'akratic belief', that one's beliefs and actions need not necessarily flow from one's assessment of the relevant considerations at hand.

implications for existing beliefs, requiring the assessment to weigh the reasons for pre-existing belief against the ones underpinning the new claims. The model of belief and belief change applied here is approximately Bayesian in the loose sense of holding degrees of prior belief, also known as credences, which are updated over time conditional upon new evidence.<sup>50</sup> A simple demonstration of this updating process can be illustrated with the example of pulling coloured balls blindly from a bag. Consider a bag which contains twelve identically-sized balls – I have reached in blindly and identified that they do not appear to differ in size, texture, or weight. I have a weak prior belief that they are all the same colour. If I then reached in and pulled out three balls at random which turned out to be two blue and one red – this would lead me to revise my prior and instead form a belief that the remaining balls were likely to be six blue and three red, in proportion to the sample I had procured. Reaching in and randomly grabbing three more which turned out to be two green and one red would lead me to update my beliefs that the remaining six balls were likely to be two blue, two red, and two green. New information is added to my prior information to continuously update my beliefs about the world. This updating not only accounts for what outcomes are likely but how likely they are too. Imagine another bag with 1,000 balls. I pull out 999 balls at random and find that they are all red. This would lead me to a stronger belief – compared to pulling six balls out of the bag of 12 and drawing inferences as to the colour of the remaining six – that the remaining ball was red because my first 999 random draws had not found any other coloured balls. This is due to the low likelihood of 999 draws missing the only non-red ball.

The same logic applies outside of statistical inference to reason-supported beliefs. Suppose I believe in a proposition because I have a number of reasons supporting it. I then determine a new claim constitutes evidence opposing the proposition. As a result I should update my beliefs to accommodate the apparently contradictory information (Harman 1986: 56-57). Unless for some reason the new claim entirely eliminates the force of the pre-existing reasons I will probably end up decreasing my degree of certainty regarding the proposition.<sup>51</sup> In

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The example I go on to discuss below of the person closed-minded to Einstein's General Theory who nevertheless learns it to explain it to another is an example of this type of disjunction.

<sup>50</sup> The central tenets of Bayesian epistemology, while not necessarily accepted by all Bayesians, are Kolmogorov's three probability axioms, the ratio formula for conditional credence, and conditionalization for updating credences over time (Titelbaum 2022: 18).

<sup>51</sup> A single piece of evidence might not be strong enough to overturn a belief which was previously held with a high degree of certainty. This approach mirrors the Lakatosian account of scientific knowledge development (Lakatos 1970). Each experiment or piece of data collection adds to a research paradigm. Evidence which appears to challenge pre-existing beliefs constitutes an apparent contradiction but in a post-falsification model of research or learning it is open to the researcher to carry out further research before modifying or giving up their pre-existing beliefs.

fact, according to a Bayesian approach there is only a quantitative – rather than qualitative – difference between increasing or decreasing one’s certainty in a proposition and what might be thought of as wholesale belief change, e.g. coming to believe *P* instead of not *P*. In practice changing one’s beliefs simply means adjusting a credence sufficiently to pass a practical internal threshold which suffices for belief. For example, say that I believe a vegetarian diet is all-things-considered the ethical way to live life. I then read an article or report which suggests that entomophagy – eating insects – is a positive environmentally sustainable way to address food insecurity and reliably provide protein to the world’s growing population (Huis et al. 2013; Godwin 2021). While I may not give up on vegetarianism as a result of these considerations, I may reduce my certainty in the ethical superiority of vegetarianism as I reflect on whether eating insects is necessarily morally wrong, or whether their cultivation is worthwhile given the potential benefits to human health and the food supply. The world is complicated, and one should expect to encounter contradictory evidence as one goes about forming one’s beliefs – both normative and empirical. Several authors have argued against this type of reconciling and assessment leading to updating of one’s beliefs as a component of open-mindedness. For example, Baehr argues open-mindedness applies in situations without rational assessment or evaluation, whereas Riggs and Adler argue that open-mindedness ought to be compatible with what they call ‘strong belief’ which holds no possibility of revision. Reviewing their arguments will help shed some light on why this third step is necessary.

As I flagged in the previous section, Baehr’s second criticism of open-mindedness as impartiality is that it applies in situations other than rational assessment or evaluation such as when following or understanding is required. To demonstrate how his conception of open-mindedness goes beyond the ‘adjudication model’ Baehr proposes an example of students who need to ‘open their minds’ to learn challenging new information, in his case Einstein’s General Theory (Baehr 2011: 146). Baehr is concerned with students struggling to ‘wrap their minds’ around otherwise incomprehensible proposals. For Baehr, “... there is a clear sense in which they [the students] are not attempting to think for themselves. There is a fixed subject matter before them and their aim is to wrap their minds around it – to grasp it” (Baehr 2011: 146). Working through Baehr’s example will help us understand why in fact belief updating and revision is in fact a necessary component of open-mindedness.

I agree with Baehr that there is something in this ability to engage with new information – to grasp it – which is important for open-mindedness.<sup>52</sup> However, Baehr’s argument misses that to constitute open-mindedness this must be followed by rational assessment or evaluation in order to understand how the new information relates to the agent’s pre-existing understanding and therefore changes what they believe. To understand this distinction, imagine a closed-minded person who is not willing at all to personally entertain the truth of Einstein’s General Theory. Nevertheless, they are required by circumstances to explain it to someone else, and so they embark on the journey of Baehr’s students and seek to follow the theory and grasp its internal logic. Because they are closed-minded they do so with no intention of allowing it to influence their own beliefs, they just want to be able to faithfully explain the concepts to a third party. Baehr appears to rule out this possibility when he states that open-mindedness requires an agent to be committed to ‘taking up or taking seriously’ a new standpoint, which requires giving them, “a ‘serious’ (i.e. fair, honest, objective) hearing or assessment.” (Baehr 2011: 151). Yet this requirement does not in fact rule out our closed-minded explainer. Let us say they are committed to Caplan’s Ideological Turing Test whereby they must be able to explain any position they oppose so fluently that they could be taken for a genuine proponent of its views (Caplan 2011). This requires them to fairly, honestly, and objectively reconstruct the theory in order to explain it to their listener in a suitably convincing and comprehensive manner. According to Baehr’s definition it appears that they have successfully demonstrated open-mindedness with respect to Einstein’s Theory, but I would maintain that by keeping their own beliefs carefully segregated from the new standpoint the explainer should qualify as closed-minded.<sup>53</sup>

The reason for this discrepancy is because Baehr’s original explanation is not explicit on what happens once a person has followed or understood a new standpoint beyond ‘taking it up or taking it seriously’. My account is clear that revision of a person’s pre-existing viewpoints has to be a third step.<sup>54</sup> Therefore once a new position has been engaged with and followed or understood the person needs to reconcile this with their pre-existing viewpoints and this requires rational assessment and evaluation. Even if Baehr’s students follow the logic of Einstein’s theory it may still conflict with their pre-existing understanding of how the world works. They need to

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<sup>52</sup> Also see Kwong (2016b).

<sup>53</sup> This point is particularly relevant when explaining normative views one disagrees with – say racist or fascist views. It is one thing to explain them in a fluent manner to others so they can reconstruct the underlying claims and overarching theory, but it is likely that a liberal explainer will be closed-minded as to their underlying validity. This point about closed-mindedness to morally noxious beliefs is discussed further below in Section 3.6 (also see: Brennan and Freiman 2020).

<sup>54</sup> Cf. Song (2018) who argues that engagement or listening is enough to constitute open-mindedness. My view is that Song’s account mistakes openness to new experience or respectful listening for open-mindedness.

reconcile this conflict to develop a single coherent view of the world and this necessarily involves rationally assessing and evaluating the new information to appreciate its impact.<sup>55</sup> Part of what is doing the work here in Baehr's example is that these students are receiving highly complex information from a trusted epistemic source – their teacher – which implies that the students should not be assessing the information themselves. In this particular context what may be epistemically required for the students is to demonstrate cognitive deference towards what their teachers are saying. On my Spectrum of Credences this would require the students to adjust their assessments towards the credulity end of the spectrum and downplay their own judgment in favour of accepting as true what they are told. They are essentially trying to take as a given truth what their teacher is telling them, as opposed to impartially assessing it for its truth. This is because it is beyond their current abilities to properly assess the new propositions being put to them.<sup>56</sup> The classroom is perhaps the quintessential environment where we recognise that participants should err on the side of credulity towards accepting what they are being told is true. There are other potential examples such as children deferring to the judgement of their parents or laypersons deferring to the judgements of experts within their fields of expertise. Nevertheless the point remains that the students must necessarily revise their understanding of the world in order for Baehr's example to make coherent sense and this will necessarily require assessment and evaluation.

Adler and Riggs both also take issue with updating one's certainty of belief as a component of open-mindedness (Adler 2004; Riggs 2010) but for different reasons. They argue that understanding oneself as potentially fallible constitutes open-mindedness, in particular awareness of one's own cognitive biases or flaws. Their aim in doing so is to make open-mindedness compatible with what they call 'strong belief' which a person may hold without entertaining any possibility that they are wrong. My own account is sympathetic to Adler and Riggs' focus on fallibility – open-mindedness as impartiality entails the revisability of beliefs. However, their aim in trying to fit fallibility with strong belief leads them astray. Adler and Riggs' argument leads to contradictions. In order to make 'strong belief' compatible with awareness of one's own fallibility Adler and Rigs both argue for a strong separation between this meta

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<sup>55</sup> The same analysis holds true of the other example Baehr gives, of a detective who struggles to solve a case despite possessing all of the relevant facts and evidence – some of it apparently conflicting (Baehr 2011: 146). Although it is true that the detective may need to do some creative out of the box thinking to propose new solutions to the case, they still need to rationally assess and evaluate the alternative potential solutions to the case once they have done so.

<sup>56</sup> That is not to say that this is necessarily ideal pedagogy. Preferably students would be taught new information in such a way that their own impartial judgement would arrive at accepting it as true. The thrust of Baehr's example is that the students are being taught something beyond their abilities to properly assess.

knowledge of fallibility and holding object beliefs with certainty (Adler 2004: 131; Riggs 2010: 180):

The possibility that I, or the method I employ, has erred in coming to believe that p is not the possibility that the proposition believed is false, given my grounds for it (Adler 2004: 130).

Adler uses the analogy of a widget factory to explain this (Adler 2004: 132).<sup>57</sup> This widget factory has very high standards of competence but still requires random spot checks for quality control. In his view, there is no conflict or incompatibility between these two assessments being simultaneously held by the quality control inspector: (1) “*This widget has no defects or imperfections*” and (2) “*I should carefully examine widget 30 for defects or imperfections*”. Adler wants to keep the strong belief in the widget’s quality (1) carefully segregated from the meta-level knowledge of potential fallibility (2) – in this case the possibility, albeit of low probability, of failure. But there is an inconsistency in keeping meta-level beliefs separate from the object-level beliefs which they encompass.<sup>58</sup> This becomes apparent if we tweak the example to feature a flawed widget factory with only a 50/50 standard of competence such that every other widget is defective. In the tweaked example it should be clear that it is incoherent for the quality control inspector to maintain their strong belief in the widget’s quality while also acknowledging the meta-level of the widget factory’s fallibility. Simply put, the degree of object-level certainty has to be conditional on the meta-level fallibility for agents to avoid inconsistent beliefs.

This leads me back to my point that acknowledging our own fallibility should leave us open to revising the certainty of our object-level beliefs as a component of open-mindedness. It is particularly this conclusion that Adler and Riggs are keen to avoid in their defence of strong belief. Adler argues that we do not, and should not, hold beliefs as degrees of belief as to do otherwise would be too complex and lack commitment (Adler 2004: 129). Riggs similarly argues that a strong challenge lowering the believer’s confidence in their belief is not open-mindedness but is instead epistemic insecurity or cowardice (Riggs 2010: 180). In my view there is not anything particularly insecure, cowardly, or lacking in commitment for becoming less, or more, sure of a proposition as new evidence emerges.<sup>59</sup> Instead this seems to be the appropriate

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<sup>57</sup> The same example is cited by Riggs (2010: 181).

<sup>58</sup> A similar argument is made by Fantl (2018: 20-21).

<sup>59</sup> Indeed it raises the further question of how a person forming their beliefs through considering evidence raised their confidence level to reach ‘strong belief’ such that further evidence cannot affect their confidence levels. We might treat certain beliefs as settled as a pragmatic matter, but if the agent is being true to themselves what they have is a high confidence level such that they are willing to pragmatically close their minds from scrutinising new



response, paraphrasing an apocryphal statement of Keynes – when our information changes so should our beliefs. In the example of the Democratic Senator discussed above if the Senator found the analysis in support of the former President compelling they should then update their underlying beliefs. For example, if it contained a positive analysis of the President’s economic policies they might reduce their certainty that the President was bad for the US economy. This would not necessarily affect their assessment of the President in other respects, for example they may still maintain beliefs such that the President was corrupt or otherwise pursued unwise or unjust policies.<sup>60</sup>

Through the above analysis it should be clear that a plausible understanding of open-mindedness will require its adherents to review and revise their pre-existing beliefs following their assessment of new claims. Open-mindedness does not rest simply on following or understanding new information without reflecting on its implications for the person’s actual beliefs. Neither can open-mindedness be compatible with holdings existing beliefs so strongly that one cannot entertain doubts about them. Still, this leaves plenty unsaid about how precisely one weighs new claims in light of one’s pre-existing knowledge. As stated before being open-minded only says so much about one’s reasoning and judgement. It entails that this reconciliation of process of new claims and pre-existing knowledge be carried out without an extrinsic motivation for one to prevail over the other – a form of impartiality. One cannot have pre-decided which of the new claim and the pre-existing knowledge should have the better of the reconciliation process. To do so would be occupying either the closed-minded or credulous ends of the Spectrum of Credences depending on whether one was favouring one’s pre-existing knowledge or new claims. Beyond the absence of this motivation in the case of open-mindedness, how one actually reconciles new claims which purport to conflict or alter one’s pre-existing beliefs is a matter of exercising one’s judgement. This requirement for the updating of prior beliefs is in accordance with the deliberative learning account of open-mindedness set out in Chapter 2 which depends on parties revising their beliefs as they receive reasons from their interlocutors.

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evidence to save time or energy. Anything more and belief starts to resemble a doctrine of faith impervious to counter-evidence (Buchak 2017).

<sup>60</sup> Despite the arguments of authors such as Levy (2006) it is assumed in this example that there is no necessary linkage between moral competence and competence in other areas even if sometimes a change of beliefs in one domain might impact on others as a form of spill-over effect.

### 3.6 – Open-mindedness and attendant risks

Moving to a non-normative definition of positioning on the Spectrum of Credences is intended to enable us to consider the appropriateness of non-open-minded attitudes. Such assessments will be a function of both the traits themselves and their attendant context. This runs contrary to a common position which holds that open-mindedness is by default the virtuous or correct attitude for a person to hold. This position might think of open-mindedness and reasons as ‘asymmetric weapons’ – unlike violence which can triumph irrespective of moral weight, open-mindedness should favour truth and correct outcomes (Alexander 2017). From this perspective open-mindedness is a virtue to be contrasted with extreme vices such as closed-mindedness or credulity and to suggest that people should be anything other than open-minded is to make a mistake from the start (Cassam 2019). Arguments in support of this position range from open-mindedness enabling us to identify and correct our own biases (Riggs 2010), its concern for, or conduciveness to, truth (Arpaly 2011; Kwong 2017), its conduciveness to understanding or wisdom (Riggs 2003; Carter & Gordon 2014; Riggs 2016), its connection with intellectual virtues such as humility, intellectual courage, and intellectual diligence (Taylor 2016), its entailing giving others proper recognition and avoiding epistemic injustice (Kwong 2015; Song 2018), or even just its process of taking novel viewpoints seriously (Kwong 2016a). My intention here is not to directly address this very wide range of arguments. First, because I do not mean to deny that open-mindedness can have certain benefits, although I will suggest that these significantly depend on the relevant context it appears in. Second, because these arguments for the virtue or benefits of open-mindedness are often twinned with particular definitions of how open-mindedness itself is to be understood. I have already set out above why I believe my definition of open-mindedness is correct and apt. Instead, I provide here an argument for the relevance of one’s wider context, including competing obligations, when considering positioning on the Spectrum of Credences. I do so to illustrate how the appropriateness of open-mindedness in any given instance is subject to a range of considerations. I argue that open-mindedness in any given instance can not only lead a person to lose true beliefs or adopt false ones, but can also threaten to undermine their pursuit of valuable projects or goals. This is not to say that other positions on the Spectrum of Credences do not also come with attendant risks. The point here is that the position on the Spectrum one should adopt in any given instance is a matter of context-dependent judgement – considering one’s duties, projects, capacities, and the context one faces.

### 3.6.1 - The two arguments

I set out here an outline of an example argument for open-mindedness, termed the ‘Obligatory Open-mindedness Position’:

1. We have a duty of due diligence to engage with claims which purport to impact relevant beliefs before making decisions or acting.<sup>61</sup>
2. Such engagement must be open-minded in order for decision-making to be properly informed.
3. In particular to be closed-minded or credulous in the course of one’s engagement would fall below the standards required to be exercising due diligence.

The above steps are only intended to be illustrative of arguments requiring open-mindedness but should be broadly representative of why one might think it obligatory in general to be open-minded. No doubt variations could be developed to capture the same intuition that we are required to be open-minded. My own argument, while it responds to the above steps, does not depend on the precise framing of the Obligatory Open-mindedness Position. In particular, I argue that when considering one’s positioning on the Spectrum of Credences one has to consider the wider context within which one is making decisions – especially how one’s other obligations may impact or be impacted by this positioning. In addition, there are trade-offs which need to be assessed. These amendments result in the following modified position I term the ‘Amended Position’:

1. Before making decisions or acting we should consider our context and attendant duties.
2. These include, among other things, a duty to be properly informed before making decisions or acting. Being open-minded is an important way for one to become properly informed.
3. This, however, must be considered as part of a risk-reward analysis which may altogether lead to alternative positions on the Spectrum of Credences.

I will now outline these three points in more detail.

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<sup>61</sup> There will no doubt be other components to any such duty of due diligence, for example duties to actively seek out relevant information to ensure one’s beliefs are well-supported by relevant evidence. I conceptualise the Spectrum of Credences primarily as a matter of responsiveness to new claims, in line with Audi’s characterization of open-mindedness as a virtue of responsiveness (Audi 2018: 360). This distinguishes open-mindedness from more proactive characteristics such as intellectual curiosity or epistemic diligence. Therefore I am primarily concerned with deviations from open-mindedness conceptualized as responsiveness to new claims.

### 3.6.2 - The relevance of wider context (1)

The wider context encompasses a range of potential considerations which may bear on how we approach new information. It is difficult to outline them comprehensively because beliefs ultimately determine how we both perceive the world and act within it and so the question of context touches upon a vast range of issues. I set out here some illustrative examples. Pascal's Wager famously suggests that because of the uneven stakes involved in belief or disbelief in the Christian God we should seek to shape our beliefs and actions accordingly to believe in the Christian God (Hacking 1972). Using the Spectrum of Credences framework an advocate of Pascal's Wager should be credulous towards claims supporting belief in God - screening for favourable claims, analysing them with a partial attitude towards favouring their truth, and over-weighting their impact on their beliefs.<sup>62</sup> This first example rests on the consequences which follow from being right one way or the other, but one might also consider the stakes of holding certain attitudes on the Spectrum in the first place. For example, imagine that my romantic partner and I believe that a constitutive aspect of a mutual relationship of love is to be credulous towards the claims one another makes. When my beloved shakily recounts to me that they were just involved in a traffic accident but that they were not at fault, to at that moment open my mind to the possibility that they are mis-remembering their own role in the accident due to shock may therefore be one thought too many (Williams 1976a: 18). Conversely, some authors argue that the stakes of open-mindedness are moral, and that it is a moral obligation to be open-minded (Arpaly 2011; Song 2018). It certainly seems correct that an attitude of open-mindedness can form part of an attitude of respect towards another which we might owe.<sup>63</sup> For example, Song describes positively the case of Daryl Davis open-mindedly listening to Klu Klux Klan members. Yet this logic runs both ways - presumably we should therefore withdraw open-mindedness when we do not owe respect. Indeed, in contrast to Song Fantl argues that open-minded engagement with morally problematic arguments and speakers can constitute a failure to stand in solidarity with oppressed groups or individuals (Fantl 2018: 147). He explicitly rules out giving respect to those sympathetic to the Klu Klux Klan (Fantl 2018: 191). For Fantl these arguments and

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<sup>62</sup> The consequences of religious belief can be practical as well as metaphysical, as an example provided by Bertrand Russell illustrates:

You cannot expect, say, the Archbishop of Canterbury, the Grand Mufti and the Dalai Lama, if they met by accident on a ship, to be completely receptive to each other's theology, since no one of the three could carry on his work if he allowed one of the others to convert him... As a general rule, it is good to be open-minded about whatever does not affect adversely the broad pattern of your life (Russell 1950).

<sup>63</sup> In fact Song's (2018) account of open-mindedness seems at times to reduce it to simply listening respectfully, as there is no requirement for the possibility of belief change in her account of open-mindedness.

speakers are not due respect, in the same way that someone hurling abuse is not entitled to politeness. Song and Fantl therefore agree that there are moral stakes to attitudes of open-mindedness with interlocutors but disagree on how these are to be understood. I do not intend to take sides between these authors here but instead want to highlight the overarching issue presented by these various examples. The point is that the wider normative context of holding particular beliefs or certain positions on the Spectrum of Credences form another set of considerations which impact how to engage with new claims.

### 3.6.3 - Open-minded informed decision-making (2)

This step follows the Obligatory Open-mindedness Position – that to be properly informed one wants to have reviewed and scrutinised potentially relevant information. This consideration pulls towards open-minded engagement – being open to all new information, even if surprising or contradictory to current beliefs, and subjecting it to one’s best judgement to make good decisions. The game of chess may provide a helpful illustration here. Each move presents a separate decision point for the player. As the game progresses the player will likely develop a sense of how the game is going, including beliefs about which side is winning and plans the opponent is likely to be pursuing. The player’s moves will be informed by these beliefs – for example pursuing more complicated positions if they feel that they are losing in order to complexify the situation and make it harder for their opponent to convert their perceived advantage into victory. Notwithstanding these intuitions and beliefs, it seems obvious that prior to making each move the player should open-mindedly consider the state of the board. They should take into account all new information, including surprising developments, and revise their beliefs as appropriate, in order to be as well-informed as possible before making their next move. Expanding beyond the game of chess to activities in the world more broadly – the same intuition seems to apply. Before one makes a ‘move’ in the world by taking action, one should be open-mindedly considering new information in the world to update one’s pre-existing beliefs so that one’s ‘move’ is well-informed.

### 3.6.4 - Risks of open-mindedness (3)

It is a common warning note in the literature on open-mindedness, even amongst its advocates, that it can sometimes lead individuals epistemically awry and therefore may not be appropriate in certain circumstances (Hare 1985: 4; Baehr 2011: 64). This seems intuitively correct for the

simple reason that updating beliefs in response to new information can lead them to become more or less correct, whether that is empirically or morally (Brennan and Freiman 2020). These authors acknowledge that open-mindedness may not be the proper approach in certain situations. To return again to the illustrative domain of games – the classic example here would be a single hand of poker. Again there is a sequence of separate decision points for the player, and as the game progresses the player will develop intuitions and beliefs about the relative strength of their opponent’s hand as compared to their own. However, a master of the game will know how to anticipate the player’s reasoning processes, and therefore will present information to the player likely to mislead them. For example, if the player is a relative novice they may perceive a large bet from their opponent as sincerely representing a strong hand of cards. If so, they will revise downwards the relative strength of their own hand and may be induced to fold what may in fact may be the stronger hand.

Expanding the case to the wider world one might think of being taken in by a con artist – someone who induces a mistaken belief in their target in order to take advantage of them. For example, a person by the side of the road represents that they are in need of aid and when you leave your vehicle to assist them they steal it from you. One intuitive response to these cases is to claim that what is occurring here is not open-mindedness but credulity. Yet, recall that open-mindedness is not to be treated as synonymous with ‘correct judgement’. It is therefore not the case that because relying on a representation resulted in an incorrect belief that it must be a case of credulity. Positions on the Spectrum of Credences are determined by the attitude taken at the time, not by post hoc assessments in light of further facts or evidence not necessarily available to the person at the time. It seems perfectly intelligible that a person who subjected the available evidence to an impartial assessment could arrive at the belief that the con artist by the side of the road was actually a person in distress. What does the work in getting this updating process right is a function of our reasoning abilities and our particular environment. For example, if we are prone to making logical or other errors of reasoning, then being open-minded to new claims may not do us much good in terms of coming to correct beliefs. Conversely, even if we are competent at reasoning but are in an environment where we are bombarded with confusing information then open-mindedness may still result in us forming incorrect beliefs. These are therefore two factors which should bear on any individual’s decision on what posture on the Spectrum of Credences to adopt.

I am influenced here by two authors who have recently made arguments along these lines – Fantl and Battaly. I will briefly summarise their particular arguments to identify the intellectual

debt I owe, and also how I deviate from the conclusions they draw. Fantl is concerned that we may lose actual knowledge by being open-minded to apparently flawless counterarguments (Fantl 2018: 27-48). These are arguments where – having scrutinised them – you find each step compelling and therefore have no concrete explanation as to why its conclusions are not thereby justified. Nevertheless, Fantl argues that just because we cannot find any flaw in these arguments does not make them true or valid. The key issue for Fantl is that we ourselves are fallible, and therefore should be epistemically modest in our ability to assess counterarguments against our knowledge, particularly in fields where we are not experts:

After all, *what's the greater miracle*—that your well-supported belief is wrong or that some clever person has come up with a misleading argument in which you cannot find a hole? The latter happens—at least to me—all the time (Fantl 2018: 34).

Fantl therefore argues that to preserve our knowledge we should adopt a posture of forward-looking dogmatism with respect to fields where we know that counterarguments would be misleading. Essentially we should be closed-minded to these arguments.<sup>64</sup> This is a defence of a version of Kripke's Dogmatism Paradox – that once a person knows P they can ignore further evidence against P (Kripke 1972). Now I do not wish to make the same strong claims to knowledge as Fantl, who believes that he knows a range of facts relating to history, morality, science, and metaphysics in a way which is effectively impregnable to contrary evidence (Fantl 2018: 146). Fantl does not provide a convincing account of how one's knowledge of both facts and values achieves such an infallible state. However, Fantl is correct in pointing out that our abilities to assess claims are themselves fallible. People who are not experts in relevant fields are likely to be susceptible to misleading arguments from individuals who either have more subject knowledge or are argumentatively more skilled. Simply put, people may not have the necessary expertise to reliably assess a variety of arguments or evidence considered in an open-minded manner. Open-minded assessments are not synonymous with good or accurate reasoning.

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<sup>64</sup> A critic of Fantl's argument might suggest that instead of adopting dogmatic attitudes people should instead not be naïve. They could argue that Fantl, and myself when I rely on Fantl's logic, is equating open-mindedness with naïveté or credulousness. As discussed above my usage of the term open-mindedness, closed-mindedness, and credulity are not intended to pass judgement on their suitability in any given situation. By contrast a critic's allegation of naïveté carries with it the implication that a person should be approaching certain arguments or claims with more suspicion or cautiousness. On my account by increasing cautiousness, perhaps devoting additional energy to contradicting claims or scrutinizing them more intensely for flaws, a person is adopting degrees of closed-mindedness.

Battaly approaches the same question of justified closed-mindedness by considering the environment rather than focusing on individual capacities. She considers that in ‘epistemically polluted’ environments filled with falsehoods and poor epistemic norms closed-mindedness may be a virtue (Battaly 2018b: 37). Battaly is herself agnostic between different approaches as to what makes a trait a vice, and correspondingly what makes them a virtue, and considers a range of approaches to the question (Battaly 2018b: 29-31; Battaly 2020: 21-39). Nevertheless, she sees closed-mindedness as qualifying as a virtue in epistemically polluted environments on a variety of grounds. For the individual it allows one to sustain the true beliefs one already has and prevents losing knowledge due to epistemic opportunity costs wasting time and energy engaging with the polluted environment. Battaly further argues that closed-mindedness is a virtue when one considers its impact on others in such environments. She argues that open-mindedly engaging with the deluded may signal that they are credible enough to be taken seriously and that open-minded agents may do more external harm than good in trying participate in an overall epistemically polluted environment (Battaly 2018b: 41-43). It is worth noting that for Battaly this discussion is largely hypothetical – she is clear that for an environment to be epistemically polluted in the manner she is describing it would need to reflect Orwell’s Oceania (Battaly 2018b: 28, 32, 40, 43-44) and that we live in an ‘ordinary’ epistemic environment. She only notes, relatively briefly, that members of non-dominant groups currently experience epistemically polluted environments by virtue of oppressive epistemic norms (Battaly 2018b: 32, 40). Putting aside for one moment Battaly’s empirical claims regarding the existing environment, her basic theoretical point that the environment influences the balance of reasons whether or not to be open-minded is correct. Furthermore, Battaly is explicit that she is only considering epistemic reasons to be closed-minded and not moral, pragmatic, or political reasons (Battaly 2018b: 43). An environment may also provide pragmatic reasons to avoid open-mindedness. For example, Hare suggests that “...in wartime, the open-minded consideration of the claims of the enemy may give indirect support to the enemy, and thus may be judged to be less important than other attitudes” (Hare 1985: 4).

The potential risk to our resources from open-mindedness derives from the fact that the world is highly complex and we only have limited time and resources to grapple with it (Prisiching 2010). This leads to a problem of ‘bandwidth’ – we have to be selective in what claims warrant engaging with due to our bounded rationality. At times we husband our precious time and attention by treating certain matters either as settled and closing our minds to alternatives, or accepting claims, perhaps from those we trust, without much scrutiny. This screening process of



claims forms part of positioning oneself on the Spectrum of Credences. The above discussion of screening considered reasons of source or content. One might think that these types of substantive issues are separate from concerns about bandwidth, but they are both part of the same issue. When screening claims one necessarily has to do so based on limited information – as it necessarily occurs prior to a full-throated analysis. Therefore the overall direction of the claim and its source will be important information used to weigh up the costs and benefits of engagement with it. For example, consider the UK’s COVID-19 lockdown policies in 2020-2021. I may have believed that the UK Government’s COVID-19 lockdown policies were a necessary and justifiable restriction on people’s lives. It may then come to my attention that a number of people think instead that the threat from COVID-19 has been thoroughly overblown and the Government’s policies are wrongheaded and overall damaging to the welfare of the UK’s residents (Croft 2020). If I screen out the latter claims it may not necessarily be because I think they are unlikely to be true, indeed to properly assess their likelihood of truth I would have to engage with them in the first place. It may be that instead I wish to devote my time and energies elsewhere. In so doing I leave my original beliefs intact and effectively act in a closed-minded way to contrary claims. Conversely, when the Government makes claims regarding COVID-19 I may have sought them out and adopted them into my beliefs without impartially scrutinising them, veering towards credulity on the Spectrum of Credences. The simple explanation, that I have sufficient certainty in my beliefs or justified trust in the competence of the Government to accept their claims with credulity, is insufficient here. This behaviour might well co-exist with a belief that the Government in general is not particularly competent. What it represents is a time and energy-saving approach, especially as the laws regarding COVID-19 will coerce me whatever my beliefs regarding their underlying rationale. Part of what is informing my approach here is that I simply do not wish to pay the opportunity cost of devoting time and energy to counter-arguments.

Another, perhaps more extreme, example is provided by Cassam in his book *Vices of the Mind* (Cassam 2019). Cassam opens a chapter by explaining that he has read a ‘fair amount about the Holocaust’, but notwithstanding this has never engaged with any of David Irving’s claims or scholarship arguing for Holocaust denial (Cassam 2019: 100). Following the logic of Kripke’s dogmatism one could perhaps justify Cassam’s position by saying that the Holocaust is very likely to have occurred, and therefore one can ignore Irving’s claims as unlikely to be true. Even so, Cassam states that challenges such as Irving’s call for a serious response, by which he means a rebuttal of their claims, and he rejects approaches based on Kripke-ian dogmatism which

ignore counter-arguments or conspiracy theories. Cassam does not place this duty solely on professional historians, but on all people who want to know that the Holocaust occurred. As a result of this view Cassam describes his own approach to ignoring Irving as ‘nothing to be proud of’, in effect he condemns this attitude as problematically dogmatic. Instead Cassam argues, “It is incumbent on us as knowers to base our views on the evidence, and that means taking the trouble to find out what the evidence actually is and what it does (and doesn’t) show. Dogmatism is not the answer” (Cassam 2019: 118). Cassam is concerned that we need to engage with counter-arguments in order to have knowledge of the propositions they critique. There is a certain rigour to Cassam’s position. However in a mortal life there are practical limits to what we can spend our time and energies engaging with, especially for people who are not professional academic seekers of knowledge like Cassam. The process of enquiry itself can be costly in other respects too - imagine that a person, not unreasonably, finds Holocaust denial material emotionally traumatic to review. They might reasonably deviate from Cassam’s approach and decide not to engage with Irving’s work. More broadly one can imagine members of minority groups addressing arguments critical of their sense of self or identity finding the process psychologically taxing and emotionally draining (Eddo-Lodge 2014). Kittay’s description of the emotional burden of engaging in debate regarding the moral and personhood status of her daughter is another evocative example of this (Kittay 2009). None of this is to suggest that these costs rule out engaging with arguments - clearly Eddo-Lodge and Kittay have continued to have these difficult conversations in their roles as author-journalist and academic respectively. But their accounts make clear that doing so comes at significant personal cost. Furthermore open-mindedness requires not only not screening but also impartial judgement. One can imagine that to require impartial judgement of arguments which people find contrary to their most deeply cherished beliefs and commitments - whether it is regarding structural racism or the moral status of a beloved daughter - would be even more burdensome.<sup>65</sup> The alternative may well be, as Cassam flags, a form of dogmatism. But the personal stakes are sometimes such that this is a justified position to take.

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<sup>65</sup> As mentioned above this also engages Fantl’s argument that it can constitute a failure to stand in solidarity with the oppressed to engage open-mindedly with morally problematic speakers or arguments - that it is not only burdensome to engage with these claims but that in doing so one commits a wrong (Fantl 2018: 147). In a similar vein to Fantl other authors such as O’Flynn simply describe views such as Holocaust denial or white supremacy as “Of course... beyond the pale” when it comes to engaging in deliberation (O’Flynn 2022: 38-39).

The foregoing considerations are intended to help both explain and justify the context, attendant duties, and risk-reward analysis referred to in the Amended Position, set out here again for completeness:

1. Before making decisions or acting we should consider our context and attendant duties.
2. These include, among other things, a duty to be properly informed before making decisions or acting. Being open-minded is an important way for one to become properly informed.
3. This, however, must be considered as part of a risk-reward analysis which may altogether lead to alternative positions on the Spectrum of Credences.

In contrast to the Obligatory Open-mindedness Position, I have elaborated a range of factors which should impact a person's positioning on the Spectrum of Credences, potentially leading them on occasion towards more closed-minded or credulous positions. Another way of putting this is that people should have second-order stances on the Spectrum of Credences with respect to their first-order beliefs and positions. They should identify areas where they will consider certain matters relatively settled and therefore screen out competing claims or look unfavourably on arguments to the contrary. They should also identify areas where they are open to any and all new claims to help them update their views. They may even identify areas where their best course of action is simply deferring to the expertise of others and accepting their claims with little scrutiny at all.

### 3.7 – Conclusion

In this Chapter I have set out a novel conception of open-mindedness as impartiality and in doing so distinguished it from a number of competing accounts in the field. I have argued that open-mindedness is best understood as a three-step process of not screening new claims, assessing them impartially, and then updating one's beliefs in accordance with one's assessment. To deviate from this at any stage either in favour or in opposition to new claims would be to incline towards credulity or closed-mindedness respectively. This dovetails with the psychological account of DMR which I outline in Chapter 4. This definition is consistent with the usage of open-mindedness identified in deliberative democratic theory in Chapter 2 as part of the deliberative learning process. To learn from one another's reasons in a deliberation requires not screening them out, assessing their validity, and updating one's beliefs accordingly. I do not mean to suggest that my account of open-mindedness is the only one which could plausibly fill this role.

The requirements of deliberative learning are flexible and fluid enough to admit a number of plausible conceptions of open-mindedness. That said, there are some which would struggle. A definition of open-mindedness which equates it with respectful listening (Song 2018) would not work in the context of deliberative democratic theory which relies on belief change and learning to result from deliberation. Similarly, deliberative learning would also struggle in the context of an application of open-mindedness consistent with strong beliefs which resist updating or revision (Adler 2004; Riggs 2010).

Two upshots follow from my philosophical account. The first is that open-mindedness is to be distinguished from a range of related characteristics, such as curiosity, epistemic diligence, openness to new experiences, or simply trying to follow or understand new claims. The second is that the question of whether to be open-minded as such is distinguishable from its definition. There is a long tradition of arguing that one should not adopt an approach of impartiality across all of one's life, partial attachments being constitutive of a flourishing human life (Williams 1978; Cottingham 1983; Lucy 2005: 6). Therefore, the question of where and when to be open-minded becomes entangled with this question of when one should be impartial in one's thinking, specifically with respect to engaging with new claims. I set out in Section 3.6 an analysis which suggests that identifying when and how to be open-minded requires careful engagement with one's circumstances. This analysis will be elaborated in Chapters 5 and 6 with respect to a class of people particularly important to modern democracies – elected representatives – and how they engage with political claims.

## Chapter 4 – Directionally Motivated Reasoning: A Challenge for Deliberative Democracy

### 4.1 – Introduction

One of the two key questions I identified in Chapter 2 flowing from my analysis of deliberative democratic theory was whether in practice people are open-minded to political information and arguments. As set out in Chapter 3 I proposed that open-mindedness is best conceptualised as a type of cognitive processing absent partial motivations. The partiality of people’s cognitive processing with respect to political information and arguments has been the subject of extensive psychological research into the cognitive processes underpinning individual decision-making. This Chapter discusses one particular branch of this research literature exploring directionally motivated reasoning (DMR). DMR is a mechanism by which our conscious reasoning process assesses new information in a way so as to make it congruent with pre-existing goals or preferences including preferences over beliefs. In a nutshell, it explains that much of what we call “deliberation” on controversial and emotionally fraught issues is actually a matter of post hoc rationalisation of preconscious evaluations (Richey 2012; Valentino and Nardis 2013: 570; Moscrop 2017).<sup>66</sup> My contention is that this phenomenon poses a strong challenge to theories of deliberative democracy which rely on participant open-mindedness. This is because DMR effectively constitutes closed-mindedness to undesirable information by making it harder for it to be incorporated into an agent’s belief system. In contrast, deliberative democrats want people to listen to challenging claims in fields ranging from healthcare to post-conflict reconciliation and to change their strongly-held beliefs as a result (Gutmann and Thompson 2004: 139-188). For empirical evidence, such as that produced by the DMR research programme, to be relevant to challenging deliberative democratic theory requires a particular understanding of political theory methodology, and in particular the question of feasibility. The latter half of this chapter is therefore devoted to explaining my position and why social scientific evidence such as that produced by social psychology can pose feasibility challenges for normative political theory.

This chapter proceeds as follows. First in Section 4.2 I will outline the theoretical underpinnings of DMR before moving on in Section 4.3 to considering some of its experimental evidence. In Section 4.4 I address some potential critiques of this empirical evidence. In Sections 4.5-4.6 I will argue for a fact-sensitive paradigm for normative theorising which must be

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<sup>66</sup> The phenomenon carries echoes of David Hume’s famous dictum that “Reason is, and ought only to be the slave of the passions, and can never pretend to any other office than to serve and obey them” (Hume 1739 Book II: 41.5).

sensitive to probabilistic evidence if it is to take account of any empirical facts at all. In Sections 4.7-4.8 I will apply my analysis to the specific case of incorporating evidence such as DMR regarding deliberative democratic theory. Finally, I conclude in Section 4.9 by summarising the chapter and identifying the next steps in the thesis.

## 4.2 - The theoretical background to DMR

Over the past half a century an impressive literature of experimental results and theory development has built up in what has become known as the ‘biases and heuristics’<sup>67</sup> research programme started by Amos Tversky and Daniel Kahneman (1974).<sup>68</sup> The study of DMR forms part of this research programme. One of the outputs of this research has been the development of a general cognitive model of decision-making known as the ‘dual process model’ (Chaiken and Trope 1999; Kahneman 2011). Dual process models have formed the current dominant paradigm in the psychology of reasoning and decision-making since approximately the turn of the 21st Century (Evans 2012: 26).<sup>69</sup> Within this model there are two processes which underpin the way we assess new information and consequently make decisions. They are divided into the ‘intuitive’ or ‘automatic’ and the ‘effortful’ or ‘reasoned’ systems, often termed System 1 and System 2 respectively. The first operates continuously, automatically, and subconsciously with little demand on our cognitive resources. The second system operates intentionally, is controllable, and is demanding on our attention and cognitive resources (Haidt 2001: 818). Importantly, the two are not temporally equal. System 1 activates pre-consciously, it is the first to respond to inputs. In doing so it accesses the large swathe of information held in our brains which is not accessible to our conscious System 2. The outputs of the System 1 process determine whether System 2 is activated, and System 1’s outputs inform the System 2 process.

This division of labour between the two Systems makes sense – from a functionalist perspective – when one considers their relative strengths and weaknesses. Our senses and

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<sup>67</sup> The term ‘bias’ raises the question of the normative standard against which people are being compared. Many experiments in this field, such as those discussed in Tversky and Kahneman’s original 1974 paper, focus on statistical and probabilistic assessments. Biased deviations are analysed as systematic deviations from the standards of probability and expected utility, and in particular Bayesian belief revision is used as the relevant normative standard (Redlawsk 2002: 1021; Richey 2012: 514). Some authors raise the subsequent question of whether the usage of the Bayesian standard itself is appropriate (Chong 2013: 114; Hahn and Harris 2014: 77-90).

<sup>68</sup> This history is even older if one considers the contributions of Herbert Simon and his concept of bounded rationality (Simon 1955).

<sup>69</sup> While there are ongoing debates ranging from the number of sub-processes involved in the systems to the appropriate normative baseline to assess performance against, dual process models are the current standard (Stanovitch 2011).

internal systems provide our brains with a large constant stream of information to be processed and dealt with. System 1 is efficient at managing this continuous flow of information automatically without requiring conscious attention. For example, when we pick up a cup of tea to drink we automatically and unconsciously analyse details regarding its positioning, weight, temperature, and how full it is (Marcus 2013: 155). This information is seamlessly incorporated into how we raise our hand and arm to execute the act of drinking. Similarly, when we go about our daily lives most of the sensory information we take in is routine and peripheral, not requiring additional attention. It is only when something unusual is noticed, like a car speeding out of control, that we need to respond. This makes System 1 very good at dealing with habitual or rote activities and information – which is what the vast majority of information we encounter consists of. System 2 is energy intensive and cognitively resource demanding. It is also limited in terms of bandwidth – it can only consider a very limited number of inputs at any one time, although it continues to be informed by System 1 processes running parallel to it. System 2's slow calculating process makes it superior for dealing with novel situations and information which is unsuitable for the automated habitual processes of System 1. Once System 2 has considered a situation enough times for it to become routine then going forwards it can be dealt with solely by System 1. For example, learning to cycle initially requires System 2 focused attention to balance and the body's senses. But with practice it eventually becomes 'second nature' as System 1's automated procedures become capable of managing the relevant sensory inputs and actions.

DMR is a sub-theory within the broader dual process theoretical framework. According to DMR when presented with information our unconscious System 1 processes engage and assign it a positive or negative valence – essentially whether we 'like' or 'dislike' it. This valence derives from our existing belief structure – we perceive information contradictory to emotionally important beliefs as a threat. For example, if it threatens to undermine beliefs important to our identity we will assign a negative valence to it. Our conscious System 2 reasoning process considers the information in light of the results of the System 1 process. It will be more likely to accept information with a positive valence, but will treat negative valenced information as a threat, and work to ignore or counter-argue it. One common interpretation of the biases and heuristics literature is that System 1 is responsible for cognitive biases and System 2 is responsible for more normatively correct responses (Evans 2012: 22). DMR illustrates how this is a poor oversimplification. Individuals who are proficient in System 2 reasoning tend to strongly exhibit DMR when they encounter facts contesting issues they support. Experimental evidence suggests

that they use their System 2 reasoning to extract information supportive of their political views and identities and rationalise away the rest (Bolsen et al. 2015).

DMR effectively constitutes closed-mindedness to unwanted information. Recipients of information apply harsher standards of scrutiny to undesired evidence and their reasoning processes work to protect pre-existing views rather than considering how such views might be called into question by new information. When people decide that evidence is weak because it contradicts prior beliefs, they are inverting the process of new information updating their beliefs. In effect they are closing their minds to opposing arguments. This poses issues for normative theories which rely on individuals' ability to approach or reach agreements or reasoned consensus through common reason and rationality. If disagreeing individuals start from strongly held normative and factual premises then the power of mutual discussion to resolve disputes should not be overestimated. This is reminiscent of findings in the long-standing cognitive dissonance research paradigm, whereby individuals feel discomfort at – and are driven to resolve – apparent inconsistencies between different beliefs (Festinger 1957; Cooper 2007). The problem was described in vivid terms by Leon Festinger:

A man with a conviction is a hard man to change. Tell him you disagree and he turns away. Show him facts or figures and he questions your sources. Appeal to logic and he fails to see your point.

We have all experienced the futility of trying to change a strong conviction, especially if the convinced person has some investment in his belief. We are familiar with the variety of ingenious defenses with which people protect their convictions, managing to keep them unscathed through the most devastating attacks.

But man's resourcefulness goes beyond simply protecting a belief. Suppose an individual believes something with his whole heart; suppose further that he has a commitment to this belief and he has taken irrevocable actions because of it; finally, suppose that he is presented with evidence, unequivocal and undeniable evidence, that his belief is wrong: what will happen? The individual will frequently emerge, not only unshaken, but even more convinced of the truth of his beliefs than ever before. Indeed, he may even show a new fervor for convincing and converting other people to his view (Festinger et al. 1964: 3).



A wide variety of studies analysing DMR have been carried out over the past two decades. It would be beyond the scope of this chapter to canvas them all.<sup>70</sup> Nevertheless, to set the stage for my argument that DMR undermines the open-mindedness requirement of deliberative democracy, I will set out examples of the experimental evidence underpinning the theory.

### 4.3 - Empirical discussion of DMR

#### 4.3.1 - DMR under party influence

One well-known DMR experiment examined how individuals appeared to shift their judgements to accord with partisan allegiances. Participants were selected for having a strong sense of party affiliation, political ideology, and views on welfare. In a series of experiments they were asked to assess hypothetical welfare policies on a Likert Scale running from 1 (extremely opposed) to 7 (extremely in favour) (G.L. Cohen 2003). The hypothetical policies were purposefully made extreme - either more generous or more stringent than those actually in existence. Participants were tested in two groups, one with information regarding political parties' support or opposition for the policies, and one without this party information. After participants assessed these policies they were asked what factors had determined their conclusions. Participants reported that the key factors affecting their assessments of the policies were the policy content and their own philosophy of government. Under 'no party information' conditions individuals indeed tended to prefer the welfare policy aligning with their prior ideology - liberals preferring the generous welfare policy and conservatives the stingier one. However, in the party information condition this additional information came to dominate their assessment. The magnitude and direction of participant preferences were effectively inverted if they were told that their party's preference contradicted their own pre-existing ideology (the mean Likert Score flipped from approximately 5-3 to 3-5 the other way). In other words liberals were found to prefer the stringent policies if told they had Democratic support, and conservatives were found to prefer the generous policies if told they had Republican support.

A simple reading of this experiment is that individuals engaged in some kind of arational cheerleading for 'their' side. This hypothesis would suggest that participants simply saw party support for a certain policy and unthinkingly decided to support it - that their System 1 engaged and that was the end of the matter. However, this experiment in fact illustrates the importance

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<sup>70</sup> For reviews of the field and ongoing research questions see: Taber and Young (2013), Leeper & Slothuus (2014), Nyhan (2016), and Flynn et al. (2017).

of the interaction between System 1 and System 2 thinking and how both are engaged to work towards desired outcomes. Testing participants for cognitive activity – such as opinions on, and details of, the policies – indicated that individuals were thinking equally hard about the policies under both ‘party information’ and ‘no-party information’ conditions. What this suggests is that individuals were considering the details and merits of the policies but when they knew which one their party supported this deliberation inexorably lead them to support what their party did. Notwithstanding the fact that without the presence of party information such individuals tended to arrive at the opposite conclusions. In one variant of the experiment individuals were told to write a signed editorial to be circulated either supporting or opposing a programme which conformed to their pre-existing ideology – they were selected as liberals and this was a pro-liberal policy. Again participants were divided into groups which either contained no party information or noted that their party opposed the programme. Support for the programme was inverted depending on whether party information was supplied (76% in support without party information to 71% opposed with party information). This provided an even better test of cognitive engagement. One could argue that simply indicating support or opposition to a policy is not very cognitively testing, and perhaps easily subsumed into partisan ‘cheerleading’. This experiment not only had participants choose whether to publicly support or oppose a policy, but then write an extended piece on why they thought as they did. Again the party information proved determinative, but not only of a ‘snap’ decision but it guided them to write an extensive argument justifying their decision. Participants were deploying System 2 reasoning to make sustained arguments regarding the policies but the direction of their arguments were determined by party information.

There are a number of important aspects of this experiment to note. The first is that the participants were selected for holding strong prior political allegiances, ideological views, and views on the subject matter at hand. These elements are characteristic of the traits which tend to cause DMR – higher levels of knowledge and caring more about the subject matter at hand. It is probably not a coincidence that these characteristics map onto the type of ideological thinking which Converse identified amongst a small subset of the population (Converse 1964; also see: Kinder 2006 and Converse 2006). Individuals who are motivated and knowledgeable enough to construct an ideologically coherent worldview are adept in System 2 reasoning, which DMR relies upon to reach desirable conclusions. The second is that their reasoning was not so much motivated to defend any pre-existing position that they themselves held – in fact they tended to abandon what would have been expected given their prior views – but to align with the party

position. From one perspective this reliance on party information might be seen as a useful heuristic – a party’s position on an issue can be an important source of information to inform an individual’s judgement (Downs 1957; Lupia 2006: 226-232; White and Ypi 2016: 90-96). That said, it is worth considering two points. First, if individuals were using party support as a strong heuristic they did not appear to be conscious of it or at least not willing to admit it – their self-report placed their own ideological preferences and the policy details as the more important factors in their decision. Second, it is noteworthy that the strength of the party heuristic was enough to effectively invert the balance of their views despite the substance of the arguments remaining the same, this may suggest that it was over-weighted (Groenendyk 2013: 137-139).

#### 4.3.2 – DMR in assessing argument strength

DMR has also been studied in assessments of policy arguments absent party political cues. In one study participants were instructed to be impartial in rating the strength of a series of arguments relating to politically controversial topics on a 0-100 scale (Taber and Lodge 2006).<sup>71</sup> The arguments themselves were tested prior to the experiment to confirm that they were of broadly equivalent strength. Nevertheless, participants with strong prior attitudes or high levels of political knowledge tended to rate arguments supportive of their own pre-existing position between 50 and 100% stronger than the average participant. As a result, despite exposure to the same information these individuals tended to polarize towards holding their prior attitudes even more strongly at the end of the experiment. It is notable that these results were obtained despite the experiment containing elements designed to elicit impartiality. Participants were told that they were to review the information in an even-handed manner so that they could explain the issues to others afterwards.

One potential explanation of these results was that individuals were not really assessing the arguments themselves but instead registering their disagreement or support. Therefore, tests were carried out to examine whether participants were actively thinking about the arguments at hand before making their assessments. Two measures used were the amount of time spent reviewing each argument and participants’ ability to recall thoughts about the arguments. Both measures found that participants appeared to be cognitively engaging with arguments they disagreed with. In fact individuals high in political knowledge took anywhere from 20 to 50% longer to review arguments they disagreed with. They also produced approximately twice as

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<sup>71</sup> Also see Lord et al. (1979) for another widely cited experiment demonstrating similar results.

many thoughts regarding disagreeable arguments as agreeable ones – almost all negatively focused. This suggests that these individuals were taking the time to engage with contrary arguments and were adept at counter-arguing them to their own satisfaction. It is important not to underestimate the significance of this extensive cognitive processing prior to reaching diverging results. As stated above an oversimplified application of Dual Process Theory is that the intuitive System 1 reaches biased results which System 2 needs to correct. However, if individuals are thinking in a conscious manner before reaching their results then their System 2 is already at work. This helps explain why individuals adept at conscious reasoning tend to demonstrate DMR (Kahan 2013).<sup>72</sup>

Experiments such as the ones above have been designed to imitate how individuals encounter and assess real-world political information. This is why they use ‘live’ political issues such as gun control, affirmative action, and welfare policies. Yet this approach comes with risks. What is proposed as evidence for DMR might instead be individuals drawing on their background knowledge, their prior beliefs. Even if arguments are rated as equivalent by external assessors, background knowledge and party positioning on issues might validly affect participants’ assessments of the experimental information (Hahn and Harris 2014). It therefore may be that the specific issues being tested could be having a legitimate effect on how individuals reason about the policies at hand outside of the theoretical framework of DMR. To address this type of critique it is therefore worth considering examples of DMR which prevent pre-experiment knowledge from validly affecting assessments of the material at hand.

#### 4.3.3 – DMR and mathematical ability

Rather than assessing policy arguments as a whole the following two studies tested individuals’ ability to carry out mathematical calculations (Baekgaard et al. 2017; Kahan et al. 2017b). The correct answer was to be found through mathematical calculation, and so varying the subject matter between an anodyne subject or a politically controversial one only served as a framing device, it had no impact on the substantive answer to the task at hand. Both sets of experiments followed similar designs. They described a fictional scenario with two competing options. Participants were required to review the data on the number of successes and failures each option

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<sup>72</sup> A more recent study by Colombo (2018) focused on the 2014 Scottish Independence Referendum found similar results. Compared to the control group a prompt suggesting participants would have to justify their opinions in front of others increased the complexity of the thoughts and arguments they put forward with respect to the Referendum. Nevertheless, the tendency of participants to rate arguments which agreed with their pre-existing views as stronger remained largely unchanged.

produced and to determine which option was preferable. The data was plotted in a simple 2x2 matrix format of the two interventions against their number of successes and failures. Participants were asked to identify which of the options was the more effective, this required calculating the ratios of successes to failures in each of the treatment scenarios. The simplicity of the setup was such that there was only one mathematically correct answer given the limited information available - which option had a higher percentage chance of success. There were two scenario options presented to different sets of participants - an anodyne one and one designed to elicit DMR - but both used the exact same figures in the 2x2 matrix, only the axes were relabelled prior to the test. Prior to the experiment participants were assessed for their numerical ability and also their political partisanship.

In one study an experimental intervention was measuring the effectiveness of either skin rash treatment, or the effectiveness of a gun control measure. In another the performance of two service providers were considered, either labelled as providers 'A' or 'B' or as private or state-funded providers. In the skin rash and gun control experiments the numeracy of participants - which was tested separately - correlated strongly with the likelihood of getting correct results. Participants at the top of the numeracy scale were approximately twice as likely to get the answer correct as those at the bottom in the skin treatment condition, and a similar correlation was found with respect to gun control. Yet once pre-existing partisan preferences were interacted with numeracy the pattern of who answered correctly on the politically charged subject of gun control appears very different. Where a participant's pre-existing leanings would be contradicted by the apparent result (supporting or opposed to gun control) the likelihood of getting to the correct answer remained low irrespective of their degree of numeracy. In fact, low numeracy partisans faced with ideologically favourable results outperformed high numeracy partisan counterparts who were faced with unwelcome evidence. A similar result was found in the service provider experiment which found that in the anodyne providers 'A' and 'B' condition participants averaged approximately a 75% success rate. However, when the subject matter was a matter of comparing public and private providers results congruent with pre-existing preferences were interpreted correctly 84-98% of the time, but for individuals opposed to the results the success rate dropped to 38-61%. In order to try and stimulate more System 2 reasoning a subsequent iteration of the service provider experiment added more columns and rows to the tables to see if added complexity would improve success rates, yet the results followed the original findings. These experiments, focusing on simply interpreting the results of a 2x2 numerical table, provide striking evidence of DMR's ability to lead our reasoning processes to

politically desirable conclusions, even when the correct answer is a matter of basic mathematics. These experiments also helped rule out the possibility that individuals were drawing on relevant background knowledge in making their assessments. Or rather, it made irrelevant any background beliefs or knowledge regarding the subjects at hand as the question was simply one of straightforward mathematics.

#### 4.3.4 - DMR and bias awareness

In the face of these types of findings one logical consideration would be to make people aware of these biases so they could be rectified. But it is worth recalling that DMR is not simply a result of unconscious System 1 processing, but a product of the interaction between the unconscious System 1 and the conscious System 2. Therefore simply appealing to our System 2, our conscious reason, does not necessarily circumvent the processes which underpin DMR. In particular, DMR is known to trigger in response to information perceived as threatening to core beliefs (Kahan 2015). Core beliefs often include identity relevant beliefs, such as maintaining a positive view of ourselves. Even if we are consciously aware that there are improper ways of thinking we are likely to try and reject their attribution to us if it might harm our sense of self-belief.

A series of studies tested the effects of making people aware of cognitive biases before engaging them in potentially bias-prone assessments of competing individuals (Levy and Maaravi 2018). One test considered an identity-neutral bias intended to avoid triggering DMR, the 'Halo Effect' of inferring competence from unrelated attractive physical characteristics. Participants were asked to compare two competing male political candidates notable for their very distinct physical characteristics - one exemplifying charisma and presence, the other derided in the media for their high pitched voice and 'feminine' facial structure. In the control group, which were given no bias-related information, the more charismatic politician had a 26 point lead over their competitor amongst participants. Participants in the treatment group were presented with information about the 'Halo Effect' and the fallacious linkages between presentational attributes and leadership abilities. The treatment reduced the gap between the candidates to a 5 point difference. In this instance alerting participants to a potential bias appeared to reduce its effect. Yet a different result was found when an experiment was set up to test individuals for their reaction to potentially identity-salient biases which were hypothesised to interact with DMR, in this case men and sexism. Participants were made aware of biases relating to negative perceptions

of powerful women and then surveyed regarding two leading political parties with significant differences in the number of women candidates on their party lists. Relative to the control group, who were not made aware of potential biases, treated women participants were unaffected. It is hypothesised that their identity was not threatened by the bias because they themselves were women. On the other hand exposing men to the bias awareness treatment caused them to favour the men-dominated party almost 20% higher. This shift was enough to reverse their party preferences in favour of the men-dominated party compared to the control group. The effect of the treatment raising awareness of the existence of a potentially identity-threatening bias, sexism, appeared to reinforce the results the bias would be expected to produce among men.

Both of the above experiments were carried out with respect to actual politicians and political parties, again raising the issue of contamination with real-world considerations outside of the experiment. Therefore a final study analysed participants' reactions to two hypothetical job candidates, one man and one woman, based on their background information. To provide a normative baseline the woman candidate was designed to be a better fit for the job in almost every way. In this case the bias stimulus was, as in the first experiment, designed to be non-identity threatening - explaining System 1 and System 2 reasoning and how intuitive System 1 reasoning can produce certain biases. However, it was hypothesised that the situation of assessing job candidates would be enough to trigger identity threat amongst men if it could be inferred that they were following sexist intuitions. As in the second study described above men seemed to adjust in the incorrect direction. On average men participants rated the woman job applicant higher than her competitor in both control and treatment conditions but the magnitude of difference between the two candidates when they were informed of potential biases was halved. Therefore the bias awareness stimulus had the effect of bringing the two candidates closer together in the men participants' average estimation, despite the woman candidate being significantly superior.

The above results form part of a literature on so-called 'backfire' or 'boomerang' effects, whereby information which should lead to one conclusion in fact increases confidence in a contrary conclusion. It has been particularly noted with corrective information designed to rectify previous misunderstandings (Lewandowsky et al. 2012: 119-122), for example regarding the Iraq War (Nyhan and Reifler 2010), the MMR vaccine (Nyhan et al. 2014), and climate change (Hart and Nisbet 2012).<sup>73</sup> Such results are an extreme form of DMR, where individuals' System 2

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<sup>73</sup> Although see Wood and Porter (2019) for a study which failed to replicate a backfire effect.

counter-argues contradictory information so adeptly it increases the strength of the beliefs they are defending.<sup>74</sup> Therefore when men were presented with the information that might indicate latent sexism – underestimating women politicians or job applicants – their reasoning processes worked to reject any implication that they may be sexist. In doing so they appear to ‘double down’ on the contrary view and assign even more positive assessments to men.

#### 4.3.4 - DMR and responsibility attribution

Even when individuals do not directly counter-argue information they can adjust other aspects of their beliefs to ‘compensate’ for the new information while still retaining their pre-existing commitments. Imagine a person losing at a competition only to then proclaim – and perhaps even believe – that they were not trying or that it was somehow unimportant. This helps maintain their belief in their competence at things that they value and strive for while still acknowledging the fact of their loss. This type of parameter shifting was found in a recent set of experiments (Bisgaard 2019). In one study US participants were presented with economic data showing positive, neutral, or negative economic growth before being asked to assess on a scale how well the economy was doing. Being shown positive or negative data was correlated with corresponding directional shifts in beliefs regarding overall economic performance – compared to the neutral control positive news was associated with stronger belief that the economy was doing better, and negative news was correlated with weaker belief. This effect was found across both supporters and opponents of the party in government – there was no backfire effect – although there was a large gap of between the strength of the assessments of opposing partisans. Supporters of the incumbent government were almost twice as favourable in their assessment of prevailing economic conditions as their opponents irrespective of whether the evidence was positive, neutral, or negative. The study was repeated in a lower polarisation environment with a wider array of parties – Denmark – and found the same trend but a much smaller partisan gap of 9 to 12% in terms of assessments. Again, supporters of the incumbent government had a more favourable view of how the economy was doing irrespective of whether the evidence was positive, neutral, or negative, compared to supporters of the opposition.

Yet, while partisans in both countries updated their factual views of economic performance in accordance with the new information, they also tended to revise their assessments of whether or not the government itself was responsible for economic performance depending

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<sup>74</sup> This accords with Festinger’s observation regarding changing beliefs quoted at the end of Section 4.2.



on its implications for their partisan allegiances. This meant that supporters of the government rated the influence of government more highly when faced with positive economic news, and downgraded the influence of government when faced with negative news. The opposite relationship occurred with respect to opponents of the government. The strength of the effect on belief in government responsibility was about as strong as the impact of positive or negative evidence had been on participants' evaluation of overall economic performance. To reiterate – the effect of economic data on participants' views on the strength of the economy was approximately equivalent to its effect on their views about government responsibility for the economy. In both the US and the Danish cases the net effect was to invert which side more strongly believed in government responsibility for prevailing economic conditions. When there was positive economic news government supporters were more likely to hold the government responsible for the economy, but when there was negative news this relationship was inverted. In the Danish case follow-up studies showed that a change in government caused a corresponding inversion in how partisans attributed responsibility. Supporters of the opposition were reluctant to attribute responsibility to the government when shown positive data and happy to attribute responsibility when shown negative data. They then demonstrated the same tendencies at a similar strength but in reverse when their party became that of the government. The inverse occurred with respect to supporters of the government when their party left office.<sup>75</sup>

The results of this study suggest that participants treated economic data as relevant for determining both economic performance and government responsibility. However, better or worse economic data is in fact simply an indicator of economic performance – and participants identified this, albeit with a divide between partisans. The causal relationship should not be the same as between better or worse economic data and government responsibility. Better or worse economic data does not indicate whether or not a government is responsible for economic performance – exogenous effects can cause better or worse economic performance, as can government activity. The fact that participants appeared to treat both relationships as equivalent suggests that in the case of government performance what individuals are reasoning towards is preserving a positive view of their party and a negative view of the opposition.

The above de-biasing and responsibility attribution studies go some way to explaining why DMR is hard to eliminate. Individuals adept in DMR understand and adapt to the

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<sup>75</sup> The knotty question of how much government is actually responsible for economic performance is side-stepped in this study. What it illustrates is that the way individuals answer this question are dictated by whether their party is in government or opposition during good or bad economic times.

implications of relevant evidence for their pre-existing commitments or beliefs. This can take the form of counter-arguing the negative implications of ‘meta-evidence’ such as the possibility that they may have a problematic bias, or shifting other beliefs so as to preserve their core commitments. This is corroborated by other findings that activities such as ‘fact-checking’ and other correctives have limited impact on changing overall evaluations, even if they sometimes succeed in changing specific beliefs (Nyhan et al. 2019).<sup>76</sup> Individuals can always re-weight or alter other elements of their assessments to maintain their original overall commitments (Ditto and Liu 2015). I include below a table summary of the foregoing experiments.

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<sup>76</sup> Nyhan et al. (2019) found that presenting fact-checks of claims Donald Trump made as part of his election campaign and debates improved the accuracy of participants’ factual beliefs, even amongst Trump’s supporters, but had no measurable effect on overall attitudes towards Trump himself.

#### 4.3.5 - Summary table of experiments

Experiment	Summary	Results	Size of effect	Sample size Location Student-based sample
DMR under party influence (G.L. Cohen 2003)	Comparing welfare policy preferences with/without knowledge of political party preferences for specific policies.  Also tested for cognitive processing effort.	In the absence of party cues Liberals preferred the more generous program and Conservatives the less generous one.  Individuals tended to align with party cues when given them irrespective of policy content.  Cognitive effort - derived from number of thoughts about the program and recall of information was equal in both conditions (with/without party information).	On average preferences were inverted when given party information.  Experiment used a Likert Scale of 1 (extreme opposition) to 7 (extreme favour).  Reversals included Liberals preferring a generous policy 5/7 but rating 3.2/7 when told their party opposed it. Conservatives similarly preferred a stringent policy 4.71 vs 3 for the generous but moved to 3.57 vs 5 when told their party preferred the generous one.	213  US  Students
DMR in assessing argument strength (Taber and Lodge 2006)	Assessing the strength of arguments relating to gun control and affirmative action.  Also tested for cognitive processing effort.	Individuals with either strong prior beliefs or who demonstrated high levels of general political knowledge demonstrated highly polarising results when assessing argument strength.	Affected participants rated arguments conforming to their pre-existing views 50-100% stronger than average participants.  Individuals high in political knowledge produced approximately twice as many thoughts about arguments they disagreed with compared to those they disagreed with, and took 20-50% longer to review these arguments.	126  US  Students

<p>DMR and mathematical ability (1) (Kahan et al 2017b)</p>	<p>Assessing mathematical ability (2x2 matrix) when considering skin rash treatments or gun control measures.</p>	<p>Prior numeracy abilities of participants strongly correlated with producing correct answers when considering skin rash treatments but this effect was eliminated amongst partisans considering gun control measures.</p>	<p>In the control (skin rash treatments) participants at the lower end of the numeracy scale were half as likely to reach the correct answer as those at the high end of the numeracy scale.</p> <p>In the gun control scenario politically minded individuals increasing numeracy had no effect on likelihood of a correct answer when it contradicted prior beliefs.</p>	<p>1111 US Non-students</p>
<p>DMR and mathematical ability (2) (Baekgaard et al. 2017)</p>	<p>Assessing mathematical ability (2x2 matrix) when considering school performance.</p>	<p>When schools were labelled as ‘private’ or ‘public’ variation appeared according to pre-existing political preferences.</p> <p>Effect persisted when complexity of the mathematical tables was increased (more columns and rows of data added).</p>	<p>Participants averaged a 75% success rate at the task when schools were ‘unlabelled’.</p> <p>When schools were labelled as ‘private’ or ‘public’ variation appeared according to pre-existing political preferences. 84-98% when it agreed with pre-existing preferences, and 33-61% when the correct results would contradict preferences.</p>	<p>1,960 Denmark Non-students</p>
<p>DMR and bias awareness (Levi and Maaravi 2018)</p>	<p>Assessing responses to different bias-correction prompts when it comes to assessing politicians</p>	<p>Men informed of the ‘Halo Effect’ were less likely to prefer a charismatic candidate compared to the control group.</p> <p>Men informed of gender biases against powerful women were more likely to prefer a men-dominated party compared to the control.</p>	<p>In the control group the charismatic politician had a 26 point lead over their competitor in terms of ‘fitness for leadership’ (66 vs 40). In the treated group the charismatic politician only had a 5 point lead (52 vs 47).</p> <p>In the control group the gender-equal Labour party over the men-dominated Likud Party</p>	<p>313 Israel Non-students</p>

		<p>Men comparing a more qualified woman job candidate to a less qualified man rated them more similarly qualified when informed of Dual Process biases compared to a control group.</p>	<p>had a lead in terms of ‘fitness for leadership’ (69 vs 45). In the treated group the ordering was inverted and Likud was preferred (52 vs 62).</p> <p>In the control group men rated the more qualified woman candidate on average 12.5 points higher than the man candidate (on a scale out of 100) but only 6 points higher in the treated group.</p>	
<p>DMR and responsibility attribution  (Bisgaard 2019)</p>	<p>Assessing attributions of government responsibility with respect to positive and negative economic news.</p>	<p>Supporters of the government tended to rate the influence of the government more highly when faced with positive economic news, and less so when faced with negative economic news. The opposite effect was found amongst opponents of the government.</p> <p>A follow-up study found that the effect persisted after a change of government in Denmark.</p>	<p>Participants’ answers on the degree to which the government was responsible for past economic performance were scaled from 0 to 1 (0 indicating no government responsibility and 1 indicating full responsibility).</p> <p>In the US (Democratic government) Democrats averaged 0.67 government responsibility for economic performance in the face of positive news, 0.61 with neutral news, and 0.48 when facing negative news.</p> <p>Republicans averaged 0.52 government responsibility for economic performance in the face of positive news, 0.73 with neutral news, and 0.77 with negative news.</p>	<p>7,621</p> <p>US and Denmark</p> <p>Non-students</p>

			<p>In the Danish case government supporters averaged 0.68 when faced with positive economic news, 0.69 in the control, and 0.59 with negative news. Opposition supporters averaged 0.53 with positive news, 0.58 in the control, and 0.65 with negative news.</p>	
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## 4.4 – Addressing issues with the empirical claims

### 4.4.1 – Challenges to the empirics

The scale of DMR indicated by the above selection of experiments poses a problem for deliberative democratic theory's requirement of open-mindedness. In particular, as set out in Chapter 2 deliberative democracy rests on empirical mechanisms for deliberation to be a normatively positive force and to underpin democracy's value. DMR directly contradicts these empirical mechanisms by providing evidence of systematic closed-mindedness in engaging with political information. Furthermore, the research on bias awareness and responsibility attribution suggests that alerting people to the risks of closed-mindedness and instructing them to be more open-minded is unlikely to have fruitful results. People with above average levels of political knowledge or interest in politics seem to reliably reason defensively of their pre-existing political views. This group would account for not only the more informed and engaged portion of the electorate but also all of those directly involved in politics – from politicians to their party apparatus. The magnitude varies from apparent preference reversal (G.L. Cohen 2003) to swings in 50% of accuracy (Taber and Lodge 2006; Baekgaard et al. 2017; Kahan et al. 2017b) and the effects seem to be exacerbated by attempts at bias correction (Levy and Maaravi 2018).

It is nevertheless open to deliberative democrats to challenge the pessimistic implications of DMR for their theories. One line of critique would be to challenge the evidence for DMR. Ideally, any empirical research incorporated into normative theory would be of the 'textbook' variety, supported by robust research literatures and uncontroversial enough to appear as accepted generalisations in standard textbooks (Doris 2009: 62 citing Becker 1998: 76 and 123). This also comes against the backdrop of a current wider debate regarding the replicability and overall reliability of social sciences more generally (Aarts et al. 2015). DMR is the subject of ongoing research and inevitably there are differences of opinion within the field. For example, there are ongoing debates within psychology regarding the mechanisms of Dual Process Theory and DMR (Gerber and Green 1999; Stanovitch 2011; Hahn and Harris 2014). Nonetheless there is sufficient evidence and agreement on DMR and what it entails for us to utilise it for normative purposes - in the words of one prominent researcher, "...politically motivated reasoning has assumed an imperial reach over the study of mass political opinion formation" (Kahan et al. 2017a). Beyond this there are a number of features of this research programme which help give us the confidence to rely on its findings.

One significant potential area for critique is sampling strategy. By necessity social scientists have to draw inferences from a sub-set of the population. Psychology studies have long been critiqued for the samples on which they draw as not suitable to draw wider generalisations from (Henrich et al. 2010). There are a number of different grounds on which to make this kind of generalisability critique. First it is fair to say that much prominent psychological research is US-focused. This is particularly relevant to DMR because the US is sometimes regarded as having a particularly polarised political culture and so this may somehow skew the results of studies. Nevertheless, this might be more a question of the magnitude of effects rather than their existence altogether. If US individuals consider political beliefs to be particularly constitutive of their identities then we would expect DMR to appear more strongly in the reasoning of US partisans, but to still occur elsewhere. This was the case in Bisgaard (2019) which compared the US and Danish political contexts. Furthermore, DMR has also been identified in studies carried out across a range of national contexts outside of the US including, for example, Benin (Adida et al. 2017), the Czech Republic (Kudrnáč 2020), Denmark (Baekgaard et al. 2017; Bisgaard 2019), and Israel (Levy and Maaravi 2018). While more replications and findings in different settings would obviously strengthen the case for DMR, this is being addressed and the research so far has not made out the US to be a sui generis or unique case.

A different critique with a long pedigree is that psychology research is too focused on university student populations, again limiting generalisability to wider contexts (Sears 1986; Peterson and Merunka 2014; Hanel and Vione 2016). Again, while DMR research can be prone to relying on university students as participants (Lord et al. 1979; G.L. Cohen 2003; Taber and Lodge 2006; Nyhan and Reifler 2010), it also has a range of studies carried out on non-student populations (Bisgaard 2019; Kahan et al. 2017b; Levy and Maaravi 2018). There are not many studies carried on politicians given the obvious constraints of access and their small number but the few studies which have been conducted give increased confidence to DMR as a general phenomenon (Baekgaard et al. 2017; Sheffer et al. 2018). The findings have suggested that politicians, while not a representative sample of the population in terms of having strong prior political affiliations and high degrees of political knowledge, demonstrate the same effects of DMR as non-politicians. In fact these non-representative elements make them as a population particularly susceptible to DMR.

As well as testing a variety of population types, a strength of the DMR research paradigm has been the range of participant activities which have been used to test for DMR. These include



assessing the strengths of arguments (G.L. Cohen 2003), tracking changes in beliefs (Nyhan and Reifler 2010), and drawing valid inferences from numerical data (Kahan et al. 2017b). By tracking cognitive performance across a range of different types of tasks this helps give us confidence that the effects observed are not an artefact of the particular testing methodology in any individual case. Obviously System 2 reasoning, which constitutes our conscious reasoning processes, covers a wide variety of cognitive operations. Therefore assessing the effects of DMR across a range of cognitive tasks is an important test for the theory. What has perhaps been more limited has been the range of prompts used, the most common informational stimulus has been articles or written information (although of course Baekgaard et al. (2017) and Kahan et al. (2017b) tested numeracy skills). One reason for this is that using verbal cues or video stimulation introduces a variety of other potential confounders to tests such as the personal characteristics of the speaker – gender, race, class, and so forth. DMR focused experiments do vary the sources of their written stimuli – such as expert reports, partisan sources, or free-standing arguments – and tailor them to reflect the types of information individuals may encounter outside of the laboratory. In all fairness this lack of alternative audio or video stimuli to test the effects of DMR is a limitation. Nevertheless there are reasons to think that text should be the harder test case for DMR. Text allows individuals to take their time in absorbing material and to re-read it to confirm their understanding and to think through their assessment. This is unlike most audio or visual cues which have to be cognitively processed as it is received due to the forward-only direction of such stimuli. Furthermore, as mentioned above visual and audio cues contain additional information about speakers which might also distract individuals from processing information accurately.

#### 4.4.2 - DMR and deliberative fora

Another response defenders of deliberative democratic theory might have to my argument that DMR undermines the open-minded premises of deliberative democratic is that the studies carried out with respect to DMR do not suitably replicate deliberative settings. This is partially a problem of research design – group dynamics dramatically increase the complexity of psychological study.<sup>77</sup> Deliberative democrats might point to a number of promising experiments involving citizens assemblies, juries, and other deliberative fora. That said, it is

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<sup>77</sup> I am grateful to Dr. Lee De-Wit for raising this point with me in a discussion of voting and psychological biases. A recent experiment on deliberation found a small limited effect reducing misperceptions in some instances contra the expectations of DMR theory (Himmelroos & Rapeli 2020).

worth noting just how carefully structured and constrained these environments are. For example, they involve avoiding public votes, ensuring the population is drawn from a random sample, carefully selecting independent expert panellists and information, and perhaps most importantly active moderation to ensure equality of participation (Chambers 2003: 320). In one sense this is valid – they are examples that individuals have the potential for good deliberation, and this may require significant institutional scaffolding to achieve. What is striking, however, is how different these circumstances are from those which often prevail elsewhere in politics. In contrast, as discussed above, DMR experiments generally try to mimic how people naturally absorb information. Deliberative fora, by contrast, are generally designed to downplay the charged and contentious nature of real political disagreement where serious issues, lives, and values are at stake. It is notable that deliberative polls, for example, are not designed to decide anything – they are there to cultivate deliberation and not to make political decisions which will have widescale impact on people’s lives. On some definitions the lack of a binding group decision means that they are not considered a form of deliberative democracy at all (Gutmann and Thompson 2004: 5; Cohen 2007: 222; Mansbridge et al. 2010: 65).<sup>78</sup> These features have implications for how we understand their results. For example, when discussions do not contemplate decisive decisions it seems plausible that individuals’ System 1 is less likely to perceive new information as threatening – it simply matters less as the stakes are lower.<sup>79</sup>

What the findings of DMR research suggest is that open-minded deliberation may be more likely under circumstances where disagreement is not emotionally charged and individuals do not perceive their important beliefs as being at stake. For example, policy discussions within government, judicial deliberations, or cross-party legislative committees. One can imagine how in each of these scenarios individuals adopt a more detached view of the issues at hand and act in a collaboratively deliberative manner. Discussion is between colleagues, not opponents, and participants do not feel threatened by disagreement or contrasting views. DMR is less likely to trigger to the extent that the information presented in these fora is not unconsciously perceived as challenging important beliefs or the identities of the participants. This is likely to depend on

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<sup>78</sup> For the converse view see Dryzek (2003: 162), Chambers (2012: 61), and Mansbridge et al. (2012: 9).

<sup>79</sup> The picture may be more complicated with respect to deliberative mini-publics which are integrated into traditional political structures – producing recommendations which will be voted on or put to a referendum. For example, the 2004 British Columbia assembly on electoral reform and the 2016-18 Republic of Ireland assembly on abortion. There is evidently a sliding scale from a traditional legislature whose vote produces a binding law – perhaps subject to executive approval – to purely advisory discussion groups. These deliberative mini-publics whose recommendations will form the basis of a subsequent legally binding vote perhaps fall somewhere in the middle ground here.

how these institutions actually develop and the specific issues at hand. Even non-explicitly political institutions such as the US Supreme Court have been perceived as having partisan tendencies (Devins and Braum 2016; Nicholson and Hansford 2017). Governments too are certainly not immune to in-fighting or factional disagreement. Highlighting the importance of the subject matter under discussion and not just institutional setup – while cross-party committees in the UK may often produce unanimously supported cross-party reports in what is otherwise a highly adversarial political system (Benton and Russell 2013: 789) they can also become divided on politically charged topics, for example over exiting the EU (Lynch and Whitaker 2019).<sup>80</sup> Even if deliberation can be fruitfully pursued in these more controlled institutional environments, it is worth bearing in mind that the claims of deliberative democratic theory go far beyond this. Deliberative democracy is characterised as a theory of mass democracy (Chambers 2012) – underpinning the entire enterprise of democracy (Dryzek 2003). The above evidence suggests that deliberation may be better suited for particular controlled venues – and even then there is uncertainty as to its reliability. One recent study of mass democracy and deliberation focused on referendums found that democratic aims focused on voting as a final decision procedure to determine an important matter were in direct tension with achieving the ‘voice’ aims of deliberation. As the stakes of a given decision increased its deliberative quality declined (LeDuc 2015). The author concluded that, “If referendums were used less frequently to attempt to resolve an issue than to debate it, deliberative goals would perhaps be better served” (LeDuc 2015: 147).

It appears the systems which underlie DMR are part of our basic psychological architecture, even if there is some evidence that contextual factors can moderate the degree of DMR experienced by individuals (Carpini et al. 2004: 336; Flynn et al. 2017: 135-136). One should not overstate this kind of response – there are risks in citing phenomena as simply ‘hardwired’ into humans as a way of shutting down debate or reform. It does, nonetheless, give one reason to caution against over-optimism. It is particularly notable that DMR is found to particularly affect people the more knowledgeable they are about a subject (Taber and Lodge 2006; Nyhan and Reifler 2012; Kahan 2015). This suggests that the simple approach of teaching or educating away DMR may be difficult as increased cognitive competence or familiarity with a

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<sup>80</sup> Also see Sanders (2012) for a sceptical analysis of the mechanisms underpinning deliberative polling-induced belief change.

subject in fact makes DMR more prevalent. As discussed above recent evidence suggests that educating for biases can go awry (Levy and Maaravi 2018).<sup>81</sup>

#### 4.5 – Incorporating social science into normative political theory

An advocate of deliberative democratic theory might acknowledge the foregoing findings as of interest to social psychologists but raise questions of why this should matter to deliberative democratic theory as a normative project within political theory. How one goes about answering this question turns on one’s methodological position within political theory. There is an extensive debate within political theory regarding the proper relationship between empirical facts and normative claims.<sup>82</sup> In this section I situate my work within what has been called a fact-sensitive paradigm (G.A. Cohen 2003: 213; Scavenius 2019). More specifically, I mean that our choices between which competing normative theories of democratic legitimacy to adopt or believe should be influenced by the outcome of empirical investigation, including the social sciences. Where such empirical findings present good evidence that premises or mechanisms of democratic legitimation – such as those posited by deliberative democratic theory – are unlikely to work as intended, that calls into question the theory itself for feasibility reasons.

In one sense a responsiveness to empirical evidence is trivially true of any normative theorising which follows the dictum of ‘ought implies can’. By this I mean that if something is physically impossible it is generally acknowledged that it cannot be a normative requirement (Räikkä 1998: 27; Estlund 2007: 258-271; Estlund 2011; Valentini 2017:25). These are often acknowledged, along with logical and metaphysical impossibilities, as a form of ‘hard constraint’ on theorising (Gilbert and Lawford-Smith 2012). Even as strict a deontology as Immanuel Kant’s did not allow for binding moral duties which were demonstrably impossible (Kant 1793: 89; Räikkä 1998: 27). This is often taken not to pose a serious limit to theorising because theorists do not tend to argue for physical impossibilities, in the words of one theorist: “...political philosophers do not tend to offer theories violating findings of physics, biology or chemistry” (McTernan 2019: 29).<sup>83</sup>

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<sup>81</sup> Although it is worth noting that one recent experiment found that priming for open-mindedness specifically – as opposed to political primes – did lead to some reduction in polarisation of views and consideration of opposing arguments (Groenendyk & Krupnikov 2021).

<sup>82</sup> Recent contributions to this debate include G.A. Cohen (2003), Valentini (2017), Enoch (2018), Gilbert (2019), Scavenius (2019), and Estlund (2020).

<sup>83</sup> See Estlund (2011: 209) for a similar sentiment.

Following from this the question remains as to how evidence which falls short of these types of hard constraints relates to normative political theory. A variety of theorists adopt a position of relative fact-insensitivity which would exclude as irrelevant the findings of DMR. For example, McTernan has argued that because the practice of social science – such as social psychology – does not produce the law-like regularity of natural sciences, its conclusions cannot count against, let alone rule out, normative theories (McTernan 2019: 33). Similarly, Valentini argues that normative prescriptions should not be ruled out until they have been ‘proven impossible’ in order to ensure that normative claims are suitably ambitious (Valentini 2017: 25). Both McTernan and Valentini, as well as Estlund (2020), are concerned for normative theory to be unconstrained by everything short of literally impossible hard constraints, to avoid status quo bias (Gilbert and Lawford-Smith 2012). The core insight of these theorists, for my purposes, is that evidence drawn from the social sciences, should not constrain normative theorising since its conclusions are only probabilistic assessments.

In contrast to these authors, the position I adopt is one whereby normative theorising should be sensitive to probabilistic analysis, in that its practical guidance should be feasible to achieve.<sup>84</sup> This position has a significant pedigree. Perhaps most famously Rawls explicitly included the laws of human and moral psychology as available knowledge to participants in the Original Position behind the Veil of Ignorance when formulating principles of justice (Rawls 1999: 119). Rawls’s later work repeated the phrase ‘realistic utopia’ – following Rousseau’s dictum to take people as they are and laws as they might be (Audard 2014). Without embarking on a full-blown recounting of this debate here I set out my independent justification for my methodological approach incorporating psychological research which deals in probabilities into assessing deliberative democracy. I argue that theorising which has regard for the ‘ought implies can’ principle has to consider probabilistic evidence, because this is all that empirical enquiry of any kind can give us. I also note that given deliberative democracy’s advocates rely on empirical mechanisms it therefore stands to reason that it should be subject to analysis and potentially challenge along the same axis.

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<sup>84</sup> As Miller puts it, “...the feasibility constraint we need falls somewhere between political and technical feasibility” (Miller 2008: 46).

#### 4.6 – Impossibility and probability

To begin with the case of probabilistic evidence. Estlund argues that the distinction between impossible and ‘very, very unlikely’ is critical – in order for theorising to remain as ambitious as possible without crossing into impossibility and therefore remaining within the dictum that ought implies can (Estlund 2007: 265). He does so because he, like McTernan and Valentini, wants theories of justice to be unconstrained by what is likely or not, and so he relies on a strong distinction between physical impossibility and possibility (Estlund 2020). If something is possible then it is within the realm of normative theorising, if it is impossible then it cannot be a normative requirement. In terms of deliberative democratic theory this would mean that – short of literal impossibility – the likelihood of some or all of deliberative democracy’s participants behaving one way or another is irrelevant from the perspective of normative theory. What matters is that deliberative democracy can specify the normatively required duties and obligations which individuals are required to uphold, such as being open-minded, learning from deliberation, and so forth. To illustrate a strong separation from questions of possibility and probability Estlund cites examples of events such as him dancing like a chicken at a lecture which he describes as very unlikely but not nearly impossible (Estlund 2020: 85-86). This leads him to argue that, “It follows that an action’s having even zero probability does not entail that it is beyond the agent’s ability (or even that it is difficult)” (Estlund 2020: 86).

There are two issues with Estlund’s claims here, the first is more trivial but indicative of the type of errors common in this type of analysis, the second is more substantive. The first is that Estlund misunderstands what zero probability means. It is incompatible for there to be a *truly* zero probability of an event occurring while the ability remains for someone to execute it. Probabilities are always evidence-relative, and nobody can predict the future with ironclad certainty – even more so when it comes to human behaviour which we acknowledge remains within a given person’s ability. Estlund’s example of himself dancing like a chicken is designed to elicit the intuition that because he controls his own actions he can ensure it is a zero-probability event. He even jokes that he would be unlikely to accept a bribe and therefore tries to rule out exogenous factors causing said dancing (Estlund 2020: 85). But this lacks imagination; threats to loved ones or other forms of coercion could readily procure said dancing (especially given how widely Estlund has publicised this challenge!). The possibility space of the future is wide, and Estlund does not fully appreciate what zero probability really entails. An extreme example of this is the infinitesimally small but non-zero probabilities which result from quantum physics:

“Say you want to walk through a wall; quantum theory says it’s possible” (Brooks 2015). The boundary between ‘very, very unlikely’ and ‘impossible’ is something which is very difficult for us to grasp intuitively, and so a strong distinction between the two is therefore hard to draw for any kind of practical purposes. Estlund’s example of a case apparently under his own will should not confuse the matter.

The second issue is that Estlund misses the wider problem that our knowledge of what is possible or not in the world is itself only ever provisional and therefore probabilistic. This is related to the point made regarding quantum uncertainty above. The point is that things we have good evidence to believe, and reasons to rely upon, could still be incorrect. Empirical knowledge is ultimately probabilistic, even if sometimes the likelihood of it being incorrect is so unlikely as to approach zero. The reason for this is the methodology of empirical science – including the natural sciences – proceeding by experimental observations which are used to test and develop hypotheses about how the world works.<sup>85</sup> It is exactly these types of hard constraint claims that Estlund and others want to rely on to segregate impossible requirements away from other types of evidence which suggests things as more or less likely.<sup>86</sup> However, the way we gather knowledge about our reality – of continuous observations and hypotheses – means that it is always subject to future revision. This mutability and revisability of scientific hypotheses is a bedrock of the scientific method. The point has been made a number of times by various authors and is generally accepted by professional scientists (Zimring 2019: 71-72). One of its most famous expressions comes from Einstein himself:

The scientific theorist is not to be envied. For Nature, or more precisely experiment, is an inexorable and not very friendly judge of his work. It never says “Yes” to a theory. In the most favourable cases it says “Maybe,” and in the great majority of cases simply “No.” If an experiment agrees with a theory it means for the latter “Maybe,” and if it does not agree it means “No.” Probably every theory will some day experience its “No” – most theories [do], soon after conception (Dukas and Hoffmann 1979: 18-19).

Einstein is in fact probably too optimistic in what he claims experimental science can achieve in terms of disproving theories – nature does not in fact say ‘no’. This is because the theoretical

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<sup>85</sup> I refer to empirical science here because I do not intend to make claims regarding other forms of possibility or impossibility, such as logical or metaphysical impossibilities – for example a married spinster or a four-sided triangle.

<sup>86</sup> I accept that one can make assumptions about impossibility and possibility for the purpose of building toy models, but Estlund and others who adopt his type of approach intend theorising about justice to apply to the reality we live in.

underpinnings of any experiment designed to challenge a theory can themselves be questioned. A more apt description is as follows:

... the clash is not ‘between theories and facts’ but between two high-level theories: between an *interpretative theory* to provide the facts and an *explanatory theory* to explain them... The problem should not be put in terms of whether a ‘*refutation*’ is real or not. The problem is how to repair an *inconsistency* between the ‘explanatory theory’ under test and the – explicit or hidden – ‘interpretative’ theories... experiments do not simply overthrow theories, that no theory forbids a state of affairs specifiable in advance. It is not that we propose a theory and Nature may shout NO; rather, we propose a maze of theories, and Nature may shout INCONSISTENT (Lakatos 1970: 129-130).

The simplest way to put this point is that scientific knowledge is only ever provisional – it is subject to future revision and refutation. Now this is not to descend into some kind of relativistic free-for-all whereby all scientific claims are equally valid. We can have more confidence in theoretical paradigms and associated empirical claims which appear to survive replication, exposure to empirical testing, and accurately predict outcomes. Nevertheless, it is important to note that this is relative form confidence. Even if we are happy to take such theories as a given and rely on them for practical purposes we have to acknowledge that there is a possibility that they are incorrect. This uncertainty stresses the type of categorical divisions which fact-insensitivity theorists like Estlund seek to draw, between ‘very very unlikely’ and ‘impossible’. While it may be very very unlikely that our more robust scientific theories are incorrect, it is certainly not impossible.

This confusion regarding possibility shows up in other writing which seeks to rely on this categorical distinction. For example, Valentini argues that, “If prescriptions have not been *proven* impossible, and they strike us as highly morally desirable, then we have good reasons to continue to defend them” (Valentini 2017: 25). Valentini wants our range of theorising to be as expansive as possible to avoid potential status quo bias. Yet consider the example Valentini uses when arguing that it is impossible for a state to eliminate crime and that therefore this cannot be a normative requirement: “This prescription is not valid, since, given the limits in power and capabilities any imaginable state has, guaranteeing an altogether crime-free society is arguably impossible – even for the best of states” (Valentini 2017: 23). There are two issues here. The first concerns what it would mean to prove some future eventuality as impossible. As discussed above with reference to Einstein and particularly Lakatos, this type of language and thinking does



not sit easily with the actual conduct of science where possibilities are not determined by current knowledge; current knowledge is revisable as we progress. Consider whether anyone two hundred years ago could believe it possible that billions of people around the world would have handheld devices which could instantly access more information than all of the world's physical libraries combined and communicate in real time with people on the other side of the world. Any reasonably informed person would have likely thought it clear that this was impossible, and yet they would have been wrong.

Second, Valentini's example illustrates the confusion between 'very very unlikely' and 'impossible'. Valentini denies 'any imaginable state' has the power to eliminate crime and so appeals to our intuitions about what power any future state might have rather than any empirical study which would show this conclusively. As stated above it is not even clear how one would even go about proving an impossibility in this way. However, in terms of thinking about possibility, imagine existing authoritarian population control technologies were magnified such that the daily lives of all individuals both offline and online were subject to state surveillance (Lucas and Feng 2018). Combine this with criminal law reform which perhaps reduced the scope of criminal law and again magnified burgeoning technologies such as invasive biotech microchips which can be used both to monitor and control human behaviour (Savini 2018). With sufficient authoritarian surveillance and human bio-alteration I see no reason in principle why a state could not in fact eliminate disobedience to the state or crime. Of course, Valentini might suggest that my imagination has run away from me at this point; but mere appeals to intuition are insufficient to rule in or out future possibilities. I can acknowledge that my vision of a dystopia is unlikely to come to pass. The point is simply that Valentini's analysis conflates 'very very unlikely' with impossible, reinforcing the implausibility of assigning this distinction a fundamental role in our normative analysis. Despite the fact that both Estlund and Valentini seek to rely on a strong separation between impossible and possible-but-very-unlikely their own flawed applications of the distinction highlight just how problematic it is to make in practice.

The upshot is that because scientific theories can only be provisional, they are probabilistic in nature; there is a possibility that they are correct and a possibility that they are not. To treat them otherwise would be to place more certainty on scientific theories than scientists themselves do.<sup>87</sup> This is distinct in magnitude but not in kind from social science claims

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<sup>87</sup> For more on the provisional nature of scientific theories see Staley (2014: 26-38) for discussion of the historical and modern approaches to the undetermination thesis - that evidence does not prove theories definitively.

that under certain conditions a human phenomenon is likely, but not guaranteed, to occur. The question then for normative theorising is not whether everything beyond a hard constraint of impossibility should be fair game for philosophers, but rather where we draw the line on likely and unlikely and for what purposes. It is entirely fair to suggest that evidence from social sciences – due to their methods and subjects of analysis – may in some sense be less robust than that from the empirical natural sciences. Yet this is a matter of degree, and not the hard impossibility versus everything else which theorists such as Estlund, McTernan, and Valentini suggest are the relevant dividing lines between what suitably aspirational political theory should countenance and what it should not. Probabilities and social science work in a scalar feasibility space, not a binary one (Lawford-Smith 2013: 251-258). This means that it becomes an open question – and a matter of judgement on the part of the theorist – on how to incorporate empirical evidence about the probabilities of various courses of action into our normative theory. We cannot simply rely on categorical distinctions such as impossible versus possible to settle this matter for us.

A theorist who wished the space for normative theorising to be as wide as possible might take from the foregoing that if impossibility is not readily determinate then it should not pose a constraint on normative theorising. In other words, if we cannot readily determine what is impossible then the scope for moral theorising is practically unlimited – ‘ought implies can’ no longer poses any practical restriction. However, without even the limited restraints posed by ‘ought implies can’ theorising can shift in a utopian direction entirely untethered from anything but logical impossibility. For example, say a key block to achieving a moral world is the opacity of people’s intentions from one another, a theory might say that telepathy between all people is therefore a moral requirement. The fact that such capabilities do not exist, and may never exist, is no impediment to such theorising. Another outlandish theory might rely on humans not requiring might food or water to sustain ourselves – as this would eliminate conflict over such resources. That is not to say normative theorists would necessarily want to go down this route. McTernan asserts that normative theorists do not propose theories which conflict with the natural sciences, she “Perhaps charitably... assume[s] that political philosophers do not make such obvious mistakes: none, for instance, propose societies where human beings can live on air” (McTernan 2019: 30).<sup>88</sup> Nevertheless, the sociological observation that normative theorists do not tend to cross the lines of challenging natural scientific conclusions does not mean that there

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<sup>88</sup> Also see Estlund: “...disputes about whether political philosophy properly respects human nature are not normally about issues like our need for oxygen or our tendency to age. What political philosopher puts these aside?” (2011: 209).

is any reason in principle on the grounds advanced by Estlund and McTernan that they could not. As discussed above, the theories and findings of both natural and social sciences are revisable subject to future enquiry. What distinguishes them is the higher degree of confidence we - or at least many of us - place in the conclusions arrived at through natural scientific enquiry.<sup>89</sup> If likelihood is irrelevant to questions of feasibility and only impossibility is accepted as a limit then both natural and social scientific claims are equally open to challenge. Political philosophers might steer clear of challenging natural scientific conclusions, but this is a judgement made in light of the probabilities of said theories being correct, or perhaps in recognition that such challenging theories are unlikely to be persuasive or useful to audiences. The acknowledgements of Estlund and McTernan that it would be a mistake to rely on highly improbable mechanisms is mirrored in certain developments within deliberative democratic theory. For example in the general shift away from the demanding conditions of Habermas's ideal speech situation and the concomitant emphasis on consensus as the aim of deliberation (Dryzek 2003: 24, 170; Weale 2007: 90-99; Bächtiger et al. 2010: 45; Mansbridge et al. 2010: 66-69). While some argue positively for pluralism and consensus as stifling, others have recognised that because consensus is not likely to result from the majority of real-world deliberation they have adapted their expectations and aims for deliberative democracy. The relevance of empirical evidence to the question of deliberative democracy's feasibility is also supported by the writing of deliberative democrats themselves, as outlined in the next section.

#### 4.7 - Deliberative democratic theory and engaging with empirics

Despite a line of thought that suggests deliberative democracy cannot be challenged by empirical evidence because it posits an ideal critical standard (Mutz 2008) deliberative democrats themselves are generally alive to the challenges posed by empirical deliberation because they also want it to be implemented in practice (Bächtiger et al. 2018: 21). Deliberative democracy has faced a range of challenges from this perspective (Knight and Johnson 1994; Przeworski 1998; Posner 2004; Bagg 2018). There has also been a proliferation of deliberative experiments seeking to both test deliberation's positive epistemic benefits (Fishkin and Luskin 2005; Fishkin

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<sup>89</sup> McTernan distinguishes them on the grounds that, in contrast to the natural sciences, social scientific investigation does not produce exception-less regularities and tends to be particular to given contexts (McTernan 2019: 31-32). This may provide additional reason to challenge the findings of social sciences but does not explain why normative theorists could not challenge natural scientific claims too on the grounds that both are uncertain and revisable subject to future enquiry.

2018) and to inform political practice (Renwick 2019). There have also been attempts to operationalise measurements to assess the quality of deliberation in existing institutions (Steenbergen et al. 2003). It would seem odd, therefore, if empirical evidence which found deliberation working well could be adduced in support of the theory, but empirical evidence which found the opposite could not be presented to the detriment of the theory. Either empirical evidence should have no relevance to the ideal standard, the type of position associated with G.A. Cohen's approach to principles of justice (2003), or it should be counted either in favour or against the theory.

It is certainly possible to analyse political ideals and theories at a high level of abstraction such that they seem more distant from empirical concerns. Much of the methodological debate in political theory regarding the relevance of empirical findings has tended to focus on justice (Cohen 2008; Estlund 2011; Hamlin and Stemploska 2012; McTernan 2019) which itself is a relatively abstract concept. Democracy, on the other hand, has a much more chimeric existence. While normative democratic theory accounts for why democracy is morally desirable as well as its guiding principles, it is also intimately related to both historical and existing practices (Christiano 2006). More specifically, as discussed in Chapter 2 deliberative democracy rests on empirical processes as part of its normative appeal.<sup>90</sup> By this I mean that there are principles at the basis of arguments for deliberative democracy, but these arguments also make empirical claims about how deliberation and democracy ought to - and will - function in practice. The arguments made by deliberative democrats tend to be normative in nature, but easily cross between normative and empirical claims. For example Gutmann and Thompson write: "It [an open mind] is, or should be, compatible with affirming one's own moral views strongly and consistently" (Gutmann and Thompson 2004: 84). The claim here appears to be both a descriptive and a normative one, and as far as descriptive claims go has been directly critiqued by survey research indicating that open-mindedness seems to discourage or at least be negatively correlated with affirming political views or taking political action (Mutz 2006). Indeed, Mutz has

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<sup>90</sup> Arguably democratic theory therefore resembles more what G.A. Cohen termed a 'rule of regulation' as opposed to a principle of justice (Cohen 2008). If so, this would support the view that empirical evidence is important in terms of structuring deliberative democracy, just as empirics are supposed to influence the development of optimal rules of regulations.

highlighted that the drive to instantiate a normative ideal in actual practice can have detrimental effects for sober empirical analysis of deliberation:<sup>91</sup>

Just as drug companies cannot be counted on to publicise the negative side effects of their drugs, advocates... who have invested huge amounts of time, energy, and money into organizing and promoting deliberation are not likely to be the first to perceive, let alone publicize, any shortcomings. Thus, whether the consequences of deliberation are, in fact, consistently beneficial or not, without careful, methodological study, we will not know why in either case.

Attention has now turned to large-scale institutional implementation of deliberative practices. These projects are not oriented around the best possible research designs for purposes of understanding what deliberation can and cannot deliver so much as they are designed to spread an already accepted practice as widely as possible. I think this kind of action is premature (Mutz 2008: 536-537).

#### 4.8 - Feasibility, DMR, and deliberative democracy

I do not propose to set out a general set of conditions about what presuppositions or levels of probability have to be accepted by political theorists as feasible or infeasible. Pluralism within the discipline entails a range of plausible approaches to normative theorising, ranging from the most utopian or abstract theorising to the highly empirically informed. Just as evidence exists on a probabilistic scale so too does feasibility (Cowen 2007: 9-12; Lawford-Smith 2013: 251-258; Hamlin 2017) and different theories will occupy different positions on the scale. As a matter of practicality we will have to adopt certain presuppositions in some contexts which in others we might want to challenge critically (Carens 2013: 309).<sup>92</sup> Recognising that drawing such distinctions about which empirical claims to accept or challenge is a matter of judgement and not categorical impossibility distinctions, I posit that useful or productive theory should be developed conscious of the evidence that we do have about the world. This is not to say that political theorising needs to fall into what Estlund terms 'complacent realism' and simply redescribe things as they are

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<sup>91</sup> I am not suggesting that Mutz has the definitive final word on all deliberative experimentation, there have certainly been examples of good self-reflective and critical practice from practitioners of deliberative democracy, for example see Sanders (2012).

<sup>92</sup> The oft-cited distinction between ideal and non-ideal theory is one approach to categorising theories according to their assumptions (Hamlin and Stemplowska 2012; Valentini 2012), although disagreement remains on how best to conceptualise these distinct approaches (Sleat 2016).

(Estlund 2007: 263-268; Estlund 2020: 168-169). Sometimes the possibilities which eventuate outstrip what we may have previously imagined, like the development of amazing technologies like the internet and smartphones. At other times things we might wish away, like pathogens, appear to be here to stay. What is important is that we are conscious of what presuppositions we take for granted, and which ones we propose changing (Miller 2008: 45).

Rather than feasibility functioning as a binary threshold for theories to ‘pass’ in order to be considered viable or acceptable, evidence can instead be used to help us choose between competing theories. The challenge of DMR is significant for deliberative democratic theory’s feasibility for three key reasons. The first is that it contradicts a centrally important presupposition of deliberative democracy, as set out in Chapter 2, that of open-mindedness. The second is that the social scientific evidence seems robust across a range of experimental designs carried out in a variety of different contexts. The third is that the experiments carried out thus far suggests DMR appears resistant to direct correction or change. My approach here is intended in the spirit of the realistic utopianism advocated by Rawls – to retain some constraints on the demands normative theories place on both people and empirical reality while still developing normatively challenging theory (Rawls 2001). Rawls himself gives some indication of how empirical evidence is incorporated into theorising when he describes the original position and the knowledge available to participants behind the veil of ignorance. He grants, “They understand political affairs and the principles of economic theory... and the laws of human psychology” (Rawls 1999: 24) but what he misses is that as a meta-claim this knowledge itself is mutable and subject to future revision. There is no straightforward way to determine in advance which findings or apparent empirical constraints may later be overturned. Therefore, while the challenge to deliberative democratic theory is real and strong, it is nevertheless defeasible. To posit that DMR forms some kind of hard constraint would be to contradict the probabilistic and uncertainty-based approach I have been advancing with respect to feasibility. The resulting onus is on theorists of deliberative democracy to illustrate how the problem of DMR can be overcome, either through institutional or individual level design. There is a significant empirical literature concerning deliberation – but the emphasis on group level dynamics means less attention has been paid to the psychology of individuals.<sup>93</sup> Perhaps further research into institutional design or individual training or education can overcome the effects of DMR. However, given the significance and advanced state of DMR research it is equally plausible for such findings to

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<sup>93</sup> For surveys see for example Carpini et al. (2004), Thompson (2008), and Curato et al. (2017).

function in a deflationary manner with respect to deliberative theory and lead us to seriously consider alternatives.

If we want our normative theories of government to guide our institutional architecture, then they necessarily should account for and accommodate considerations such as the likelihood of certain human behaviours (Waldron 2016). To the extent that deliberative democracy's empirical mechanisms do not function as theorised, this can lead us as normative theorists to turn our attention to and revisit alternative normative groundings for democracy. Even if deliberative democrats prefer to argue for open-mindedness as a normative requirement – and not just a descriptive mechanism underpinning deliberation – empirical research can illustrate how demanding this would be to achieve from democratic participants. There are a variety of potential alternative groundings for democracy, as even deliberative proponents acknowledge (Fishkin 2009: 65-94). This possibility will be developed further in the concluding chapter of this thesis.

#### 4.9 – Conclusion

In this chapter, I began by considering the theoretical underpinning of DMR, situating it in the larger dual process paradigm of human cognition. I explained how our conscious System 2 processing takes cues from our unconscious System 1 in order to guide our reasoning processes to fit new information into existing belief structures. I then reviewed a selection of the experimental evidence across which DMR had been found. In doing so I highlighted that the phenomenon particularly occurs with respect to individuals with political knowledge and/or strong views regarding politics. By canvassing a range of studies I illustrated the different ways in which researchers had tested for DMR such as assessing argument strength, taking views on policies, and carrying out mathematical calculations. I also identified that the size of the effects was significant with respect to the affected populations. I addressed a number of potential methodological criticisms of DMR, ranging from its applicability to deliberative scenarios to common issues with social psychological sampling and generalisability.

I then moved to the methodological arguments for incorporating evidence from social science into normative theorising. I argued against a contemporary trend in political theory methodology to use impossibility, as opposed to probability, as the relevant limiting criterion for normative theorising. Instead, I argued that this approach misunderstands the uncertainty and

probabilistic nature of the claims of empirical science. Therefore, rather than relying on some hard distinction between impossibility as set out by empirical science and everything else, I suggested that we needed to exercise our judgement as to the spectrum of evidence from empirical and social science and how it should shape our normative theorising. Considering specifically deliberative democracy I noted that deliberative democratic theorists are keen to adduce empirical evidence to support their normative claims. I suggested that empirical evidence should therefore be able to ‘cut both ways’ in terms of providing evidence against deliberative democratic theory to deflate some of its claims.

The upshot of the foregoing is to call into question the deliberative democratic account of democracy’s legitimacy as primarily grounded on deliberation. As set out in Chapter 2 deliberative democracy presupposes open-mindedness as part of deliberation for it to have its salutary effects. On the other hand the evidence above suggests closed-mindedness, in the form of DMR, is common amongst the politically engaged and knowledgeable. From the perspective of deliberative democracy if open-mindedness is necessary for proper deliberation and proper deliberation is necessary for legitimate democracy, then democracy in practice is rendered illegitimate until DMR can be eliminated. An alternate way of interpreting the claims of deliberative democratic theory is that open-mindedness is a normative requirement on democratic participants. DMR research, and the findings regarding the difficulties in trying to encourage people to correct for it, illustrate that this would be a highly demanding requirement. In Chapters 5 and 6 I address more directly arguments regarding open-mindedness as a normative requirement for certain participants in democracy – elected representatives. The upshot of the foregoing is intended to shift the emphasis away from deliberative democratic theory’s focus on deliberation as the key to democracy. This is not, however, an all-or-nothing question. There are other elements of democracy which contribute to its legitimacy – for example self-government through representatives – which will be discussed in Chapter 5.<sup>94</sup>

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<sup>94</sup> To borrow Landemore’s metaphor one can view democracy as an object with many facets – my intention is to remind us that deliberation is only one of these (Landemore 2017: 289)



## Chapter 5 – The Democratic Integrity of Elected Representatives

### 5.1 – Introduction

My aim in the remainder of this thesis is to argue that elected representatives are required to vary their positioning on the Spectrum of Credences depending on their particular circumstances. By demonstrating that elected representatives may justifiably deviate from open-mindedness I call into question the strong requirements for open-mindedness posited by deliberative democracy theory. Elected representatives occupy a singularly important role in modern democracies. With a few exceptions such as directly democratic referendums and de-politicised independent agencies or courts, elected representatives exercise rule over democracies through their decision-making. Representatives form the fulcrum through which democratic control can be said to be exercised by the people as a whole. This is a heavy burden for representatives, upon whose shoulders rest much of the democratic edifice. Whether they take up roles in the executive or legislature, ruling or opposing, they undertake the hands-on business of governing their respective democracies.<sup>95</sup>

In Chapter 2, I argued that deliberative democratic theory requires open-mindedness from democratic participants for deliberation to serve the salutary role the theory casts for it. Deliberative democratic theory often eschews distinctive obligations for elected representatives as apart from those which fall on all democratic actors. For example, Gutmann and Thompson frequently refer to the moral obligations of deliberative democracy applying to “citizens and their representatives” (Gutmann and Thompson 1996: 42 and 361; Gutmann and Thompson 2004: 3, 7, 13, and 20). Similarly, within both the work of Dryzek and Goodin the obligations of deliberative democracy, including open-mindedness, appear to fall on all actors within the democratic system in a relatively undifferentiated way.<sup>96</sup> My argument here differs from the foregoing in that it takes seriously in their own right the distinct duties of elected representatives

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<sup>95</sup> None of this is to say that democratic subjects in general are not also important for a functioning democracy – in their capacities as voters, potential representatives themselves, campaigners and other important civil society roles which intersect with politics. That said, it is noteworthy that almost all these channels of influence whether by voice or more direct action must, at some point, act through the elected representative themselves – whether it is by pressuring them, persuading them, or replacing them – if they are to be efficacious.

<sup>96</sup> There are some authors who consider the division of labour within representative democracy (Chambers 2012; Kuyper 2017) but the current trend is towards a more macro or ‘systemic’ view of deliberative democracy (Mansbridge et al. 2012; Kuyper 2015; Gunn 2017; Goodin 2018: 890-893). Although the systemic view can account for differentiated obligations within a deliberative system, it ultimately measures them all by the net deliberative value-added from a system-wide perspective. However, by seeking to measure ‘net’ added deliberative value at the level of a system as a whole it does not appear to actually require any actual individuals to deliberate per se. Suffice to say there are significant challenges to conceptualising as well as operationalising a sense of the deliberative value of all the components of society in conjunction (Gunn 2017).

and the strategic environment they are faced with. By making the case that elected representatives should be prepared to deviate from open-mindedness as part of their role, this further calls into question the normative model of deliberative democracy, reliant as it is on open-mindedness.

In this chapter I propose a partial account of the obligations of elected representatives to illustrate salient normative features of the role. I acknowledge this account as partial due to the very wide-ranging scope of elected representatives' duties which I do not have the space to cover here in their entirety. I begin in Section 5.2 with the mandate theory of democracy and propose a practice-dependent methodology paying close attention to salient elements of the practice of electoral democracy to identify its governing principles. I then draw on the work of Mansbridge to identify two particular features of elected representation – promissory and gyroscopic duties. Together they entail a requirement for constancy on the part of elected representatives towards the commitments they have made and the values they represented when they were elected. Preserving this constancy requires elected representatives to act with integrity. Then, in Section 5.3, drawing on the existing literature regarding personal integrity, I argue that elected representatives are required to uphold a particular type of integrity towards their democratic commitments, which I term 'democratic integrity'. I find that elected representatives have good reason to act to protect core beliefs which underpin their democratic integrity, in order to preserve their ability to effectively carry out their democratic mandate. I address concerns that this analysis is insufficiently sensitive to distinctions such as value-based and empirical commitments as well as the need to govern on behalf of all constituents or to govern justly. Finally I touch upon relevant supportive and critical arguments from the political theory literature on parties and partisanship. I conclude in the final Section 5.4 with a summary of my analysis.

## 5.2 – The obligations of elected representatives

The context I am addressing here is that of elected representatives.<sup>97</sup> In one sense elected representatives are just like the rest of us – humans who have to make their way through life assessing claims and evidence and consequently arriving at beliefs so as to structure their life plans and actions. However, elected representatives also occupy a particular role in representative democracy. Pitkin's classic *The Concept of Representation* defines representation as, "...the making present *in some sense* of something which is nevertheless *not* present literally

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<sup>97</sup> I do not opine here on which of these same duties apply *mutatis mutandis* to democratic citizens or other agents in the political system.

or in fact” (Pitkin 1967: 8-9 [emphasis in the original]). Elected representatives make present voters and constituents in their various activities, ranging from the scrutiny and passage of legislation, to participation in – or scrutiny of – government. This means they face particular stakes when it comes to belief revision which influences their calculus with respect to the Spectrum of Credences. To show this I will first outline how I understand the role of elected representatives.

I intend to be modest in this endeavour – presenting an admittedly partial account of representatives’ duties – for two reasons. The first is that the question of the roles and obligations of elected representation is old and has spawned a correspondingly large literature which I cannot grapple with fully in the space available here.<sup>98</sup> The second is that representation is multi-faceted in both theory and especially in practice.<sup>99</sup> Consider for example the typical day of a UK MP whose tasks may include debating in the legislature, opening a charity function, meeting with interest group representatives, and speaking to constituents (Crewe 2018). The practice of representation will vary according to a number of variables – such as the type of democratic political system in place and whether the representative is in government or opposition. My analysis here will therefore inevitably be narrower and more stylised than the rich practice of how elected representatives around the world experience their roles and its accompanying moral duties and obligations.

I propose an account of representatives’ duties congruent with the mandate theory of democracy. In particular, that representatives are bound to uphold the political commitments they make as part of the electoral process. I do not suggest that this exhausts representatives’ multi-faceted duties, but that it forms a central component of them. I buttress this analysis with insights from the practice-dependent methodological approach – mandate theory makes sense of the practice of electioneering and elections which go into choosing elected representatives. From this I draw out two key elements of the role of elected representatives, drawing on a well-regarded study by Mansbridge to launch my inquiry (Mansbridge 2003). The first is fidelity to the representative’s own beliefs and values which they have presented to the electorate (i.e. integrity). The second is to uphold the promises they make as part of the electoral process. While integrity and promises can be seen as aspects of ‘every-day’ moral architecture, and have

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<sup>98</sup> See Mansbridge (2020) for a history of how the concept and its practice has evolved over the past millennia up to the present day.

<sup>99</sup> Recall that Pitkin famously argued that representation’s varying conceptual dimensions entailed a paradox which could not be eliminated (Pitkin 1967; Dovi 2018).

weight as such, when applied to elected representatives they are also the tools of the specifically democratic value of self-government highlighted in the mandate theory of democracy. Therefore, although the potential activities of elected representatives can vary widely, my conception applies wherever their role's activities intersect with either promises made to the people or values they have committed to upholding. For example, in the UK's political system elected representatives may be members of the executive, government backbench MPs, or members of an opposition party. In all three cases such representatives may lobby, debate, and vote in ways which support or undermine the promises and the values they committed to the electorate at the time of their election.

### 5.2.1 - Mandate Theory of Democracy and Practice Dependent Theory

The mandate theory of democracy entails representatives and their parties competing during elections by offering differing policy platforms, and voters electing the candidates whose platform they wish to be implemented (Schedler 1998). The elected representatives are thereby mandated to carry out said policies during their time in office until the next election and re-selection between competing candidates and their policy platforms. This has been described as a 'pure' or 'classical' theory of electoral democracy (Ferejohn 1986). The appeal of this theory should, hopefully, be fairly obvious as a way for the electorate to direct and steer the government policies and laws which are to be imposed on them in their name (APSA 1950; Downs 1957). One notable alternative to this system of self-government - the direct democracy of that famously advanced in Athens on a limited scale<sup>100</sup> - is rendered infeasible by the size and complexity of modern polities. Hence the need for elected representatives to act as intermediaries in the democratic system.<sup>101</sup> For theorists in the Rousseauian tradition of direct democracy representative democracy is simply an instrumental concession to 'stronger' more direct forms of democracy (Pateman 1976; Barber 1984; Urbinati and Warren 2008: 388). Others instead argue for representation as an ideal in itself, as opposed to a messy compromise version of direct democracy (Plotke 1997; Urbinati 2000).

This disagreement over the standing and purpose of representatives tracks a celebrated debate within representation theory over whether representatives should be delegates taking

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<sup>100</sup> Limited in that it excluded women, slaves, and immigrants from political participation (Dunn 2019: 1-17).

<sup>101</sup> Of course this functionalist explanation is a post hoc simplification compared to the messy historical development of representation as it evolved in practice (Dunn 2019; Mansbridge 2020).

orders from the electorate or trustees exercising their own judgement (Burke 1774; Pitkin 1967; Dovi 2018). Clearly the mandate theory of democracy envisages at least a degree of delegation and binding of the representatives by the electorate. This approach has been criticised both as unrealistic (Riker 1988; Ferejohn 1986; Achen and Bartels 2016) and undesirable (Burke 1774; Dahl 1990). In accordance with my acknowledgement above of the multi-faceted nature of democracy above I would not want to suggest that the mandate theory of democracy is exhaustive of what democracy entails. Nevertheless, I do want to argue that it does capture a real and desirable element of democratic practice – self-government through the promises and commitments given by elected representatives.

The approach I adopt here is inspired by the practice-dependent turn in political theory (Miller 2002; James 2005; Sangiovanni 2008; Sangiovanni 2016; Jubb 2016). The practice-dependent method works by interpreting, making sense of, and critically assessing practices to develop normative rules to govern them (Sangiovanni 2008: 142-144). The practice-dependent method focuses particularly on the relationships created through practices. Features of these specific interactions provide the substantive material to ground and justify their normative regulation. In the words of Jubb, “Practice-dependence is in this sense a justificatory and epistemic strategy, a way of finding principles to govern a practice and drawing attention to the features that make them more appealing than their competitors as rules for that practice” (Jubb 2016: 84). This approach is apposite given the question at hand – assessing the practice of electoral representation, the relationship between constituents and elected representatives, and the norms which should thereby govern electoral representation. The relationship between these participants is specifiable through the practice of electoral politics. This contrasts with the common application of practice-dependence within political theory where it is often used to derive accounts of either domestic (Miller 2002; James 2005; Ronzoni 2012) or international (Sangiovanni 2008; Ronzoni 2009; Sangiovanni 2016) justice. Practice-dependence is most appropriate in contexts such as those described here – where one can focus on a more narrowly construed practice such as electing representatives.

Representatives engage in a wide range of activities as part of the electoral process – debating, leafleting, broadcast and online media advertising, canvassing, town halls and so on.<sup>102</sup> A central element of all these activities is informing the electorate as to the candidates’ future

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<sup>102</sup> The ethics governing electoral campaigning itself is a fruitful subject for analysis, especially the question of what means should be available to campaigners and the appropriate ethical limits to competition (Beerbohm 2016; Thompson 2018; Bagg and Tranvik 2019).

intentions were they to be elected. This does not, of course, exhaust the possibilities of electioneering. For example, candidates may also focus on criticising their competitors – what is known as negative campaigning (Mark 2006; Mattes and Redlawsk 2015). However, the central focus of election campaigns remains persuading voters that candidates are desirable based on what they will do should they be granted power. I will argue below, drawing on Mansbridge’s typology of representation, that this takes two main forms – concrete promises of implementation and looser claims regarding certain values or principles which will guide the candidate’s activities while in power.

Considering the practice of electing representatives, it should be clear that the overarching principle is one of *pacta sunt servanda*. For, “...if after election day government officials do whatever they want, regardless of any prior campaign commitments, they ridicule the very notion of democracy as well.” (Schedler 1998: 195). Certainly the participants in elections treat this idea as centrally important. Candidates carefully calibrate their messaging and promises to appeal to the electorate. This is perhaps most obvious when candidates feel forced to alter promises in response to public pressure, indicating the significance placed on the promises themselves. One example occurred during the 2017 UK General Election. The incumbent Prime Minister Theresa May called the election seeking a larger parliamentary majority and a mandate for her negotiations over the UK’s departure from the European Union. One campaign pledge was to include the value of a person’s home (above £100,000) in calculating the bill for their social care. This policy was attacked as a ‘dementia tax’ by its opponents, suggesting it punished people for the brute luck of happening to need higher levels of care and support. Criticism was so fierce that May eventually had to backtrack and cancel the commitment (Bale and Webb 2017). A more recent example came in the 2022 French Presidential election which incorporates a two-round series of votes. Incumbent President Emmanuel Macron had originally promised to raise the French retirement age from 62 to 65 as part of his economic reform platform. Similar to May Macron received negative feedback on his campaign. In his case this came from receiving only 28% of the first-round votes, compared to 23% for right-wing Marine Le Pen and 22% for left-wing Jean-Luc Mélenchon. Macron thus entered the second round run-off against Le Pen, with polling suggesting a close-run race (Mallet 2022). Seeing the need to win over left-leaning voters Macron thus adjusted his policy promises stating that he was open to consultation and changes to his retirement age policy (Abboud and White 2022). In both the cases of May and Macron they felt the need to adjust their policy offerings to voters in order to earn their support. The best way to make sense of this practice is that voters consider candidates beholden to their

electoral promises, otherwise the original promise and alterations would make little sense. This is buttressed empirically by a range of studies which suggest that citizens in democracies distinguish accurately when electoral promises are kept or breached (Thomson 2011; Naurin and Oscarsson 2017; Thomson and Brandenburg 2019) and that parties accordingly tend to uphold their promises (Thomson et al. 2017; Naurin et al. 2019).

Applying a practice-dependent lens to the brief sketch of electing representation above highlights important features which go to identifying the duties of elected representatives. Representatives engage in a form of negotiated commitments with their electorate. The electorate collectively hold the power to choose representatives through their voting choices and elected representatives must determine which policy positions and promises will earn the votes they need. There are, of course, elements of persuasion flowing both ways as part of this interaction. Politicians learn from voters through engaging with them via focus groups, town halls, and the like. Similarly, politicians do not only set out their stall through their communications, but set out to persuade voters that certain promises and goals are worthy aims. The ultimate result of these interactions is twofold – the promises and commitments the politicians make, and the electoral result which selects which ones are to take office. This negotiated electoral practice has strong implications for how representatives are to conduct themselves once they are in office. Specifically, they are to be bound by the compact they have made with the electorate in exchange for the latter’s votes. This binding is captured by what Mansbridge terms gyroscopic and promissory representation (Mansbridge 2003).<sup>103</sup> Deriving

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<sup>103</sup> Mansbridge also considers surrogate and anticipatory representation, which are not directly relevant to the analysis here. Surrogacy involves representing people outside of the representative’s electorate. Surrogate representation does not work primarily through the mechanism of elections, especially as it can include concern for agents or groups outside of the relevant constituency or polity, distant in time or even other species. There is an open debate about the duties owed by representatives to non-voters such as children, future generations, foreigners, and nature (Dryzek 2003: 114-161; Goodin 2003: 194-225). My arguments do not pertain to these other potential duties which are based on a more general sense of moral concern and are orthogonal to my discussion here.

Anticipatory representation focuses on representatives both anticipating and seeking to shape the future judgement of the electorate at their next election. Anticipatory representation seems to me a species of retrospective accountability which has drawn scholarly attention from at least two directions. First, more minimalist accounts of democracy emphasise the ability to vote out politicians, with elections rendering judgement on the actions taken by politicians whilst in office (Schumpeter 1942: 284-285; Manin 1997: 179-192). Second, deliberative democrats often stress providing reasons and justification as a form of accountability:

Accountability replaces consent as the conceptual core of legitimacy. A legitimate political order is one that could be justified to all those living under its laws (Chambers 2003: 308).

It is possible to see how in practice both the minimalist and the deliberative accounts are combined – one gives one’s representatives a chance to explain or justify themselves before they face electoral censure (Savage and

these overarching principles of representation from the practice of elections help address concerns that individual voters may actually cast their vote for a range of reasons aside from endorsing a particular candidate's program. For example individuals may vote because they want to punish past behaviour, to support only certain parts of a manifesto, because certain candidates are aesthetically pleasing, out of habit or tradition, and so forth. Surveying a practice necessarily requires abstracting away some of these individual idiosyncrasies as part of focusing on the overarching mechanics, but it is the best way to make reasonable sense of the practice as a whole.

### 5.2.1 - Gyroscopic representation

Mansbridge theorises gyroscopic representation as candidates being chosen on the basis that they will rely on their own judgement with low responsiveness to external sanction (Mansbridge 2011: 621). The metaphor of the gyroscope describes representatives who follow their own 'axis' of beliefs and values. Mansbridge distinguishes this from a Burkean trustee model which is often associated with independent representatives (Burke 1774). She is especially keen to avoid the hierarchical or elitist connotations of Burkean trustees (Mansbridge 2011: 623). Instead, she notes that it is perfectly plausible for voters to select gyroscopic representatives who are not in any particular sense superior to them, but instead will exercise their judgement in the same way that the voters themselves might have done. Mansbridge expects voters on this conception to select representatives whose 'axis' of beliefs and values will predictably guide them in the correct direction according to the voters. Following my electoral analysis this gyroscopic representation flows from the type of politician candidates present themselves as to the electorate. For example, they may hold themselves out to be revolutionary, conservative, a feminist, an advocate of 'family values', et cetera.

This directional value commitment on the part of representatives is particularly important due to the inevitable uncertainty and unexpected events of political reality which cannot be

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Weale 2009: 69). What unites both of these accounts, however, is that they are constructed as after-the-fact mechanisms of control. Retrospective accountability is limited by its after-the-fact nature. In contrast the forward-looking nature of electioneering and voting gives voters the opportunity to make positive decisions. Sometimes political decisions are effectively irrevocable, punishing or receiving explanations after the fact is cold comfort. There is also the problem of politicians or even political movements who do not intend to stand for election again. In such instances retrospective mechanisms are necessarily limited - all elected representatives by definition stand for election, but not all of them stand for re-election to be judged on their performance. There is also the issue of the shifting electorate. Between elections people will necessarily join and leave the electorate through movement, aging, death etc. The point is that retrospective accountability cannot easily express what voters want done, only how positively or negatively they feel about what has gone before.



captured comprehensively by pre-election promises and manifestos.<sup>104</sup> This is why politicians not only make concrete policy promises but claim to stand for certain beliefs and values. Voters can expect the latter to guide a politician's decision-making, even if the application thereof is a matter of discretion. This also helps us make sense of political parties and the heuristic used by voters to rely on party affiliation as a reliable signal in choosing between potential elected representatives. If parties are organised around a particular nexus of values or ideology, and elected representatives are understood to largely subscribe to this nexus, then a vote made on the basis of party affiliation can be understood as a way to enact said set of values. This can also somewhat explain why voters may be distrustful of representatives who are too dissimilar to them in salient ways or alternatively express confidence when they share relevant characteristics. For example, populist rhetoric which describes certain politicians as elites as opposed to 'the people' suggests that the two exist along different value axes - and that 'the people's will' should be prioritised (Mudde and Kaltwasser 2017: 5-6). Another example is the epithet 'carpetbagger' when used to describe politicians who lack links to the constituency they purport to represent. Clearly such suspicions can become a cover for prejudice or other unfairly discriminatory beliefs. It is not a necessary condition for a politician to resemble those they represent in order for them to be aligned in terms of beliefs and values. That said, as advocates of descriptive representation have long argued - shared features between represented and representors can be an important way to ensure the former's particular experiences and values are taken up and represented properly (Phillips 1995 and 1998; Mansbridge 1999; Young 2000).

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<sup>104</sup> This lacuna in the ability of any set of instructions to specify sufficient conditions in advance is a key component of the agency-principal dilemma and the more general problem of the inability of laws or contracts to adequately account for all possible eventualities in a complex and uncertain world (Hart 1995).

Mansbridge explicitly distinguishes the gyroscopic model from an agent-principal relationship but this does not seem quite correct to me (Mansbridge 2003: 522). Mansbridge argues that although representatives should not misrepresent their beliefs and values to the electorate, and are selected to pursue a 'predictable' direction, their "deeper accountability" is to their own judgement or their political party, with a weak fiduciary component and almost no linkage to the voter at the time of election. A better way to conceptualise this, in my view, is to see gyroscopic representation as an instance of a wide discretion agent-principal relationship. For example, an investment manager who is given high absolute discretion to invest funds for a client (in terms of risk, sector, time horizon) is still bound by a strong fiduciary duty for acting in the client's best financial interests, albeit broadly understood. A client would select such an investment manager based on their investment principles, trusting in such principles to guide them to a profit, but would prefer to trust the manager's judgement in light of said principles rather than bind them any more specifically.

### 5.2.2 – Promissory representation

The second aspect of representation I wish to discuss is promissory. If gyrosopic representation encompasses the less clearly specified expectations of representatives, promissory representation concerns the explicit compact made between representatives and their constituents. Promissory representation constitutes representatives making promises and commitments as part of the electioneering process which they are then bound to uphold. This in part explains why commentators are, and voters should be, aggrieved when politicians avoid answering questions, especially in debates or other interactive fora, in the run up to elections (Young 2015).

In representative democracy for voters to engage in a positive form of self-government they need competing representatives to set out what policies they intend to implement. This menu of options allows voters to express the direction they wish the government to act in until the next election. This is one of the oldest conceptions of representation, of voters authorising representatives to act in certain explicit ways, in the model of a principal and agent (Pitkin 1967: 39-59). As agents representatives need to be instructed, and the promises extracted by the electorate as the price of election are the key route for achieving this instruction (Beerbohm 2016). These promises are no ordinary promises, which in and of themselves carry moral weight.<sup>105</sup> They are promises which form the bedrock of democratic self-governance. If politicians frequently fail to uphold commitments voters, and independent observers, have less reason to see a system as a functioning form of self-government. This is distinct from separate criteria of whether voters believe politicians are acting in the national interest or governing well – both of the latter could of course be achieved through non-democratic forms of governance too. It is important to view these promises as commitments, and only secondarily as signals of representatives' character or ability. To see why, consider the following example:

*Competence Exam:* Potential representatives compete for votes without committing to specific policies or ideologies. Instead they use various oral, written, and practical examinations as well as their past performance to demonstrate their qualities. These tests

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<sup>105</sup> It is not necessary for my argument to take a definitive view on the general question of where the normativity of keeping promises comes from. I only need to maintain that they have normative weight, especially in the democratic electoral context. One account suggests that breaking promises unfairly erodes the social practice and the rules which encode this practice – promise-breakers can still take the benefit of other people's commitments without themselves recognising the cost of being bound (Rawls 1955). Another account suggests that it is primarily the disappointed expectations of the promisee rather than the social group as a whole which is at issue (Scanlon 1990). Given the relational logic of my account it is more sympathetic to the latter explanation.

are designed to select on the basis of relevant knowledge, reasoning capabilities and ability to handle evidence, good character, and track record of management performance.<sup>106</sup>

In Competence Exam the voters are involved as judges of competence, but they are in an important sense removed from actual self-government. In this model the valuable input of voters is as a collectively competent judge. Ultimately this starts to move from democracy as government by the people to the question of whether the people are collectively reliable judges.<sup>107</sup> This is the type of question addressed by epistemic democracy theorists (Estlund 2007; Dietrich and Spiekermann 2013; Schwartzberg 2015; Landemore 2017). Without delving too far into this debate, we should acknowledge that something normatively important is lost when potential representatives compete for votes without committing to policies. For a voter, a manifesto commitment to green energy or lowering income tax is not just a signal of a politician's judgement; it is something the voter endorses as a commitment to be made real in their polity. This is a key way in which indirect representative democracy can still claim to be government by the voters as a whole. This follows the logic of principals and agents. In many aspects of life, we rely on others to carry out our express wishes. Whether it is a doctor providing us with treatment, or a bank transferring our funds, in order for us to exercise agency we require them to be obligated to follow our wishes. The same is true of democratic government. Competing representatives and their parties pledge to carry out certain promises, and in becoming elected that is what they are mandated to do by the electorate as a whole.

These remarks regarding both gyroscopic and promissory aspects capture a central part of the relationship between democratic representatives and the electorate they represent. This relationship makes sense of the process of candidates and parties going through the process of campaigning, advertising, manifestos, town halls, and debates (Beerbohm 2016). All of these are ways for voters to receive commitments from the candidates which allows them to meaningfully choose between the competing visions of society they entail. The combination of gyroscopic and promissory representation captures two important ways in which the voters who exist at election

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<sup>106</sup> What is being described here approaches what Bell calls a 'political meritocracy', except in Bell's case the selectorate can be internal party or government figures (Bell 2015). The epistocratic and oligarchic tendencies explicit in Bell's political meritocracy also feature here in Competence Exam. The example of Competence Exam could be scaled up to apply to competing parties – advertising the individual and aggregate test scores of the party's political candidates for voters to choose between.

<sup>107</sup> This is a tenuous position. Despite attempts to show the epistemic value of voters as a large group such as Condorcet's Jury Theorem or the Hong-Page Theorem these findings are quite contestable. The necessary mathematical assumptions of Condorcet's Jury Theorem (Kinder 2006: 210-212; Estlund 2007: 16; Dietrich and Spiekermann 2013) and the Hong-Page Theorem (Hong and Page 2004; Thompson 2014; Page 2015; Thompson 2015; Kuehn 2017) have both been challenged as to their real-world relevance.

time direct their representatives, both in terms of explicit policies and the beliefs and values they will apply to political circumstances. This combination explains what is intuitively unappealing about the Competence Exam scenario. Voters select representatives to enact specific policies, and to embody certain beliefs and values in their future actions. Representatives who competed in some disinterested sense on their value and policy-independent abilities would be depriving voters of the key mechanisms of directing their own governance. Therefore, representatives who are elected on the basis of their promises and representations bear a duty to uphold and advance these promises and representations as their democratic duty.<sup>108</sup> A corresponding duty is for representatives not to deceive their electorate by making commitments they cannot or will not uphold. As well as the wrong of deception this harms democratic self-government by devaluing the pledges offered to voters.

### 5.3 - Democratic integrity

The upshot of these gyroscopic and promissory elements is that representatives are required to act with personal integrity towards the political commitments which they are elected to embody. The term integrity can be understood in a variety of ways but here it draws on, but is not identical with, the ‘identity’ conception of integrity.<sup>109</sup> Traditionally understood, identity integrity means a person acting in accordance with, and striving to uphold, the commitments and causes which are vital to them as a person (Williams 1976a: 12-15). The following extract from Frankfurt is illustrative of this understanding of integrity:

Especially with respect to those we love and with respect to our ideals, we are liable to be bound by necessities which have less to do with our adherence to the principles of morality than with integrity or consistency of a more personal kind. These necessities constrain us from betraying the things which we care about most and with which, accordingly, we are most closely identified. In a sense which a strictly ethical analysis

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<sup>108</sup> Although this analysis is carried out primarily at the level of individual representatives it is worth noting that in practice such elected representatives tend to be grouped into political parties. As parties run on collective manifestos and ideologies they can be understood as a type of corporate representative with the same obligations of gyroscopic and promissory duties to the electorate. For a survey of recent work in political theory on the subject of partisanship and political parties see Muirhead and Rosenblum (2020).

<sup>109</sup> See Scherkoske (2013a) and Cox et al. (2017) for recent surveys of the various ways in which integrity has been understood.

cannot make clear, what they keep us from violating are not our duties or our obligations but ourselves (Frankfurt 1982: 268).

For this form of integrity to be manifested it requires a person to have certain commitments which are so deep or important to them that they come to constitute part of who they understand themselves to be.<sup>110</sup> It then requires the person to act to promote or maintain these commitments over time – a person who acted in accordance with a commitment endorsed mere moments before cannot be said to be demonstrating integrity. Williams provides some of the most famous examples of identity integrity with his examples of George the scientist and Jim and the Indians (Williams 1973: 97-100).<sup>111</sup>

Identity integrity has been criticised because it has a subjective and formal nature, instead of an objective and substantive one. By this I mean that the concept relies on an ongoing coherence between a person's subjective identity and their active will but is silent on what types of commitments constitute their identity (Rawls 1999: 455-456). Given that the term 'integrity' is often used in a way indicating moral affirmation, this lack of restrictions on what commitments can constitute integrity has frequently been identified as a problem (Scherkoske 2013b). The common identity-affirming adage "Be yourself" seems less than salutary if your specific self happens to be a bully or a craven wretch.<sup>112</sup> This has led authors to distinguish identity integrity from moral integrity, allowing that even murderers or sadists may demonstrate the former but necessarily lack the latter (McFall 1987: 14; Blustein 1991: 123). To attain moral integrity imports other potential considerations into determining integrity, ranging from proper regard for one's own judgement (Calhoun 1995: 250) to compliance with objectively correct morality (Ashford 2000: 424). This apparent conflict or insensitivity to explicitly moral concerns is probably a

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<sup>110</sup> This analysis is informed by the work of Bauman (2011).

<sup>111</sup> In the case of George he is a recently graduated Chemistry PhD in fragile health and struggling to find a job. This impacts severely on his wife and small children – causing harm to the latter. He is offered the opportunity for a decently paid role working in a laboratory focused on chemical and biological weapons. Undertaking this work would conflict with George's moral principles. If he does not take it it will likely go to a contemporary who lacks moral scruples and will pursue the research with greater fervor than George would. In the case of Jim he is brought into a situation where a military man is about to execute a random group of civilians as a form of collective punishment for recent anti-government protests. Jim is offered the opportunity to execute a single civilian and the military man will permit the rest to go free. If Jim declines the opportunity then they will all die. The civilians understand the situation and clearly want him to take the opportunity. Williams uses these examples to make the point that from a utilitarian perspective it does not matter which specific person undertakes any given action, only that the net outcome is superior to the alternatives – George should take the job and Jim should shoot a civilian. Williams instead argues that integrity requires a connection between a person and their actions or projects, which is ignored by utilitarianism.

<sup>112</sup> It is perhaps then no surprise that Williams was reluctant to characterise integrity as a virtue, although he states that this is due to the lack of a motivational component to integrity (1976b: 49).

feature, not a bug, of identity integrity. Its most notable proponent, Williams, intended his argument for identity integrity as a critique of the demands of utilitarianism (Williams 1973). One way of reading Williams's intention in formulating identity integrity was to try and reserve a portion of human agency to be carved out from the scope of detached impartial and impersonal demands. Nevertheless, the question remains what, if anything, normatively motivating remains of identity integrity if both tyrants and heroes can demonstrate this characteristic in equal measure (Bauman 2011).

The role of elected representatives provides a normative grounding for a modified form of identity integrity – one centred on their democratic commitments – which I will term 'democratic integrity'. This is different from identity integrity as traditionally understood. In its orthodox reading, identity integrity is focused on commitments central to a person's identity as a particular person. Similarly, we might expect an elected representative's express political commitments to be very important to them; often elected representatives devote much of their life to advancing their particular causes. However, the case for democratic integrity here applies irrespective of exactly how central these commitments are to the representative's subjective identity. This is because the force of these commitments comes from their democratic endorsement, and not their relationship to an elected representative's subjective self. Representatives are obliged to act with integrity such that it is as if these commitments were central to their personal identity because they are in fact central to their identity as representatives. Democratic integrity shares with identity integrity a degree of its subjective formal structure – it does not specify in advance what commitments make it up. Yet there is a significant difference in how these commitments are arrived at. In the case of identity integrity, it is the course of an individual's life – their influences, judgements, and experiences – which come to determine their commitments. In the case of democratic integrity such commitments result from the interaction between the representative's views and what they anticipate will pass muster with the electorate, and the electorate's final decision in selecting between competing representatives. The process of being elected confers on the representative and their commitments the seal of democratic legitimacy. While not as comprehensive in terms of content as certain accounts of moral integrity, the electoral process arguably confers a clearer normative basis for democratic integrity than for personal integrity.

A criticism which has been levelled at identity integrity, and could therefore apply to democratic integrity too, is that it is too static. For some critics, cleaving to one's identity poses a

roadblock to the process of reflexive rational critique which lies at the bedrock of liberal moral freedom (MacIntyre 1984: 294). Deliberative democratic theory similarly models agents as nexuses of reasons – their role being to continuously express reasons, internalise interlocutors’ reasons, and to update their own reasons accordingly. Any notion of integrity or even commitment – except for a commitment to following one’s reasoned judgement – is foreign to this picture for two reasons. First, commitments are in themselves particular and non-universal, even if the reasons for them are not. Deliberative democratic theory frequently places significant emphasis on the reasons exchanged meeting certain criteria, including a form of universalizability such that they could be accepted by all reasonable interlocutors. Now, representatives will likely advance such reasons if they want to persuade others to support their cause, but the commitments themselves are a function of the particular representative’s promises and representations to the electorate. In this respect they obligate and motivate the representative in a way which is not applicable to other persons. Second, concepts such as integrity and commitment are potentially dangerous from a deliberative perspective as they threaten to cause friction to the ongoing internal reason-revising process. The point being made here is that such friction is the appropriate effect of democratic commitments. In and of themselves they do not make change impossible, but they generate serious *pro tanto* reasons to avoid it. That, anyway, is the proposition I seek to defend here.

It is plausible that there may arise good reasons for representatives to breach these promises or contravene their expressly committed beliefs and values. Yet such breaches leave behind what Williams terms ‘moral remainders’ – an ongoing moral claim notwithstanding that the representative did the all-things-considered correct action in committing the breach (Williams 1978: 61). This is observable in cases of every-day promising. Even when a pressing need overrides a promise – for example, an urgent emergency causes one to fail in another commitment – one owes the previous promisee an apology and sometimes even further reparation even though one took the all-things-considered correct course of action in breaking the promise. Promises, and particularly representatives’ promises, cannot be subject to invisible conditionals such as ‘all other things being equal’ or ‘ruling out any emergencies’ without denuding them of their proper force (Driver 2011). Breaches of electoral promises and manifestos, even when justified, leave behind a substantial moral remainder to voters as well as undermining the self-government which sits at the heart of representative democracy. When representatives renege on their commitments to voters, those voters are wronged, even in cases when promise-breaking is all-things-considered justified. Such course correction may even be so

significant that politicians should resign if they feel they have to break a promise of great significance to their constituents who voted them into power.<sup>113</sup> This has important consequences for how elected representatives conduct themselves as part of election campaigns. Indeed, it explains the elementary principle that politicians should only make commitments they believe they can and will keep.<sup>114</sup> My account makes better sense of this requirement than deliberative alternatives whereby politicians are free to revise promises subject to further deliberation, reflection, and explanation without additional moral cost. Sometimes politicians all-things-considered will need to bear this cost and break their promises to pursue the correct course of action, but my point is that this should be seen as a serious moral cost.

These moral remainders are the source of the ‘friction’ mentioned above. As mentioned at the outset of this chapter this is only a partial account of elected representatives’ duties. Other considerations may weigh on them which push against the maintenance of their democratic integrity. However, if we reflect on electoral democracy, the significance of elections and their attendant commitments cannot be underestimated as a key democratic moment. No doubt liberal democracies rely on a host of other elements to sustain their democratic nature, ranging from the rule of law to a free and active press. Yet elections represent the most visible and clearest mechanism for democratic control of government by the people. The act of choosing between candidates and parties only means something if what those candidates and parties represent to the electorate is somehow binding on them. Without being bound by their commitments, we have rotating oligarchy rather than government by the people.

### 5.3.1 - Belief change and democratic integrity

The contention I now seek to defend is that democratic integrity can be threatened by undue open-mindedness on the part of elected representatives. If representatives are truly open-minded

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<sup>113</sup> This is a variant of the resigning problem, which classically posits whether individuals should remain a part of institutions or governments where they significantly disagree with some of its policies or actions (Williams 1978). There are a number of examples of individuals carrying out what they consider necessary actions but then ‘atoning’ to account for the moral remainders which result. Camus’s ‘just assassins’ die in order to atone for what they consider necessary and yet still immoral acts (Walzer 1973: 178-179). A real-world example is that of US Secretary of State Cyrus Vance who disagreed with Operation Eagle Claw, a secret operation to rescue US hostages held in Iran, and yet felt he had to stay in post to oversee the operation but committed to resigning once it was done in protest at what the government, including himself, had done (Seidman 2008: 4).

<sup>114</sup> There is therefore also an incentive for politicians to avoid giving definitive promises and to opt for vague language in any commitments to preserve their room for manoeuvre. Accordingly there is a general awareness of the phenomenon of ‘weasel words’ – words or phrases which are designed to provide a positive impression whilst avoiding giving concrete or clear commitments. Politicians who frequently dodge giving firm commitments should expect to be punished by voters who are conscious of these strategies.



with respect to their fundamental commitments to voters, they risk forming beliefs that undermine their ability to follow-through with those commitments. The value of democratic integrity, I submit, generates *pro tanto* moral reasons to be somewhat closed-minded with respect to one's fundamental commitments.

The insight underlying this analysis is that all of our actions depend on our constellation of beliefs. The model of reasoning relied upon in this thesis is one of us updating our beliefs in response to propositions put to us. We act in certain ways because a combination of normative and empirical beliefs combine to make them appear appropriate and logical to us. The relationship between voters and elected representatives embodied in democratic integrity constitutes a commitment to upholding particular beliefs and the actions entailed by them.<sup>115</sup> As beliefs change so do the actions which an agent will pursue. It is worth noting, however, that while this may seem obvious the relationship between belief and action is not necessarily a straightforward one. The simplest model is that an agent believes both that:

- (1) X is a worthwhile goal, and
- (2) Y is an appropriate means to achieve X.

Now if they lose either belief (1) or (2) the actions an instrumentally rational agent would undertake change. In particular, they would no longer pursue Y either because they no longer sought the goal it produces, X, or because they no longer believed it would effectively achieve the desired outcome, X. In this way belief change can lead to an agent abandoning the pursuit of their prior goal.

The situation becomes more complex when we consider interrelated beliefs. It is plausible to argue that open-mindedness regarding relevant beliefs may not lead to actors surrendering their commitments. This is because it is conceptually possible for elected representatives to 'stay the course' by remaining steadfast in their democratic commitments even if the beliefs which originally underpinned them have changed. The matter is, however, not that simple. For example, imagine they hold a third belief that:

- (3) X is to be pursued because a democratic commitment was given to achieve it.

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<sup>115</sup> See Oldenquist (1982) for a closely related discussion of the importance of loyalty - commitments which are specific to the individual and non-universalizable because of this specific personal nature.

Now even if belief (1) was eliminated there is a separate belief (3) which might still motivate the agent sufficiently to engage in Y to pursue X. Yet my point is that this is quite a psychologically unenviable position. While a free-standing commitment to democratic integrity is a good thing, in any given instance it is made up of substantive commitments which representatives themselves consider normatively beneficial.<sup>116</sup> Belief (1) is therefore prior to (3) and while (3) has a separate normative foundation the specific commitments which constitute it are nevertheless inspired and motivated by (1). Simply put – the motivation for representatives to commit to X is because of (1), even if this then generates a parallel obligation pursuant to (3). The two are in elective affinity with each other. Although it is not a logical necessity for the representative to hold (1) in order to achieve X, successfully achieving X would be significantly less likely without it. Without (1) one would expect a representative to have a reduced motivation to pursue X. Belief in (1) is part of what sustains goal-seeking behaviour, providing what is known as grit in the face of adversity (Morton and Paul 2019). Representatives have limited resources of will, political capital, and time. They will have other democratic commitments and normative goals they still believe are worthwhile. All things are not necessarily equal between different democratic commitments – representatives have to prioritize between the various possible goals they can pursue. A goal which the representative no longer believes to be inherently worthy of prioritizing is likely to lose out in this calculus.

This effect is likely to be especially strong if a representative comes to believe the opposite of (1) – that X is in fact a net negative outcome. Then there will be a direct conflict between this new revised belief and (3) – one suggests that X should be avoided, and the other that X should be achieved. Again, this type of internal ambivalence is likely to seriously undercut the motivational capacities of the agent to pursue X. A politics which is the successful strong and slow boring of hard boards requiring steadfastness of heart and commitment is imperilled by wavering commitment or ambivalence (Weber 1919: 369). Indirect evidence for this hypothesis can be found in the literature on ambivalence and political engagement. A variety of studies carried out both in the US (Greene 2005; Mutz 2006) and elsewhere (Johnson 2014; Çakir 2021) have found that citizens' participation in politics – ranging from turning out to vote to engaging in party political activities – is reduced by feelings of ambivalence.<sup>117</sup> Although these studies were

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<sup>116</sup> The alternative would be a type of empty politics where representatives make promises in order to win power but have no belief in their underlying rightness or conduciveness to the public good (Weber 1919: 353-355).

<sup>117</sup> These studies were carried out at the macro level and tended to find that a variety of factors ranging from the electoral system to the dynamics of the specific elections studied also influenced participation. It is

carried out on citizens as opposed to electoral representatives, they provide some support for the mechanisms outlined above. The evidence suggests that citizens who are ambivalent between the political options on offer are less likely to engage in politics and to direct their energies and attention elsewhere. It seems reasonable to infer that politicians who are similarly ambivalent with respect to particular political commitments are likely to prefer to devote their energies elsewhere.<sup>118</sup> Therefore, while belief in (1) is not logically required for a representative to pursue X by means Y, we would expect it to become significantly less likely if belief (1) is lost or inverted. And *if* we demand that elected representatives be open-minded, as deliberative democrats indeed demand, that will make them more likely to revise these beliefs.

### 5.3.2 – Core commitments, means, and ends

To be sure, not all belief change poses equal risk to democratic integrity. This can be illustrated with an analogy drawn from the philosophy of science: the Lakatosian spatial model of research programmes used to explain scientific progress (Lakatos 1970). In the Lakatosian model each scientific research programme has a ‘hard core’ of theoretical assumptions which are not tested – both because its advocates are typically reluctant to give them up and because they are devoid of empirical consequences in and of themselves.<sup>119</sup> These core assumptions are used by its adherents to make ‘auxiliary hypotheses’ which are testable in the real world and are therefore capable of falsification. If an auxiliary hypothesis is falsified it is open to the researcher to amend and retest the hypothesis rather than consider it a straightforward defeat for the core assumption.<sup>120</sup> Lakatos held that it was appropriate for researchers to display a degree of dogmatic adherence to this hard core even as auxiliary hypotheses failed, so as to avoid prematurely discarding promising research programmes (Lakatos 1970: 192). In effect the researchers are

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unsurprising that results are ‘noisy’ in this way as – obviously – a wide range of factors will impact on political participation in any given instance. What matters for our purposes was that ambivalent attitudes was found to be a significant predictor of non-participation, even if this effect was mediated by other factors too.

<sup>118</sup> Two potential mechanisms for this effect might either be seeking to avoid unpleasant feelings of dissonance in progressing a political commitment which one no longer believes in or a rational calculus that it is overall better to pursue a political commitment which one has a higher degree of confidence in.

<sup>119</sup> This follows Pierre Duhem’s thesis that theoretical propositions cannot be conclusively falsified by experimental observations because they only entail observation-statements in conjunction with auxiliary hypotheses. Therefore when an observation appears ‘incorrect’ there are two options – modify the theoretical proposition or the auxiliary hypothesis (Musgrave and Pigden 2016; Ariew 2014). Lakatos included a third option, which is challenging the ‘theory’ which lies behind the observation itself: “It is not that we propose a theory and Nature may shout NO; rather, we propose a maze of theories, and Nature may shout INCONSISTENT...” (Lakatos 1970: 189).

<sup>120</sup> This process bears some resemblance to the philosophical method of reflective equilibrium which also works by trying to iron out inconsistencies between data, in the form of intuitions, and overarching theory.

more strongly committed to this hard core of assumptions but are open to exactly how these are manifested in the world through different auxiliary hypotheses, amending and refining or discarding the latter while retaining the former.

By analogy we can model a hard core of centrally important beliefs represented by an elected representatives' explicit democratic commitments and values surrounded by more peripheral beliefs which relate to them.<sup>121</sup> The idea here is that these central or core beliefs stand in a hierarchical relationship to the peripheral beliefs such that changes in the former shift the latter, but the reverse is not necessarily true. For example, core beliefs might include the primacy of the national interest, relational equality, or the efficacy of markets. Related peripheral beliefs might then include opposition to significant foreign aid (Jordan 2019), a commitment to state-subsidised job opportunities to provide respect through work (Reeves 2018), or the value of parents and children having freedom of choice between private and state schooling systems (Coulson 2011). It may be that any one of these peripheral beliefs comes to be overturned – say the person comes to believe that foreign aid can be in the national interest (Honeyman and Lightfoot 2017), that state-subsidised jobs are harmful to self-respect and produce unwanted economic distortions (Álvarez et al. 2010), or that the value of equality of opportunity outweighs the value of choice with respect to education (Swift 2004). Across these various examples it should be clear here how changing one's peripheral belief does not necessarily presuppose or entail changing the core belief which underpinned it. A changed position on foreign aid, state-subsidised employment, or school choice can be compatible with underlying normative or empirical commitments to the primacy of the national interest, relational equality, or the efficacy of markets.

It is more important, vis-à-vis the value of democratic integrity, for elected representatives to protect their more significant or higher order beliefs and commitments than the lower ones which flow from them. Sometimes this distinction maps onto a means-ends distinction, particularly when it comes to promissory representation. So elected representatives may be more closed-minded to challenges regarding specific manifesto commitments but may be more open-minded to debates around implementation or application. For example, an elected representative might make a commitment to reducing domestic economic inequality or a foreign

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<sup>121</sup> There is, relatedly, a long-standing related research programme within political science concerned with how core beliefs amongst voters inform voting patterns (Feldman 1988; Schwartz et al. 2010). Another way of categorising core beliefs comes from Sabatier's Advocacy Coalitions Framework which distinguishes between normative and policy core beliefs (Sabatier 1993).

trade deficit, but there are clearly a number of different policy tools which could be used to achieve these ends. Therefore, an elected representative might deploy a degree of closed-mindedness with respect to claims which challenge the underlying commitment but might be more open-minded with respect to different means of achieving them so long as this is consistent with the promised end. Not all promises follow this protected ends but flexible means structure. Some electoral promises concern the means themselves, for example commitments to raise, or to refrain from raising, specific taxes.

Gyroscopic representation can also be modelled in this way if one considers the overarching value orientations which are represented to the electorate but fall short of explicit promises. For example, commitments to freedom, equality, small government, anti-imperialism, or to honest transparent politics will interact with specific political circumstances in different ways. Elected representatives will, following this model, be more closed-minded to challenges to their central value orientation, but may be more open-minded regarding its implementation in specific instances so long as they still manifest a clear link to their underlying basic commitments. Przeworski makes the point that political deliberation frequently concerns means and not ends (Przeworski 1998). This suggests that practice reflects the model I have outlined above, with elected representatives more focused on discussing means rather than debating their respective ends or value orientations.

Some might feel that this core-periphery distinction and the focus on promissory obligations of representatives misses the point. Instead, they might argue that representatives should hold tight to their value commitments, the ends which they aim for, but be loose and flexible when it comes to empirical commitments, which often are a means to these ends.<sup>122</sup> This critic may consider that values as ends are more valuable than empirically instrumental means (Moore 1903: 22). Addressing this concern requires returning to the conception of democracy I began this chapter with and the matter of practice-dependence. Philosophers, as well as non-philosophers, will no doubt have varying ideas about what is important or valuable – this is entailed by background conditions of pluralism. The point of the mandate theory of democracy is that it enables these competing views to be distilled into a direction for governance. As a matter of practice representatives do frequently commit to certain empirical promises – to raise or lower certain taxes, to pass or revoke certain laws, to increase or reduce spending in certain areas. The

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<sup>122</sup> A distinct but related concern is instances where gyroscopic value commitments and promissory obligations come into conflict. I do not address this potential situation as it requires solving a problem of value pluralism which is beyond my scope here (Berlin 1958; Williams 1981; Hampshire 1983).

practice of electoral democracy involves voters demanding – and being granted – empirical commitments by their representatives which the latter are then beholden to keep. Each of these means might also help instantiate a certain value – a fairer taxation system, a more just set of laws, a reduction in inequality. Nevertheless, it is these specific commitments which have been offered to voters and sanctioned through the election. There is, of course, room for value-orientations as commitments, which is the point of gyroscopic representation. Promises and empirical commitments nonetheless have one advantage over gyroscopic value orientations, and that is empirical commitments are easier to identify and therefore more conducive to holding representatives to account. My overarching point here is that to a priori prioritise value beliefs over empirical beliefs is to both second-guess voters’ priorities in voting for a candidate, and also to loosen representatives’ discretion beyond what is warranted by the practice of elections.<sup>123</sup>

### 5.3.3 – Governing for all and governing justly

Having reached this point in the chapter a critical commentator might reasonably feel that something seems to have gone awry if democratic integrity entails elected representatives adopting closed-mindedness. Such critics may argue that in practice elected representatives are unlikely to be overflowing with political open-mindedness. This is likely reflected in most people’s understandings of politics – that open-mindedness is frequently absent despite exhortations to the contrary from deliberative democratic theorists and liberal pundits alike. Furthermore, while maintaining electoral commitments may be all well and good a critic might argue that too many other things are missing from this picture. For example, what about voters with preferences not expressed in the victors’ manifesto, or alternatively what about duties for representatives to rule justly or correctly? Closed-minded commitments to what I describe as democratic integrity – the promises and representations made as part of the electoral process – seem to stand in the way of meeting these other obligations.

To deal with the empirical point first. I am not making any claims regarding the prevailing degrees of open- or closed-mindedness in contemporary democracies. The argument I am

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<sup>123</sup> A related but separate question concerns whether it is, or should be, easier for new evidence to overturn or revise empirical beliefs as compared to normative ones. This will depend in each instance on a myriad of factors beyond whether they are empirical or normative, including the complexity of the initial beliefs, how well supported they are, and the nature of the new evidence. Answering this question fully here is beyond the scope of this thesis but in principle there is no reason why empirical or normative beliefs should be more or less resistant to change in the face of new evidence. This question is made even more complicated in the context of politics by the fact that many policy positions contain a mixture of empirical and normative beliefs.

making is a theoretical one concerned with the implications of democratic theory. That said, it is my intention that our understanding – and bemoaning – of closed-mindedness in politics should be tempered with greater appreciation for the complexities and competing requirements of electoral democracy. Certainly, there may often be times where closed-mindedness becomes excessive, but the analysis in this thesis is intended to introduce more nuance into discussions of open- and closed-mindedness in lieu of simply praising open-mindedness and deriding closed-mindedness. Beyond this my argument does not suggest anything about whether actually existing elected representatives' degrees of open- or closed-mindedness are appropriate.

The question of voters whose preferred candidates fail to be elected presents a more theoretical problem. Notwithstanding the election result voters are entitled to expect elected representatives to govern on behalf of all their constituents, not just those who voted for them. Therefore, closed-mindedness as a means of preserving democratic integrity might seem to wrong these voters – suggesting that elected representatives are only representing a sub-set of the electorate. By way of reply I want to make two points. The first is regarding the scope of democratic integrity. It does not necessarily apply to everything an elected representative does, only those aspects of their role which entail upholding pre-electoral commitments. There will be many elements of governing which are not covered by such commitments because they are unanticipated or simply not accounted for by the winning candidate. For example, when voters participated in the June 2001 UK General Election they did not extract binding promises relating to international responses to the September 11<sup>th</sup> attacks and subsequent foreign policy engagements in Afghanistan and Iraq because these events had yet to occur. In these matters elected representatives were not bound by obligations of democratic integrity, short of the very general statements in the party manifestos regarding foreign affairs. The second point is to recall that elections are a decision-making process. They not only select representatives to act on behalf of voters but also the programmes to be enacted. Steadfastly carrying out electoral commitments is a key plank of democracy. It does not wrong those who voted for alternative platforms or candidates. This is part of the insight of the mandate theory of democracy. That is not to say that voters must be silent between elections. Participatory democratic theory has made much of the importance of avenues for citizens' self-government and influence outside of election time (Elstub 2018; Lafont: 2019).

Still, despite these caveats a critic may still argue that an elected representative who remains closed-minded with respect to their democratic commitments is problematic because

they are less likely to govern well. Perhaps their commitments are mistaken in some way, and so would benefit from revision. Or surprising new evidence comes to light between elections which should entail a change of course. One example might be Margaret Thatcher's unwavering commitment to the ultimately disastrous Community Charge, also known as the 'poll tax'. Despite evidence and data suggesting a variety of potential problems with the idea the Conservative government led by Prime Minister Thatcher pushed ahead with implementing the 1987 manifesto commitment to implement the tax. It was first collected in 1990 but serious issues with the feasibility of its application and widespread organised opposition ultimately led to it being withdrawn in 1993. It is frequently referred to as an example of a disastrous policy (King and Crewe 2014: 48-70). Nevertheless, even this infamously disastrous manifesto policy is not a defeat for my account of democratic integrity. First, as highlighted above it is possible to be more closed-minded to a central commitment but to be more open with respect to its means of implementation. The 1987 Conservative manifesto stated that the charge would replace the domestic rating system and that it would be paid by those over the age of 18, except for the mentally unwell, less well off, students, and the elderly (Conservative Party 1987). It did not specify how it would be implemented – for example in terms of phasing it in over time or the amount of revenue it had to raise. The manner of its implementation was left open and open-mindedness to the means of implementing the commitment may have helped avoid a fiasco. Second, closed-mindedness is a matter of degree as the Spectrum of Credences suggests. Degrees of closed-mindedness should make changing one's views harder but not impossible. It is possible that the sheer scale of public opposition, not to mention internal Conservative opponents, to the plan should have prevailed over the original democratic commitment, albeit at the cost of certain moral remainders for abandoning a flagship promise. Third, it is important not to forget that electoral commitments are not devoid of deliberative input. From internal party deliberations to polling and focus groups to the process of campaigning itself political promises are tested and scrutinised before becoming part of any representative's democratic mandate. The examples mentioned above of Prime Minister May and President Macron resiling from proposed commitments as part of their respective elections illustrates this process.

On the other hand, open-mindedness in the face of contrary claims can lead politicians to abandon commitments in ways which harm the trust placed in them by the electorate. For example, voters might endorse politicians who are closed-minded to the claims of climate-change sceptics. Voters might believe that the urgency of dealing with anthropogenic climate change means the time for listening or being open to persuasion by those who think humans are not



systematically changing the Earth's climate has passed. Politicians elected on green climate change credentials who came to abandon their beliefs would therefore be breaking the trust of their electorate. Of course, it can be hard to tell whether this is a case of belief change, or whether politicians failed to believe their promises in the first place. Recent examples of broken electoral promises include UK Prime Minister Johnson's commitments to fund a high speed rail route between Leeds and Manchester, and that nobody would be forced to sell their homes in order to pay for their social care (Bienkov 2022). It is unclear whether Johnson updated his beliefs between making these commitments and resiling from them in light of new evidence, or whether he simply made them recklessly in the first place without believing that he would implement them.

There is, nevertheless, some truth to the claim that closed-mindedness, even of a limited sort to protect democratic integrity, can pose issues for good governance. On my account incorporating some closed-mindedness to uphold democratic integrity entails potentially missing some opportunities where open-minded updating of beliefs would have been warranted. This dilemma is set out by White and Ypi when they argue for the epistemic resilience of partisanship - helping partisans to be steadfast in the pursuit of their political projects in the face of potentially contrary evidence or reasons:

One might worry that the conception of associative practice on which this argument relies sacrifices partisans' independence of thought and action to the identity of a collective 'we' necessary to sustain and enhance political commitment. The objection is hard to answer without conceding that *some* loss of independence is inevitable whenever there is commitment *in general*... Most of the projects we commit to require sacrificing the ability to form plans incompatible with their pursuit... However, *some* loss of independence may be acceptable when on balance we believe these projects are worth committing to. We are prepared to put up with some sacrifice to our independence because we believe the benefits (to ourselves and others) outweigh the loss of some ability to pursue other options (White and Ypi 2016: 97-98).

While White and Ypi are concerned with the associative benefits of partisanship, in contrast to the individual-level model I am discussing, the principle remains the same. Some room for maneuverer and change is lost when people make significant commitments which they pursue seriously. This is the nature of the trade-off I have been highlighting in this chapter. Because we do not hold referendums over every new law or political action, or strong mechanisms of

oversight over politicians between elections, we rely on the power of choosing our representatives through elections. We rely on the commitments they offer us at election time to determine the direction of rule over the ensuing period of incumbency. Taking this seriously means not putting these commitments at risk through straightforward open-mindedness, even if this comes with some costs in terms of independence of thought.

#### 5.3.4 - Political parties

White and Ypi's point regarding sacrificing independence for enduring commitment is made in the context of political movements. In contrast, my discussion in this chapter has been focused at the level of individual representatives. There has been a recent blossoming of literature within political theory focused on, and generally justifying the role of, parties and partisanship in modern politics (Rosenblum (2008); Muirhead (2014); White and Ypi (2016); Muirhead and Rosenblum (2020)). The arguments I make here are largely complementary to the direction of this research. The type of individual constancy and commitment I advocate for here can be framed as part of a loyal party mindset instead of the commitment to democratic integrity which I have proposed. Of course, in practice these two levels of analysis can be hard to disentangle as representatives function both as individuals but also as part of larger groups. The micro dynamics I am discussing here at the individual level may help sustain the group-level dynamics of political parties and movements. These group dynamics provide the democratic system with a degree of stability – when voters choose candidates or parties they know what behaviour and positions to expect from their representatives until the next election. Political science research has made much of the predictability provided by political parties who provide relatively stable nexuses of policies and ideology over time (Huntington 1968: 397-461; Sabatier 1993; Cairney 2016). My argument here does not account for the myriad of group-level dynamics which go into maintaining political party coherence, ranging from patronage or sanctions to the emotions fostered by associative ties. My claim is instead that at the level of the individual one needs to accept a degree of closed-mindedness in defence of democratic integrity and this likely helps sustain party-level stability and coherence. As stated above White and Ypi similarly acknowledge the relevance of closed-mindedness for political practice – albeit their justification is at the level of group endeavour whilst mine is concerned with individual beliefs and their accompanying mandate.

Within the partisanship literature Muirhead is more sceptical of this trade-off between independence of thought and political commitment that I and White and Ypi argue for. I

nevertheless suggest his attempts to reconcile them without conflict do not succeed. Muirhead argues for what he terms ‘open loyalties’ to make commitments of loyalty compatible with open-mindedness. In particular, he states: “Open loyalties are more oriented to action than to belief. Party loyalists ought to be committed to do certain things (support their party’s candidates) and act in certain ways (volunteer, contribute, talk, vote). But party loyalty, ideally should place very slight constraints on what one thinks or believes” (Muirhead 2013: 252-253). However, this ignores the fact that one’s actions are predicated on one’s beliefs – one’s commitments to certain actions is only as strong as the commitment to the beliefs which provide the motivation for said actions. To be consistent if there are only ‘very slight constraints on what one thinks or believes’ then there are similarly only very slight constraints on what one is committed to do as the former informs and shapes the latter. This is the point I made in Section 5.3.1 above. In his book on partisanship Muirhead again attempts to reconcile moral partisanship and unencumbered belief change. In a chapter on loyal partisans he oscillates between advocating moral partisans keep an open mind to unwelcome facts (Muirhead 2014: 112, 127, 128) and acknowledging that “Perhaps friendship – and partisanship – call for some degree of epistemic partiality.” (Muirhead 2014: 125) and that “Loyalty does not ask you to close your mind to elemental facts – only to wait, at least a bit longer than you might otherwise.” (Muirhead 2014: 130). Muirhead seeks to have it both ways – for open-minded judgement and reasoning ‘unburdened’ by any cognitive biases or filters but also for ‘some degree of epistemic partiality’ or delaying belief change longer than one otherwise would. To avoid an obvious trade-off Muirhead approaches the problem as one of extremes. He focuses on a category of claims he terms ‘elemental’ or ‘basic’ facts – facts which presumably nobody should deny such as which countries have higher unemployment rates or whether tax cuts caused a federal deficit (Muirhead 2014: 125). His usage of the terms open-minded and closed-minded approaches a type of binary either-or to make it clear that closed-mindedness to ‘elemental’ or ‘basic’ facts is unacceptable. By focusing on what he considers the simplest and most obvious cases – and even then it is not clear exactly how one identifies an ‘elemental’ or ‘basic’ fact on Muirhead’s account – Muirhead makes the open-mindedness good, closed-mindedness bad dichotomy as stark as possible. What his analysis misses is the more difficult or complicated cases, where he seems to acknowledge acceptable degrees of epistemic partiality or deferring judgement, albeit without significant elaboration. These latter points dovetail with the arguments I have been making – that increasing closed-mindedness on the Spectrum of Credences make it harder for claims to result in belief revision.

## 5.4 – Conclusion

In this Chapter I began by recalling the importance of open-mindedness for deliberative democratic theory and how this included elected representatives. I identified the mandate theory of democracy as a baseline starting point, accompanied by a practice-dependent approach to assessing electoral democracy. From here I outlined two aspects of representation drawn from Mansbridge's typology – promissory and gyroscopic representation. I argued that these formed an important part of a representative's duties, linking them to the electorate and to the value of self-government by the populace, and helped to make sense of existing democratic electoral practice. I then went on to use these aspects of representation in combination with an analysis of identity integrity to argue that representatives upheld these elements of representation by maintaining what I termed their 'democratic integrity'. In essence, they were to treat their promissory and gyroscopic commitments as central to their identity as representatives and to promote and maintain them over time. I then considered the effect of belief change on democratic integrity. The first point I made was that belief change can threaten to undermine a representative's democratic integrity by undercutting their motivation to pursue their commitments and this presented representatives with reasons not to be open-minded with respect to these commitments. The second was that not all belief change is equally threatening in this way. Representatives will have core beliefs which are critical to their commitments and more peripheral ones where change would be less of an issue. I considered concerns with closed-mindedness as a means to preserve democratic integrity, including conflicts with governing on behalf of all constituents and governing justly. I ended by touching upon some of the recent related scholarship on partisanship and how my argument was largely congruent with, or an improvement on, the analysis carried out regarding the trade-off between maintaining commitments and open-mindedness.

This chapter focused on the question of elected representatives' duties impacting on their positioning on the Spectrum of Credences as a matter internal to their process of election and becoming elected representatives under a mandate approach to democracy. In the next Chapter 6, I adopt an alternative approach to reach the same conclusion regarding the appropriateness of varying positioning on the Spectrum of Credences. In Chapter 6 I focus on elected representatives' external circumstances and interactions with interlocutors as entailing appropriate deviations from open-mindedness. These two arguments are intended to be complimentary to one another. Considering one's context when determining the

appropriateness of differing positions on the Spectrum of Credences means accounting both for one's duties and also relevant external contextual information.

## Chapter 6 – Open-mindedness and Elected Representatives

### 6.1 – Introduction

In Chapter 3 I set out my three-step model of open-mindedness as impartiality – not actively screening claims, considering their merits impartially, and updating one’s beliefs accordingly. In doing so I distinguished my definition from a number of prominent accounts in the literature. In concluding my analysis I noted a particular upshot of this way of understanding open-mindedness – that it leaves open various questions as to the proper application of open-mindedness in the real world. Open-mindedness should not be thought of as a universally correct approach, and instead its appropriateness depends on contextual considerations. It is proper for people to adopt second-order positions on the Spectrum of Credences with respect to their first-order beliefs. The discussion of elected representatives in Chapter 5 set out reasons internal to the role of elected representatives for deviating from open-mindedness – to preserve their democratic integrity. In that chapter I grounded elected representatives’ duties in the explicit promises and value commitments they committed to the electorate as part of being elected. I maintained that this constituted a requirement for elected representatives to preserve their democratic integrity, in a similar manner to the functioning of identity integrity but with respect to their democratic commitments. I highlighted how belief change could threaten to undermine these commitments and suggested a core-periphery distinction of beliefs to understand how different elements of belief change might impact in different ways.

This chapter complements the arguments put forward in Chapter 5 that deviating from open-mindedness may be justified, but shifts the focus from the duties internal to becoming an elected representative to the external circumstances elected representatives face. I consider conditions of strategic disagreement and difficulties in verifying one another’s internal mental states. I shall also consider the potentially limited capacities of elected representatives and credulous reliance on political allies as a strategy to overcome this. Finally, I consider two objections to this account of elected representatives adopting various positions on the Spectrum of Credences including closed-mindedness.

## 6.2 – Elected representatives – considering positioning on the Spectrum of Credences

### 6.2.1 – The strategic situation

The orthodox arguments in the literature regarding the epistemic risks facing agents and their positioning on the Spectrum of Credences tend to focus on the degree to which their environment is polluted with potentially misleading information (Battaly 2018b: 39-44; Curzer and Gottlieb 2019). Without disputing these arguments per se, they necessarily rest on empirical claims regarding huge amounts of information which can be hard to verify. My approach here is complementary to this orthodox approach but differs in that it focuses on the incentives and strategic nature of the political environment. In doing so I outline a theoretical explanation and justification for potentially adjusting one's Spectrum of Credences away from open-mindedness where there is a potential lack of reciprocity between competing parties. This will probably occur most frequently at the screening stage of processing information but also applies at the weighing and updating stages. This argument is complementary to the one outlined in Chapter 5 which justified closed-mindedness to preserve democratic integrity by reference to the internal structure of representatives' duties and obligations which occur as part of becoming elected.

Two relevant basic features of the political context are the existence of disagreement between political actors and that such actors are able to act strategically to achieve their particular beliefs and goals (Waldron 1999: 103-106).<sup>124</sup> Without disagreement the choosing of elected representative would have little significance – one would do as well as another.<sup>125</sup> While voting might still embody respect for equality – everyone's decision-making power is equal – it would lack autonomy and self-government without meaningful options to choose between.<sup>126</sup> Strategic thinking in the sense used here means the pursuit of goals with regards to the effective means of doing so, conscious that other actors exist and are capable of doing likewise. Furthermore, it is common knowledge that this is a strategic situation and all actors are capable of acting self-reflexively in light of this knowledge.

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<sup>124</sup> This is admittedly a simplification in terms of the context of particular political systems and cultures. Significant comparative analysis has been carried out with respect to deliberative quality across different systems, with a variety of factors being seen to have an impact (Steiner 2012: 183-218; Curato and Steiner 2018: 490-501).

<sup>125</sup> This is somewhat of a simplification – representatives could differ in respects other than substantive beliefs, for example in terms of competence, as discussed in the above example of Competence Exam.

<sup>126</sup> A critic might argue that this suggests democracy is harmed when there is a clear single best option, and that the idea of adding competing 'worse' options cannot be understood as making the system more democratic. This claim should be understood as existing against a backdrop of pluralism in society. A scenario where all people have arrived at, and remain in consensus as to, the same answers to the substantive questions regarding government is one where politics itself has come to an end.

Deliberative democrats themselves similarly assume disagreement and actors seeking to achieve their goals.<sup>127</sup> They focus on one of the key tools at hand for political actors – persuading one another. In the deliberative model actors can, by advancing arguments and reasons, alter their interlocutors’ beliefs and therefore the political goals that the latter will pursue or countenance.<sup>128</sup> As discussed above, what is at stake is the beliefs of the relevant actors and the consequent impact on their actions.<sup>129</sup> Actors may be convinced to amend or switch their positions, or they may become less certain or ambivalent regarding their position. The upshot is that the actor who convinces the other without their own beliefs changing is then closer to achieving their political goals. For deliberative democrats this is carried out under conditions of reciprocity and therefore the exchange of arguments and reasons under conditions of open-mindedness means participants are equally susceptible to one another’s persuasion. Therefore they contend that representatives should deliberate together and with other members of society, exchanging the reasons for their respective positions.

So far so convergent between my account and that underlying deliberative democratic theory. Disagreement and a strategic situation form features of the environment against which elected representatives act as they try to convince one another to adopt different beliefs.

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<sup>127</sup> Deliberative democrats have hinted at trying to incorporate strategic thinking into their theories, but it has thus far been both tentative and underdeveloped – further it is rather unclear how it would fit with their other commitments:

If, as we believe, the exercise of power is inevitable in human politics, then we must, like Madison, design democratic institutions that incorporate that power rather than ignore it. Those institutions should include aggregation by voting. They should facilitate among the cooperative antagonists in the legislatures relatively productive deliberative and non-deliberative forms of negotiation. *They might accommodate a role morality among legislators in which some conscious and strategic use of power is legitimate* (Mansbridge et al. 2010: 93 [my emphasis added]).

<sup>128</sup> A Habermasian might suggest that this account of deliberation is too strategic and misunderstands the point of deliberation as a form of communicative rationality with speech acts credited for their illocutionary – meaning making – as opposed to their perlocutionary force (Habermas 1984: 287, 289, and 292-3). There are a number of issues with Habermas’s argument which I will only briefly mention here. First, Habermas does not suitably explain why we should accept mutual understanding as the ‘telos’ of communication (Wood 1985: 157; Johnson 1991). His claims that people in some sense ‘warrant’ their claims by being willing to rationally defend their claims appeals to an understanding of the ‘intrinsic’ nature of illocutionary claims (Habermas 1984: 301-302) which itself is controversial (Johnson 1991: 192). It is not clear why illocutionary claims are inherently subject to this guarantee and Habermas’s appeal to the ‘telos’ of communication as consent to make the same claim is not clearly grounded. Second, Habermas’s reliance on the ‘unforced force of the better argument’ itself presupposes arguments as perlocutionary – having the consequence of persuasion (Wood 1985; Austin 1975: 118-119). Therefore, Habermas’s attempt to associate communicative rationality with illocutionary statements as distinct from strategic rationality and perlocutionary statements cannot hold (Johnson 1991: 193-194). Exchanging arguments is by nature an exchange of perlocutionary claims and so the idea that communicative rationality’s exchange of arguments in search of the better is cleanly distinguishable from strategic attempts to persuade is dubious at best.

<sup>129</sup> This follows the analysis set out in Section 5.3.1 of belief change and its bearing on action.



However, as discussed in Chapter 2, the deliberative democratic account presupposes open-mindedness on the part of participants. Yet, because actors can act strategically they are able to consider alternative approaches to accomplish their goal of altering their targets' beliefs. For example, actors seeking to persuade will draw on their rhetorical skills to tailor their arguments to best sway their listeners. The Spectrum of Credences illustrates that there is something else actors can adapt – their own degrees of open- and closed-mindedness. Recall that closed-mindedness is a form of partiality against new claims: screening out or reasoning to overcome them or resisting updating the certainty of one's beliefs. Closed-mindedness at any of these steps reduce the likelihood in shifts in one's existing belief set. If clever rhetoric and persuasive reasons are a fruitful 'offensive' strategy designed to shape the beliefs of others, then closed-mindedness can be a 'defensive' strategy designed to preserve one's beliefs from being altered.

There is an important asymmetry between these two strategies – rhetoric is external and publicly accessible. Internal features of a person's attitude, such as their positioning on the Spectrum of Credences, are not readily observable to outside actors. This is perhaps one of the reasons democratic deliberative theory has devoted so much attention to the appropriate verbalised content of deliberation, but as discussed in Chapter 2 it has paid much less attention to the internal conditions. A party who has 'raised their shields' against their interlocutors has an advantage in that their opponents will find it harder to dissuade from their goals and commitments, demonstrating a form of what White and Ypi term 'hermeneutic resilience' (White and Ypi 2016: 93-96). White and Ypi discuss hermeneutic resilience as part of their defence of partisanship – and specifically its epistemic effects in preserving and enhancing political commitments.<sup>130</sup> For White and Ypi hermeneutic resilience arises, "...when agents' views and assessments of external evidence are filtered through shared associative practices," (White and Ypi 2016: 93). By relying on co-partisans to filter information agents access information which may not be readily available through mainstream sources. The filtering process also supports information-processing in ways which support pre-existing political commitments. White and Ypi are explicit that this process is not necessarily conducive to truth-discovery (White and Ypi 2016: 94). Instead, White and Ypi argue that partisanship and the practice of hermeneutic resilience is effective for sustaining and furthering political projects, especially in the face of epistemic pressure. My model of closed-mindedness, while not explicitly

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<sup>130</sup> White and Ypi discuss this concept in the context of partisans who are specifically marginalized agents in society but the concept is intelligible for all kinds of agents bearing political commitments in the face of adversity or opposition.

relying on co-partisans, functions in a similar way. In my model the individual themselves screen and assesses new claims in a non-impartial way designed to preserve their existing political commitments. In both cases the result is the same – resistance to belief change with respect to political commitments. There is therefore a strategic reason for actors who are committed to their causes to adopt closed-mindedness with respect to countervailing arguments. This is a correlate of the argument of Chapter 5 regarding preserving democratic integrity, but instead instigated by the strategic situation of mutual persuasion as opposed to straightforward preservation of democratic integrity.

Considering this possibility of strategic closed-mindedness shifts the risks and rewards facing elected representatives from a focus on simply the individual in question – as discussed in Chapter 5 – to the nature of their interactions with interlocutors. One objection to this discussion of strategic logic is that it is incorrect to think in a strategic frame of changing one’s beliefs as a ‘loss’, or perhaps even persuading the other as a ‘win’. One need only engage open-mindedly with claims irrespective of what others do. If one changes one’s mind in response to reasons and argument then this would appear to be a salutary or positive process. Earlier Habermasian versions of deliberative democracy lauded consensus (Cohen 1989: 75; Habermas 1975) so presumably a situation where one party persuades the other to arrive at a consensus together is to be counted as a successful deliberation. I have two reasons for rejecting this objection, one procedural and the other more substantive. The first is that the normative force of this story relies on such shifts in belief occurring against suitable background conditions, hence why Habermas proposed an ideal speech situation to accompany the deliberative exchange of reasons. As discussed in Chapter 2 this was also the angle of attack on deliberation proposed by so-called ‘difference democrats’ who highlighted the unequal background conditions of deliberative exchanges (Young 1996; Sanders 1997; Dryzek 2003: 57-80). When consensus is arrived at through a party broadcasting their arguments and reasons whilst being closed-minded to incoming messages or replies this undercuts the normative value of any such consensus – produced as it is under obviously asymmetric conditions. The second issue is that the objection assumes no value is lost in moving away from the pre-existing belief. That the new belief adopted post-deliberation supersedes the prior belief is understood as a straightforwardly positive process – beliefs undergo trial by reason exchange, and what emerges as a result is necessarily superior. As discussed at the outset of this chapter there is room for error here – weighing arguments is a fallible process. Furthermore, as set out in Chapter 5 there is something important lost when elected representatives lose the beliefs which underpin their gyroscopic and promissory

commitments. The maintenance and implementation of representatives' mandate depends on these commitments. Therefore, it is not enough for a representative to simply adopt open-mindedness though their political projects may fall.

In the absence of reciprocity an elected representative who is open-minded is in one sense being taken advantage of. They are being open to persuasion without being afforded the opportunity to persuade others in return. Gutmann and Thompson, for example, premise deliberation on the value of reciprocity. For Gutmann and Thompson the fact that parties are acting non-reciprocally by being closed-minded in response to the open-mindedness of their interlocutors represents a morally reprehensible deviation from the requirements of deliberation. Gutmann and Thompson themselves address the issue of deliberative participants who do not act in accordance with their general prescriptions. They recommend a strategy of 'tit-for-tat' to punish participants who do not deliberate in an appropriately reciprocal way, legitimating non-deliberative tactics up to and including violence to deal with such interlocutors (Gutmann and Thompson 1996: 4 and 72-73; Gutmann and Thompson 2004: 89). My view is that such reciprocity is particularly difficult to verify and maintain in practice, and poses a deeper problem than Gutmann and Thompson's proposed solution of 'tit-for-tat' measures suggests.

When considering the question of reciprocity and its attendant issues it is worth reminding the reader that the reciprocity of open-mindedness I am describing here is more onerous than liberal respect for the rights of others to hold their views, or alternatively listening respectfully. As discussed in Chapter 3 my conception of open-mindedness is not encompassed by an external facing attitude towards one's interlocutors but entails inward openness to belief change. This can be contrasted with the position taken by Song who argues against an overly 'intellectualist' understanding of open-mindedness and instead approximates it to something like respectful listening (Song 2018: 65). As discussed in Chapter 3 Song takes the case of Daryl Davis - an African-American musician who engaged in dialogue with Klu Klux Klan members - as a key case. In finding Davis's conduct admirable Song argues against conceiving of Davis's open-mindedness in terms of belief formation and revision, but instead in terms of his positive attitude and willingness to engage with the Klu Klux Klan members (Song 2018: 68). I would not wish to deny that respectful interaction with one's political opponents is a positive good in a pluralist liberal political society. That said, the stakes of open-mindedness in the sense it is relied upon in deliberative democracy are higher than this. As discussed in Chapter 2 the deliberative learning underpinning deliberative democracy requires the potential for belief change in

response to the arguments of interlocutors. Respectful engagement will not be sufficient if it is not accompanied by open-mindedness of the type I set out in Chapter 3. Therefore, the reciprocity required by Gutmann and Thompson requires mutual belief change to be a possibility for all deliberative participants.

### 6.2.2 - The difficulties of verifying reciprocity

One particular problem with requiring reciprocity is that internal mental states such as open- and closed-mindedness are difficult for external parties to reliably identify. Whether someone fails to be persuaded by a line of argument could be attributed to their closed-mindedness, to a failure of their reasoning capabilities, or perhaps simply to the fact that the argument was not strong enough to overcome the countervailing considerations. Matters are seldom so clear cut that it is beyond doubt which of the foregoing explanations is correct in a given instance.<sup>131</sup> Therefore, without clear identification methods to identify compliant and non-compliant behaviour Gutmann and Thompson's proposed 'tit-for-tat' punishing response to non-reciprocity does not provide a clear solution, but instead moves the dispute to a meta level. Instead of deliberating at the object level of a disagreement parties are incentivised to move their disagreement to a meta level of who is deliberating with the appropriate mental states (Alexander 2018). Runciman in carrying out an analysis of another type of bad attitude accusation, hypocrisy, arrives at the following bold conclusion:

Commentators on contemporary politics can often be heard demanding that we confront the problem of political hypocrisy once and for all. However, the fact remains that this demand is incoherent, because it is self-defeating. This is the first lesson of the story I have been trying to tell: there is no way of breaking out from the hypocrisy of political life, and all attempts to find such an escape route are a delusion (Runciman 2008: 196).

Runciman's claim is that charges of hypocrisy invite the same by way of return in an unproductive cycle. Hypocrisy becomes the easier charge to make compared to engaging with arguments, as Shklar pointed out, "It is, therefore, easier to dispose of an opponent's character by exposing his hypocrisy than to show that his political convictions are wrong" (Shklar 1984: 48). This is part

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<sup>131</sup> Drawing inferences from behaviour - for example whether or not a person appears to be listening and actually replying to points - can be one way of trying to narrow this gap, but still does not avoid the problem of distinguishing closed-mindedness from simple failures to be persuasive.

of the danger of ‘tit-for-tat’ solutions to the reciprocity problem.<sup>132</sup> Our inability to access one another’s internal mental states makes debating one another’s open-mindedness a potential quagmire.<sup>133</sup> Where reliably identifying a party’s position on the Spectrum of Credences is difficult tit-for-tat remedies are unlikely to suffice to enforce open-mindedness. Nevertheless, a supporter of Gutmann and Thompson’s approach might acknowledge that there are practical issues with a ‘tit-for-tat’ approach to punishing breaches of reciprocity but still demand that open-mindedness is a requirement on deliberative participants. Yet, as Guttmann and Thompson themselves acknowledge their requirements can only bind under conditions of reciprocity – which I have suggested are in this instance hard for an agent to verify in their counterpart. This possibility, or likelihood, of closed-mindedness impacts on the duties of deliberative counterparties under these non-ideal circumstances (Enoch 2018).

A potential solution to the problem of identifying internal mental states may come from iterated engagements. In particular, such repeated interactions may enable deliberative participants to learn about each other, and about one another’s internal mental states, on any given occasion. If participants’ internal mental states are ‘translucent’ – allowing others a degree of insight into them falling short of certainty – then this can facilitate the possibility of more co-operative or coordinated solutions to strategic situations (Gauthier 1987: 173-178; Sugden 2018: 267). For example, ‘tit-for-tat’ becomes more plausible if ‘defections’ can be perceived with a higher degree of reliability. Under such conditions participants can learn to trust one another’s degrees of reciprocity on the Spectrum of Credences. In circumstances where deliberative participants are able to build trust and understanding with one another the strategic pressures to adopt closed-mindedness can be reduced. This may help explain why certain deliberative fora are particularly adept at producing consensual results. For example, in the UK Parliament select committees often produce unanimously supported cross-party reports in what is otherwise a highly adversarial political system (Benton and Russell 2013: 789). One may also consider the close working relationship of deliberative bodies such as the US Supreme Court, lauded by Rawls as the exemplar of public reason (Rawls 2005: 231).<sup>134</sup> Political systems which tend to require

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<sup>132</sup> In fact, hypocrisy is easier to verify than closed-mindedness as one can point out inconsistencies between actual acts and statements which have external form. Open- and closed-mindedness exist purely as internal mental states, we can only observe them by their effects. Only the subject can actually experience open- and closed-mindedness itself.

<sup>133</sup> It is perhaps no coincidence that the UK House of Commons guide to Parliamentary practice *Erskine May* prohibits, “The imputation of false or unavowed motives” (Hutton et al. 2019: Par 21.24).

<sup>134</sup> Further to the arguments regarding political commitments and democratic integrity covered in Chapter 5 it is worth noting that select committee participants and judges are not necessarily called to test electoral promises or commitments in the course of carrying out their duties. In fact, US Supreme Court judges should

coalitions between competing political parties may present a systematic opportunity for elected representatives to work alongside competitors and learn to determine one another's positioning on the Spectrum of Credences.<sup>135</sup>

That said, notwithstanding these interactions translucency is not transparency – even if someone's internal attitudes are no longer a black box this does not mean that others can necessarily interpret them reliably. A paradigmatic example of this can be found in the case of illicit romantic affairs. Monogamous romantic life partnerships are perhaps the epitome of interpersonal relationships which are designed to maximise mutual understanding between persons, to bring translucency as close to transparency as possible. Nevertheless, the ongoing existence of extra-marital affairs and other forms of deceptive behaviour illustrate that even in highly conducive environments there are clear limits to translucency.<sup>136</sup> Therefore, while more consensual systems and iterative interactions may decrease the incentives for closed-minded attitudes, they do not remove them. A further point is that coalition activities such as negotiation and agreeing on courses of action are not necessarily premised on open-mindedness. It is consistent to believe in a certain course of action which you nevertheless deviate from for the sake of compromise.<sup>137</sup> *Modus vivendi* can be achieved without either party being converted to believing what their opposition believes so long as they share a belief that agreement on certain matters is preferable to ongoing disagreement (Gray 2000:34-35; Galston 2010: 398; Horton 2010: 438-446). Therefore, while certain political institutions which encourage iterated trust-building interactions can somewhat alleviate the environmental challenges to open-mindedness, they cannot eliminate them.<sup>138</sup>

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avoid giving commitments before becoming appointed in order to preserve their ability to impartially apply the law to any cases which come before them (American Bar Association 2020: Section 5A(3)(d)(i)). There is some controversy over the application of this so-called 'Ginsburg Rule' regarding the extent to which potential Supreme Court nominees can decline to answer questions as part of their appointment process, especially the extent to which this has been followed in practice (Ringhand and Collins 2018). Nevertheless the judicial model code makes clear that candidates for judicial office must avoid "...pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office;" (American Bar Association 2020: Section 5A(3)(d)(i)).

<sup>135</sup> This finding regarding positioning on the Spectrum of Credences in different legislative contexts mirrors findings from the empirical research programme investigating deliberative quality in different legislatures (Bächtiger et al. 2005; Bächtiger et al. 2007; Steiner 2012: 183-218).

<sup>136</sup> Gathering data on this subject can be difficult but a recent YouGov survey suggested that 20% of British respondents had had an illicit affair (Jordan 2015).

<sup>137</sup> This is sometimes referred to as 'trimming' your principles (Sunstein 2009; Gutmann and Thompson 2012: 10). Also see Jones and O'Flynn (2022: 5) on the distinction between compromising over one's actions rather than judgements.

<sup>138</sup> My thesis is not opposed to suitable institutional design as a means to increase trust and reduce incentives for closed-mindedness. For the reasons set out above I am nevertheless sceptical that they can in any way 'solve' the problem, as opposed to merely reduce its severity.

To summarise - representatives who want the benefits of reciprocal open-mindedness face a central problem - the opacity of one another's internal mental states, including positioning on the Spectrum of Credences, prevents reliable verification of reciprocity. Repeated interactions can help parties build up a more reliable picture of their interlocutors' internal mental states - as exists in close-knit decision-making bodies such as parliamentary committees. Be that as it may, this is only a partial solution as even in these circumstances it does not eliminate the problem entirely - at best creating a degree of translucency as opposed to opacity. Most modern communication does not take place in these small iterative group settings - instead occurring through the internet and information communications technologies. Looming behind this is the strategic logic of closed-mindedness, that if one can broadcast one's views to persuade others whilst remaining closed-minded then one is at an advantage compared to one's open-minded listeners. In the absence of clearly verifiable ways to monitor the open-mindedness of interlocutors elected representatives have good reason to preserve their prior commitments through degrees of closed-mindedness.

A potential question raised by the above analysis is how it relates to the democratic integrity conclusions reached in Chapter 5 whereby elected representatives should maintain degrees of closed-mindedness to help preserve their fundamental commitments. The arguments in this chapter and Chapter 5 are intended to be complementary to one another. Chapter 5 provided a normative grounding for the preservation of democratic integrity, embedding it in the role of elected representatives. This chapter adopts the perspective of strategic interactions between elected representatives and their interlocutors. Both approaches can provide reasons for elected representatives to adopt degrees of closed-mindedness, albeit at different levels of analysis.

### 6.2.3 - Representative capacities

A further variable which impacts the risks of open-mindedness for representatives is their relative expertise in the area under discussion. While all elected representatives are expected to make commitments and representations as part of becoming elected and encounter disagreement with persuasion as a means of achieving their goals, their backgrounds and capacities to assess arguments may vary widely. At most we can probably say that elected representatives out of necessity tend to have expertise in media management and navigating internal party politics in order to become elected in the first place (Hardin 2004: 94; Hardin

2009a: 238-239). We can reasonably assume that elected representatives are likely to have uneven degrees of competence across the range of government business that they may be called to act on – foreign affairs, defence, the economy, transport, healthcare, education, culture, and so on. The world is complex and therefore its governance is similarly difficult (Wisniewski 2010). The arguments put forward by Fantl in Section 3.6.4 regarding the risks of open-mindedness would suggest that where elected representatives lack domain-level expertise they should be more wary of adopting open-mindedness. But the problem which then arises is that elected representatives cannot possibly hold significant expertise across the entire range of government activity so there is much they should not be open-minded about. This problem of the limits of any one individual's knowledge is an old one, and its solution is well-known: a division of epistemic labour. Individuals who may have unreliable domain-level capacities can opt for credulity on the Spectrum of Credences and defer to experts by weighting the latter's claims over their own reasoning.

There is a significant debate within democratic theory regarding experts, including the extent to which they supplant or supplement democratic decision-making and how competent people are to properly identify expertise (Dryzek 2003: 49-50; Estlund 2007: 260-263; Mansbridge et al. 2012: 13-17; Parkinson 2012: 155; Kuyper 2015: 55-57; Gunn 2017: 103-109; Kuyper 2017: 340-346; Landemore 2017: 286). The strategic environment issues discussed above highlight a particular element of the expertise problem which impacts elected representatives in particular – which experts to trust (Przeworski 1998). On issues of significant political debate there are likely to be experts with varied opinions – just as expert witnesses can usually be found on both sides of a litigation. This is not to suggest that any set of experts are necessarily acting in bad faith or distorting their expertise for nefarious ends. Complicated issues are likely to generate genuinely differing good faith views. Nevertheless, for non-experts distinguishing genuine disagreement from attempts to persuade for other separate reasons can be difficult, which is why Fantl advocates a degree of closed-mindedness in matters where persons could plausibly be misled. Elected representatives in modern democracies have a particular solution to this issue – the structure of parties provides for an internal epistemic division of labour between trusted colleagues. Different party members bring different competences, and institutional resources such as researchers help provide in-depth analysis. The crucial point is that shared party membership enables various elected representatives and their allies to trust in their shared commitments. Ypi and White term this phenomenon between co-partisans 'peer empowerment' (Ypi and White 2016: 90-93). When colleagues share political goals and



commitments they can defer to one another's expertise without worrying that they are being actively persuaded on the basis of contrary objectives. Therefore when it comes to fellow party members or partisan allies elected representatives who lack domain competence have reason to adopt positions of open-mindedness or even credulity. The individual capacities of elected representatives are therefore bolstered to the extent they can rely on this network of allies.

The reliance on allies to filter and process information also functions as a resource-saving technique - in terms of both time and energy. There are at least two reasons why this need is particularly acute for elected representatives. The first is the particularly intense burdens on elected representatives by virtue of their role. To borrow from the case of the UK - the working demands of being an MP are well-known. In the past MPs described 'a trail of broken marriages' and 'exhausted irrationality' in making key decisions as a result of the workload they faced (Weinberg 2019: 19). The particular causes ranging from late night debates to travelling up and down the country for constituency work. A survey run by the Hansard Society found MPs had an average 69 hour working week (Korris 2011: 1) - a figure liable only to increase as connectivity to the electorate is increasingly facilitated by the adoption of social media technologies like Twitter (Agarwal et al. 2019). MPs with ministerial portfolios can expect further increased workloads as a result of their additional responsibilities. This is in addition to the degree of emotional investment which the role can incur. Not all of politics constitutes high drama, but the intensity of the role can be great at times. As a result MPs have been found to have rates of occupational stress and mental illnesses greater than comparable occupations (Weinberg et al. 1999). A recent study found the rate of mental illness amongst MPs to be double that of comparable high-income earners (Poulter et al. 2019). All of this is not to say that elected representatives have the highest workload of all citizens, or that their role is the most onerous, but it is certainly a demanding one by most measures.

The second reason is perhaps causally linked to the first, and that is the theoretically vast scope for action their role can entail. As discussed in Chapter 5 elected representatives are the fulcrum on which democratic governance turns. The governing potential of the population is in their collective hands. This ranges from amending, opposing, or passing legislation, raising important issues inside or outside of legislatures, lobbying on behalf of constituents, to deciding on policy or scrutinising its implementation. There is always one more letter a representative could write, one more proposal they could consider, one more issue they could advocate for. This is not to say that individual representatives have the power to independently determine

outcomes, but that the responsibilities of the role to act to maintain and improve the lives of the population weighs heavily on them. For representatives the opportunity costs of scrutinising new claims is therefore unusually high. There is an interesting contrast with the role of academics and scholars who – notwithstanding the important work of scholar-activists – have a primary orientation towards considering and scrutinising claims within their field to improve collective knowledge through their intellectual labours.<sup>139</sup> For representatives, on the other hand, the balance tips the other way, although informed decision-making is important the role of representatives is to act in the world. In the words of one author:

...political philosophy must recognise that politics is in the first instance about action and the contexts of action, not about mere beliefs or propositions... the study of politics is primarily the study of actions and only secondarily of beliefs that might be in one way or another connected to action (Geuss 2008: 11).

Geuss makes these points as part of arguing for his brand of political realism as opposed to ideal theory and what he terms ‘neo-Kantianism’.<sup>140</sup> I am less concerned here with Geuss’s methodological debate, which speaks to the proper approach to be had by political theorists, but his statement serves to highlight the point I am making from the perspective of elected representatives themselves. The role of representatives, as discussed in Chapter 5, is above all to act – to make manifest in the world the promises and commitments they embody. Updating their own beliefs and persuading others are important means to do so, but one should not mistake these means for overarching purpose – notwithstanding the discursive orientation of deliberative democratic theory. As I argued in Chapter 5 representatives are not elected simply by competing on competence at reasoning, but to enact the credible promises and commitments they make to their electorate.

#### 6.2.4 - Positioning on the Spectrum of Credences

By understanding the nature of the strategic situation elected representatives find themselves in with respect to their interactions we can appreciate why they need to vary their positioning on the Spectrum of Credences. The context of elected representatives is one of strategic disagreement

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<sup>139</sup> It is no coincidence that deliberative democracy has been criticized as being modelled on academic seminars with little resemblance to actual political debate (Hardin 1999: 112; Horton 2010: 433), a point acknowledged by its advocates (Gutmann and Thompson 1996: 3).

<sup>140</sup> For a recent approach to political realism which seeks to orient it away from ideals of legitimacy and towards concrete possibilities of action see: Bagg (2021).

with interlocutors. In particular, closed-minded advocacy is a strategy which puts one at an advantage over open-minded or credulous interlocutors insofar as beliefs and therefore political goals are not 'at risk' in the same way as they are for the open-minded. This is compounded by the fact that there are significant issues with clearly verifying the open-mindedness of interlocutors as an internal mental state.

This issue can be attenuated by repeated interactions with individuals leading to greater mutual understanding and a degree of internal mental translucency. These types of situations tend to occur when close working relationships are formed, for example cooperating across partisan lines in legislative committees. In these situations it is more feasible for a degree of open-minded reciprocity to prevail – such that each party risks changing their beliefs in exchange for the chance of influencing their counterparts.

Representatives also face a situation of bounded rationality and resources. Given the intense demands on their time and attention, and the often wide-ranging political issues they are faced with over which they will not necessarily have expertise, representatives have to adapt. One well-known strategy is to rely on co-partisans and trusted political allies and to defer to their expertise. The intense demands of the role and its potentially vast scope also means representatives must be careful to manage their resources which could amount to screening out or not open-mindedly scrutinising opposing claims.

A question which some readers might raise is how this analysis can be action-guiding. To begin with, observing and assessing real-world examples of this logic in action is difficult because of the opacity issue and the difficulty in perceiving internal mental states of individuals. A further complication in assessing such situations is the focus of the analysis on specific instances and the rich contexts surrounding those specific instances. The elected representatives themselves may often be the only ones truly in possession of sufficient facts to determine where they should be positioning on the Spectrum of Credences at any given time. This sensitivity to context means that even with respect to the same commitments elected representatives may be justified in adopting more or less open-minded attitudes at varying points in time. Ypi cites a number of cases when arguing for the importance of partisanship in maintaining political commitment including the need to maintain motivation in the face of epistemic adversity. Her examples tend to focus on those campaigning outside of the electoral system such as Mandela, Ghandi, and Luther King Jr. (Ypi 2016). Yet there is no reason in principle why this logic should be limited to political activists. Elected representatives similarly must contend with epistemic environments

which present them with all kinds of claims supportive of, neutral to, and critical towards their political commitments. The foregoing is therefore intended to be action-facilitating rather than straightforwardly action-guiding for elected representatives. By this I mean the presentation of these considerations is designed to help decision-makers identify important considerations to weigh up as part of their decision-making process, rather than to dictate to them in any kind of more prescriptive manner. In the following section I address some potential criticisms of the approach I have outlined here.

### 6.3 – Critical responses – sortition and dysfunction

For some readers the depiction of politics represented by this chapter is one they might find normatively unappealing. For example, they might argue that adopting a degree of closed-mindedness fails to demonstrate proper civic virtue in one's interactions and that it is characteristic of a systemically problematic politics. Landemore directly takes on the idea that treating interlocutors in a closed-minded manner is contrary to civic virtue to argue that we should do away with elected representatives altogether (Landemore 2018). Landemore argues that open-mindedness as a civic virtue which promotes cognitive diversity is incompatible with political parties and their attendant partisanship. Drawing on empirical work by Mutz Landemore acknowledges that being motivated to political activity conflicts with open-minded engagement (Mutz 2006).<sup>141</sup> Her critique in itself acknowledges what my argument has been saying, that the types of promises and commitments which come with electioneering and elected representation do not sit easily with open-mindedness. Landemore's solution is to explicitly reject this trade-off and do away with elected representation altogether (Landemore 2018: 800). To preserve open-mindedness Landemore advocates for sortition or randomly selected mini-publics instead of voting on competing policy platforms and elected representation. *Pace* Landemore I acknowledge that there is a conflict between consciously fulfilling one's role as an elected representative and open-minded deliberation.

There are at least two problems with Landemore's proposed solution.<sup>142</sup> The first is that in dispensing with electoral democracy we lose something of significant value. Elected

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<sup>141</sup> Mutz has multiple hypotheses as to why political inactivity and open-mindedness are strongly correlated (Mutz 2006: 102-109) and her findings are consistent with the evidence examined in Chapter 4 for directionally motivated reasoning.

<sup>142</sup> Landemore does acknowledge that her proposal is somewhat tentative. For a more fully elaborated defence of the sortition approach to democracy see: Reybrouck (2016). Also see: Guerrero (2014).

representatives and the parties they group into provide clear focal points for citizens to focus their support towards or against in order to express their democratic wishes (Huntington 1968: 397-461). Pressure groups and other civil society mobilization can provide a similar expressive function, but political representatives provide a clear mechanism for translating support into results through elections (Muirhead and Rosenblum 2020). As set out in Chapter 5 the practice of policy platforms and promises followed by voting provides a clear publicly transparent method of democratic self-government. This is not to diminish other forms of civil society mobilization; in fact it is incumbent upon political representatives and parties to engaging with the general public too, even if recent practice has often fallen short (Mair 2013). The rapid rise in popularity of what are known as populist parties across Europe and beyond illustrates that representatives and parties continue to be relevant vehicles for the expression of people's concerns (BBC 2019).

The second issue with Landemore's proposal is that there are good reasons to think it may not even address the problem it sets out to solve. There have doubtless been some impressive results from the types of sortition-selected discussions Landemore relies on, such as the citizens' assemblies which have been carried out over the past 15-20 years (Renwick et al. 2017; Davidson 2019). Yet it is important to note that these mechanisms have only ever existed alongside, and subordinate to, electoral representative-based politics. To put it simply the stakes of deliberative assemblies are not what they are at the level of national electoral politics. This is not to say the participants of citizens assemblies and other discussion-based fora do not take their roles seriously. Nevertheless, when the stakes of an individual's beliefs are raised to the level of directly determining a polity's policies, as Landemore envisages, then it seems plausible that the same dynamics as electoral politics may start to appear and some may even be exacerbated. For example, influence by lobbyists or the indirect selling of influence through post-office rewards might become more pernicious if representatives do not face electoral checks on their decisions (Landa and Pevnick 2021; Umbers 2021). A sortition-selected representative will be allocated on the basis of a stratified random sample as opposed to an election - but they may still feel the moral weight to represent all the citizens who are not present in that room but who share their views, just as elected representatives do. As a result it is an open question as to - for example - how open-minded they would necessarily be. This point is somewhat speculative as modern government by sortition is yet to be attempted, but it gives reason to question whether it will necessary solve as opposed to replicate or exacerbate some of the purported issues with elected governance.

Even if one does not go so far as Landemore in suggesting wholesale replacement of elections critics may still argue that incorporating degrees of closed-mindedness or credulity into democratic politics makes for a dysfunctional politics. If a theory idealizes a guarantee that all participants will deliberate according to certain constraints, such as open-mindedness, then the force of the above arguments is weakened. However, this type of idealization solves the problems of trust and strategic disagreement through fiat (Waldron 1999: 105-106). The contention here is that these problems are in an important sense endemic to the circumstances of politics and the human condition as we know it (Lucas 1985; Weale 2007: 12-18). As the earlier discussion of Runciman highlights, in trying to ‘wish away’ undesirable internal qualities such as hypocrisy and closed-mindedness we paper over or ignore tensions which it is the purpose of political theory to account for (Waldron 2013). This acknowledgement is not to say that this politics is bereft of positive features. The deliberative paradigm’s intense focus on deliberation and its necessary precondition of open-mindedness can cause us to narrow our focus of what can constitute productive politics. Widening our outlook can remind us of other forms of democratic politics. Negotiated compromise and *modus vivendi* for example do not require parties to be open-minded to one another’s arguments, only a willingness to be pragmatic in what is achievable or feasible.<sup>143</sup>

Historically deliberative democratic theorists have set their theory up in opposition to negotiation or bargaining – seeing these practices as either opposed or inimical to deliberation (Bohman 1998: 400; Elster 2005: 331; Gutmann and Thompson 2004: 114) or some kind of last resort (Gutmann and Thompson 1996: 4 and 72-73). There have been some movements within deliberative theory to account for negotiation as part of deliberation – termed ‘deliberative negotiation’ (Mansbridge et al. 2010: 69-73; Warren et al. 2016). In one sense these developments are to be welcomed as they broaden the behaviours which can function as supportive of democracy’s legitimacy, which I have been arguing for. However, continuously expanding the remit of what constitutes deliberation – as historically charted in Chapter 2 – risks conceptual stretching (Goodin 2018). As I set out in Chapter 2 open-mindedness and persuadability of interlocutors is central to deliberative democratic theory. To the extent deliberation can include closed-minded negotiations which are not centred on persuading interlocutors through reasons it seems to have lost a necessary component of what makes deliberation distinctive. The point I am making in shifting away from deliberative open-

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<sup>143</sup> Although see Jones and O’Flynn (2022: 8-9) for a survey of approaches termed the ‘conciliatory’ view whereby compromise in the face of disagreement entails adjusting the degrees of confidence in one’s beliefs.

mindedness requirements is that there are ways to respect political opposition without necessarily being open-minded to their arguments. This can manifest in basic courtesies such as politeness or admiration for the integrity or other virtues of one's opposition. Within a democracy part of what constitutes basic respect is accepting the opposition as legitimate opponents competing for power, irrespective of their degree of open-mindedness.<sup>144</sup> Given contemporary examples of democratic backsliding across the world achievements of this type are not to be underestimated.

#### 6.4 - Conclusion

In this chapter I began by considering the environment faced by elected representatives when they receive political arguments or claims. I argued that the existence of disagreement, the possibility of strategic action, and the opacity of internal mental states meant that there was at times a logic of closed-mindedness as a way to advance political goals. In essence elected representatives are incentivised to be partial towards their promised goals.

I acknowledged a variety of criticisms of this reasoning, and noted that it applied less strongly where elected representatives were able to develop trust with their interlocutors that both parties were reasoning in an open-minded manner. This is because parties could then risk higher degrees of open-mindedness, acknowledging that they are more open to persuasion but gaining a credible means of persuading others in return.

In considering the capacities of elected representatives I posited that there was less that could be said about these in a readily generalisable way but noted that elected representatives may be called upon to consider a very wide range of affairs. Therefore, an epistemic division of labour with trusted political allies provided a way to avoid the problems of strategic disagreement given above while still providing support for where elected representatives' capacities may be deficient. Furthermore, I indicated that representatives face intense demands from their role and high opportunity costs due to the almost unlimited scope of action for them as representatives. I argued that these factors should incline representatives more towards action than reflection and contrasted this position with that of academics whose role is focused on the intellectual scrutiny of claims.

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<sup>144</sup> This type of respect underpins procedural approaches to democracy such as constitutionalism as well as agonistic forms of democracy which see the transformation from antagonist enemies to agonistic adversaries as a key aim of democratic politics (Mouffe 2000: 102-103). See also Waldron (2016: 46-58).

I closed by considering and rejecting two objections to this portrayal of the role of elected representatives. The first from Landemore, that in light of conflict between elected representation and open-mindedness we should move to non-elected democracy via sortition. The second of a more general sense that this depiction of electoral democracy is normatively unpleasant. I rejected the first on the basis that elected representatives perform an important function in converting the electorate's wishes into a form of self-government, and also on the limited generalisability from existing experiments with sortition. I rejected the second on more methodological grounds that it does no good to 'wish away' important elements of politics, and furthermore that there is room for positive democratic politics in the absence of open-minded democratic deliberation. This last point will be elaborated in the next and final Chapter 7.



## Chapter 7 – Concluding Remarks

### 7.1 – What we have learnt and why we should care – deliberative reliance on open-mindedness is a shaky proposition

This thesis has explored the under-discussed reliance of deliberative democratic theory on open-mindedness. It has challenged and complicated the relationship between democracy and open-mindedness on two fronts. It questioned how feasible it is to reliably expect people to be open-minded with respect to political matters. In doing so it explained why such feasibility challenges ought to be taken seriously by democratic theorists. It then argued that open-mindedness is not the unalloyed good some might think it to be. By understanding open-mindedness as a type of impartial considering of claims one can see that its appropriate application, as well as that of other positions on the Spectrum of Credences, is sensitive to the needs of particular contexts and circumstances. When the position of elected representatives is considered, a variety of reasons for them to deviate from open-mindedness arise. First the democratic need to demonstrate fidelity to political commitments as elected representatives. Second the strategic situation and intense pressures elected representatives find themselves under provide further reasons for deviations from open-mindedness either in terms of closed-mindedness to interlocutors or credulity in deferring to knowledgeable colleagues.

The overarching context for this work is deliberative democracy and its claims to ground democratic legitimacy in deliberation. In Chapter 2, cognisant of the vast diversity of scholarship within the deliberative democratic tradition, I outlined a series of propositions shared between significant deliberative theories. These included democratic legitimacy resting on the practice of deliberation, deliberation constituting an exchange of reasons, and such exchanges requiring conditions of substantive equality between participants. Through discussing each one I elaborated a brief history of deliberative democratic theory and the logic underpinning the propositions. I came to focus on a proposition required by the logic of deliberative democratic theory – that participants learn from their deliberative exchanges. Developing this further I identified that among the necessary conditions for this deliberative learning to occur was a requirement for participants to be open-minded. The contribution of Chapter 2 is one of both exegesis and attention-focusing. The point made in this chapter is that while open-mindedness is frequently mentioned in an off-hand way in the deliberative democracy literature, and has received some rather limited scrutiny (Gutmann and Thompson 1996: 82-84), it has not been addressed at length or in depth. The analysis in Chapter 2 demonstrated that this lacuna is a

significant oversight, especially given how crucial open-mindedness is for deliberation to function as its proponents describe. This chapter both identifies the significance of open-mindedness to deliberation and functions as a call for further attention to be devoted to this area of deliberative democratic theory.

Having identified the centrality of open-mindedness in deliberative democratic theory, Chapter 3 approached the question of defining open-mindedness. In doing so I drew on the existing virtue epistemology literature where open-mindedness has recently received extensive treatment. However, as my project adopted a position of scepticism towards open-mindedness being an unqualified good its characterisation in the virtue epistemology as inherently a virtue required amendment. To this end I developed a novel approach to open-mindedness inspired by the existing literature. My Spectrum of Credulity concept enabled open-mindedness to be considered alongside credulity and closed-mindedness along a single axis of impartiality. I further broke down this application of impartiality into three stages of analysis – screening claims, assessing them, and incorporating them into existing belief structures. I elaborated on this three-stage analysis by distinguishing my approach from prominent definitions of open-mindedness in the field – by Adler, Baehr, Battaly, and Riggs. My analysis advances the study of open-mindedness by producing a parsimonious definition of the concept separate from what we might think entails good reasoning on any given occasion. I discussed the importance of wider context and risk-reward considerations when weighing up how open-minded to be in any given instance. In developing my discussion of risk-reward I noted existing arguments in the literature – from Fantl that forward-looking dogmatism was necessary to preserve knowledge when one was ill-equipped to deal with counterarguments, and from Battaly that epistemically poor environments could make a virtue of closed-mindedness. I further illustrated this with examples of closed-mindedness or credulity as strategies to conserve resources. First with respect to the UK Government’s COVID-19 policies, and second with respect to Holocaust denial claims.

Chapter 4 tackled this question of open-mindedness from an empirical perspective. I focused on research carried out into directionally motivated reasoning (DMR). DMR is essentially a form of closed-mindedness to unwanted or undesirable information particularly prevalent amongst politically engaged or knowledgeable individuals. After situating DMR in its wider theoretical context of dual process theories of cognition I then reviewed a range of the empirical evidence underpinning it in a political context. These included deviations in policy preferences, assessing the strength of arguments, awareness of biases, and how responsibility is

attributed to political actors. I also addressed challenges to the evidence regarding its internal and external validity. The conclusion was that such findings are robust across a range of contexts and experimental designs. Furthermore, intentional attempts to correct for DMR often founder because of the way DMR interacts with our conscious reasoning. While deliberative democrats, and their critics, have long recognised that real-world deliberation may deviate from the deliberative ideal, Chapter 4 also set out why social scientific evidence should be taken seriously as challenging deliberative democracy's feasibility. The philosophical analysis of feasibility in this chapter undermined the impossibility/very unlikely distinction relied upon by a number of theorists to prevent basic normative principles from being affected by the probabilistic findings of social science. I pointed out the ultimate logical consequence of this position was to eliminate any falsifiable science from affecting normative principles at all because all such knowledge can only be held probabilistically. Therefore, unless theory was to be entirely untethered from empirical knowledge it would have to take probabilistic findings into account. This chapter's contribution is by way of an in-depth review of an empirical literature often alluded to in discussions of democratic theory, especially by critics, but often not addressed in sufficient detail. Furthermore, it situates these findings in an approach to feasibility which explains why it should not be set aside or ignored by deliberative democratic theorists who claim that social science cannot pose strong feasibility challenges to normative theorising due to the provisional nature of its findings.

Chapter 5 returned to the subject of democratic theory but directed our attention to a specific component of modern democracies - elected representatives. I started by identifying the crucial role played by elected representatives in the functioning of democratic systems. I acknowledged that there is a range of normative considerations which bear on the role of elected representatives. I placed this role in the wider theoretical context of the mandate theory of democracy and a practice-dependent methodological approach drawing on elements of electoral practice to identify elected representatives' obligations. Then, using the work of Mansbridge I proposed to focus on two particularly salient aspects - the promises and representations made to the electorate as part of the electoral process. I illustrated how these political commitments are central to the functioning of democratic representation. I characterised the relationship between representatives and these commitments as one resembling that of integrity - deep commitments constitutive of their identity as a political actor. In contrast to identity integrity which has been criticised for having an amoral structure - both good and bad components can form a person's identity - this democratic integrity draws positive normative force from being

sanctioned electorally. While circumstances could arise which might require elected representatives to go back on these commitments they are supposed to be difficult to shift, and leave behind moral remainders when they are breached. Finally, I noted how belief change could pose a threat to democratic integrity. Even representatives who believed in upholding their commitments risked ambivalence and reduced ability to push through their commitments if the substantive beliefs underlying the original commitments were undermined. This fear for democratic integrity was most acute when it came to representatives' core commitments. I acknowledged that this critique of open-minded belief change itself came with attendance risks – of being closed-minded when open-minded reflection might have lead to missing opportunities for positive belief change. This chapter helps advance deliberative democratic theory scholarship by highlighting how deliberative democracy's universal requirements for deliberative engagement interacts with the particular duties of specific actors such as elected representatives.

Chapter 6 shifted the focus from elected representatives' particular duties of democratic integrity to considerations of their wider context and the strategic situation they face. As deliberative democrats recognise – elected representatives seek to achieve their goals by, among other things, seeking to change one another's beliefs. But this does not account for the possibility of parties adopting closed-mindedness in response to their interlocutors' claims. This possibility poses a particular challenge for stipulations requiring deliberation be reciprocal in nature. This is particularly so because closed-mindedness as an internal mental state is hard to reliably verify and consequently accusations or tit-for-tat style remedies can be unproductive. Repeated interactions can go some way towards helping reduce this opacity. Separately, I argued that representative capacities and the sheer volume and scope of issues they engage in provide reasons for deviating from open-mindedness. This may include credulity and deference towards colleagues in an epistemic division of labour, and an increased focus on action and implementation at the expense of reflective consideration. This chapter supplemented the analysis in Chapters 3 and 5 to illustrate how in practice elected representatives can be justified in adopting a variety of positions on the Spectrum of Credulity depending on the circumstances at play.

The upshot of these chapters is to provide a challenge to deliberative democratic theory's – previously underexplored – requirement of open-mindedness. From the perspective of feasibility and empirical evidence we have good reason to doubt that deliberation in general can be grounded on the type of open-minded conditions it requires, especially when it comes to

people knowledgeable or engaged in politics. This is reinforced by the difficulty of ‘informing away’ such biases – as such educative efforts have been shown to sometimes backfire. From a normative philosophical perspective I have demonstrated that treating open-mindedness as a straightforward inherent good is also too simple. Beginning with my novel conception of open-mindedness I have argued that adopting different positions on the Spectrum of Credulity – credulity, open-mindedness, or closed-mindedness – is a matter of context-sensitive judgement amongst competing considerations. By focusing on elected representatives in particular I have illustrated a number of the significant considerations which can at times justify credulity or closed-mindedness in the context of democratic politics. These include upholding their democratic integrity and the nature of strategic interactions with difficult to verify internal mental states.

## 7.2 – Ways in which these findings contribute to existing research

As well as calling into question the deliberative democratic emphasis on open-mindedness this project contributes to a number of different strands of research. The review of DMR is complementary to a long-standing line of critique, noted in Chapter 1, which challenges aspects of democracy on grounds of voter competence (e.g. Caplan 2007; Gunn 2014; Bell 2015; Somin 2016; Brennan 2016; Brennan 2022). These critiques rely on issues such as rational ignorance and biased reasoning. Chapter 4 investigated in more depth one of the oft-cited but not systematically explored sources of critique – the literature on DMR. It suggests that these findings are robust, and furthermore that such effects are resistant to direct efforts to re-educate them away. This research also contributes to this critical approach by setting out a novel philosophical approach to feasibility concerns which supports such empirically-influenced research in political theory.

These empirical findings also potentially provide a micro-level grounding for group-level phenomena observed in politics. For example, one of the most influential theories of policy change in politics – Paul Sabatier’s Advocacy Coalition Framework – relies on the type of resistance to shifts in core beliefs discussed in Chapter 4 (Cairney 2016). Sabatier’s description of policy-making relies on groups of actors – coalitions – sharing certain core beliefs which are resistant to change over time (Sabatier: 1993). These core beliefs are highly resistant to change in the face of countervailing arguments or evidence and this provides the necessary long-term

stability, potentially over the course of decades, for lasting policy change to occur.<sup>145</sup> Under Sabatier's model belief change and learning amongst such coalition actors tends to occur slowly and to be filtered in such a way so as to maintain congruence with existing core belief systems. It is important not to over-simplify the move from micro-level mechanisms such as DMR which occur within the minds of single individuals up to macro inter-group dynamics. Nevertheless, it is at least plausible that the 'stickiness' observed by Sabatier regarding core beliefs may be in part attributable to DMR at the level of the individual actors who constitute the groups who in turn form advocacy coalitions. Furthermore, my argument rehabilitating closed-mindedness may suggest that this is not necessarily a bad thing.

My analysis in Chapters 3, 5, and 6 contributes to the existing literature on open-mindedness both by proposing a novel definition to understand it, and by linking it to a long-standing concern that open-mindedness may - under particular circumstances - produce undesirable consequences (Russell 1950; Hare 1985: 4; Baehr 2011: 64; Battaly 2018b; Fantl 2018). My research advances this research agenda by applying the idea of open-mindedness's potential pitfalls to the circumstances of a specific role and by conceptualising its alternatives as part of a spectrum. As discussed in Chapter 6 my argument does not rely so heavily on characterising the epistemic environment in its entirety, as some approaches to querying the trade-offs of open-mindedness do (Battaly 2018b: 39-44; Curzer and Gottlieb 2019). These approaches are problematic simply because they require making empirical generalisations about such vast quantities of information. Instead, by drawing both on the internal obligations constitutive of the role and also the external circumstances and capacities of actors I make such arguments without having to generalise about the quality of the world's informational environment. My conceptualisation of open-mindedness as positioned on a single axis of impartiality alongside credulity and closed-mindedness helps to convey that these are all positions we might acceptably adopt at different times in a granular manner.

### 7.3 - Where we go from here

While the object of this project has largely been critical, aiming to deflate some of democratic theory's overwhelming focus on deliberation and its critical reliance on open-mindedness, it does highlight possible directions for future positive research. These do not follow deductively from

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<sup>145</sup> I should note that Sabatier and the Advocacy Coalition Framework distinguishes between normative core and policy core beliefs whilst my approach does not (Sabatier 1993).

the arguments set out in this thesis but are instead plausible avenues for democratic research which could flow from this project's findings. I highlight here two possibilities - attenuating closed-mindedness through institutional design, and an increased focus on alternative democratic practices as grounding legitimacy.

Some readers will think that the appropriate response to this project's emphasis on acknowledging and accommodating deviations from open-mindedness into our democratic politics is one of challenge. Whether they are committed to the deliberative ideal, believe that open-mindedness is an unqualified obligation in politics, or are simply concerned that there is too much closed-mindedness in real-world politics, they will want ways to produce, and justify, more open-mindedness in politics. With respect to DMR, one consequence which flows from the mechanisms underpinning DMR is that persons who are less actively engaged in politics or where their political beliefs are less important to their identity are less likely to demonstrate DMR. This insight was alluded to by Mill when he discussed who learns from deliberative exchanges:

I acknowledge that the tendency of all opinions to become sectarian is not cured by the freest discussion, but is often heightened and exacerbated thereby; the truth which ought to have been, but was not, seen, being rejected all the more violently because proclaimed by persons regarded as opponents. But it is not on the impassioned partisan, it is on the calmer and more disinterested bystander, that this collision of opinions works its salutary effect (Mill 1859: 115).

Therefore, one possible route to reducing DMR is to try and encourage people to become more disinterested in politics. This is the counterpart to one of the arguments deployed by Brennan who argues that active participation in politics 'corrupts' individuals' reasoning processes (Brennan 2016: 54-73). When people feel the stakes are lower their System 1 is likely to react less strongly. This was found in an indirect way through LeDuc's study of referenda, where he suggested that deliberative quality was highest when referendums were used to debate issues as opposed to resolve them (Le Duc 2015: 147). Given the important questions at stake in democratic politics it seems implausible to suggest to people that they should feel as if such things do not matter. Still, to the extent the temperature of political discourse can be reduced so that it seems less existential, or so central to people's identities one would expect the effects of DMR to be reduced.

Of course, this does not address the arguments presented in Chapters 3 and 5-6 justifying deviations from open-mindedness, including closed-mindedness. As flagged in Chapter 6 one of the important reasons for elected representatives to adopt closed-mindedness is the strategic uncertainty between them and their interlocutors. Specifically, that closed-minded can provide actors with an advantage in deliberative exchanges which is hard to detect. It would therefore not be enough for the formal procedural requirements of deliberation to be in place: exchanging reasons – broadly construed – under conditions of substantive equality. Participants need to hold certain beliefs about one another’s internal mental states. What would be needed is a type of positive – or at least trusting – affective attitude to exist between politicians. A deliberative democrat committed to open-mindedness under conditions of reciprocity might therefore want to research ways by which institutional design may increase iterative trust-building interactions. The importance of relevant mindsets for governing was recognised by deliberative theorists Gutmann and Thompson in their book *The Spirit of Compromise: Why Governing Demands it and Campaigning Undermines It* (2012). Practical measures to encourage such an attitude could include regular social events across partisan lines and increasing the role of cross-party committees – whose role has been mentioned a number of times in this thesis. Such straightforward top-down institutional measures may meet with resistance, especially given the objective is to build trust between opposing political sides, but it is a potentially fruitful area for further research. My research also indicates the importance of political theorists continuing to grapple with political parties. Amending the mindset of governing and politics will necessarily require careful thought about political parties and the role they play in political culture as a central institution in representative politics.

This brings me to the second potential avenue for research. My own thesis – by deflating deliberative democracy’s claims to ground democracy’s legitimacy in open-mindedness – raises the question of alternative, or supplementary, bases for democratic legitimacy. The direction suggested by my thesis includes the normative power of elections and the commitments which accompany them. This runs counter to, for example, the proposition put forward by Gutmann and Thompson that campaigning and competing for political power erodes normatively important compromise (Gutmann and Thompson 2012). Similarly, it contradicts Landemore’s argument discussed in Chapter 6 which recommended dispensing with elected representation entirely in favour of sortition in order to preserve open-mindedness. Approaches which might prove fruitful in the vein suggested by my thesis includes the turn towards political institutions emphasised by Waldron (Waldron 2016) and the project of drawing normative principles from



practices themselves – the practice-dependent turn popularised by Sangiovanni (Miller 2002; James 2005; Sangiovanni 2008; Sangiovanni 2015; Jubb 2016). While the practice-dependent turn is normally taken to derive normative rules to govern a practice from the activities contained in the practice itself, a similar approach might prove fruitful for grounding democracy’s legitimacy, and not just the rules governing it. Rather than seeking higher level or abstract principles and working from there to justify democracy, a return to the practices of democracy could provide fertile ground for its justification.

This thesis has relied on two elements of democratic practice in particular – making commitments as part of elections and engaging in attempts to persuade one another – but there are many more to consider. These practices include campaigning, elections and voting, political parties and their internal organisation, legislative procedures, how politicians make decisions in consultation with their advisers and bureaucrats, politicians’ non-legislative duties such as constituency work, and the wide range of formal and informal norms which help govern how politicians carry out their work within an electoral democracy. This type of analysis would likely be limited to some extent by the details of the specific contexts of the practice under scrutiny, but in return would provide a rich thick account ripe for normative analysis. One example of the potential for this type of scholarship is the recent renewed focus on political parties and partisanship referenced in Chapters 5 and 6.<sup>146</sup> Theorists of partisanship tend to emphasise that political parties are important to study because they are so central to existing democratic practice (Rosenblum 2008: 2-6; White and Ypi 2016: 2; Muirhead and Rosenblum 2020: 96). That is not to say theorists of partisanship necessarily adopt a practice-dependent turn – White and Ypi clearly work within a Rawlsian framework of public reason and parties’ roles in living up to this ideal (White and Ypi 2016: 55-75). Others such as Waldron who focus on the function of parties in practice to provide goods such as a loyal legitimate opposition are closer to the approach I suggest (Waldron 2016: 46-58).

An approach to democratic legitimacy drawing normative inspiration from its constituent practices would have two particular advantages. The first would be that it is more likely to be feasibility-sensitive in the manner outlined in Chapter 4. Existing practices have necessarily had to take some account of feasibility concerns by virtue of having come to exist at all. It is less likely that adopting a practice-dependent approach by, “...finding principles to govern a practice and

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<sup>146</sup> See Muirhead and Rosenblum (2020) for a review of the recent partisanship literature and also Rosenblum (2008), Muirhead (2014), and White and Ypi (2016).

drawing attention to the features that make them more appealing than their competitors as rules for that practice.” (Jubb 2016: 84) will produce outlandish or infeasible normative requirements. As discussed in Chapter 4 this is not to say that such feasibility-sensitive analysis would simply reproduce existing structures. The purpose of practice-dependence is to adopt critical as well as descriptive stances when it comes to interpreting existing practices (Sangiovanni 2008: 143-144). The second advantage would be that this approach – in scrutinising the various practices which make up democracy – necessarily recognises the multi-faceted nature of democratic practice. As Landemore has noted democracy has many facets (Landemore 2017: 289-290). Drawing on different democratic practices to help provide normative grounding for democracy itself will necessarily produce a variety of different grounding principles – some of which may be in tension with one another.<sup>147</sup> The resulting justifications for democratic legitimacy will lack the theoretical parsimony of a single overriding principle or practice – like deliberation – to ground democracy. However, in return we will produce theory which, in my view, does greater justice to the plurality of principles and values which constitute democracy’s justification and the reasons we should endorse it.

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<sup>147</sup> Warren’s problem-based approach to democratic theory is one example of this type of approach (Warren 2017).

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