

Before and After Epistemic Democracy: A Critique of the Supposed Externality of “Correct” Public Policies and the Rehabilitation of a Strictly Voluntarist/Aggregational Approach to Elections¹

WALTER HORN

24 Pine Ridge Road, Arlington, MA 02476, U.S.A.
calhorn@rcn.com

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ABSTRACT: According to supporters of epistemic democracy, the most important virtue of democratic forms of government is that they provide the best method for determining correct public policies. On their view, this does not primarily result from the fact that any policy a democratic government enacts will reflect conjoined citizen interests and so be more likely to satisfy them, but from the fact that, as they believe Condorcet has demonstrated, majorities are more likely to get things *right* than any minority is. I argue that any such view fails to capture what is usually meant by self-government, and that, due to this critical shortcoming, epistemic rationales for democracy should be abandoned in favor of voluntaristic, aggregative theories of the kind that were popular prior to mid-20th Century objections generally claiming either that collective preference aggregations are necessarily incoherent or that pervasive injustices must result from unconstrained, and hence tyrannical, majorities.

KEY WORDS: Arrow’s theorem, democratic theory, epistemic democracy, jury theorems, political philosophy, preference aggregation, tyranny of the majority, voting rules.

According to theories of epistemic democracy, the most important virtue that can be claimed for democratic forms of government is that they

¹ I am grateful for a number of helpful comments I have received from referees for *Prolegomena*.

provide the best-known method for determining correct public policies because, subject to certain caveats, each vote in favor of a policy is thought to provide a modicum of *evidence* for that policy.² The theory in this way denigrates the value of determining supposed conjoined citizen interests, what voters claim they want, because, in spite of what epistemic democrats take to be the increased probability of truth derivable from each (relevant) vote,³ they believe that elections can never be completely dispositive regarding the correctness of a policy. On their view, even a substantial majority can be wrong, not only because reasonable estimates of future group well-being are notoriously difficult even for experts, but more generally because what is most likely to improve group well-being is strictly “external” to the (often confused or ignorant) wishes of voters. That is, policy proposals and candidates are thought to be best for a group independently of what anybody—or everybody—may want for themselves. Since, for the epistemic democrat, the ultimate goal of good governments should always be the search for those representatives and policies that will increase group well-being compared to feasible alternatives, no “general will” (assuming that such mysterious entities actually exist) should be thought to have more than secondary importance with respect to actions that governments ought to take.

On what might be called purely Condorcetian epistemic democracy,⁴ the evidential value provided by elections in the search for external policy truths is not only necessary, but constitutes most of what is available for the validation of policy-choices. But even versions of epistemic democracy that require more of policy selection—deliberation, for example—must

² Among the many works advocating an epistemic view of elections are List and Goodin (2001); Goodin and Spiekermann (2018), Richardson, (1997), Estlund (1990, 1997, 2008), Anderson (2006), Landemore (2013), Cerovac (2020), and Peter (2007, 2023). It is worth noting at the outset that various types of epistemic democracy have been proposed: for example, Anderson (2006) has argued that there are three main models that ought to be distinguished: Condorcetian, Diversity, and Deweyan/Experimentalist. I contend, however, that every variety of epistemic democracy, whether or not claimed to be exclusively focused on the instrumental value of voting as a reliable method for reaching policies that are “true,” must endorse a tenet according to which public policies are or are not *correct* independent of what citizens happen to want at any time.

³ Some votes are thought by Condorcetians not to produce reliable evidence. See footnote 4 immediately below for a list of the sorts of characteristics or attitudes thought to make a vote or voter unreliable.

⁴ According to Condorcetian theorists’ Jury Theorems, it is only those policies that are freely chosen by the majority of a sufficiently large group of competent, sincere, unbiased, and independent choosers that indicate a higher probability of truth than any alternative that has also been made available to the choosers (Condorcet 1785; List and Goodin 2001; Goodin and Spiekermann 2018).

hold that the *rightness* of a public policy proposal or candidate can never be derived solely from an aggregation of electoral choices. That is, for no epistemic democrat, can the proposition that some public policy ought to be enacted ever be a strict function of what happens to be preferred by most—or even all—of the members of any group.⁵ On their view, good democracies must always consider such preferences to be secondary at best, even if they may have substantial “news value.”

I will argue in this paper that, in spite of their attractions, every variety of epistemic democracy reflects a misunderstanding of the nature of voter choices and should therefore be abandoned in favor of an aggregative conception of democracy of the sort that epistemic notions largely displaced around the middle of the 20th Century.⁶ According to that older theory, democratic procedures are valuable, not because they help us to reach *truths* about community well-being that are independent of what some populace perhaps foolishly happens to want, but rather because they enable governments to attempt to satisfy the wishes of that populace, whether those wants can sensibly said to be “true” or not.⁷

It is important to understand that, as well as being essentially procedural (i.e., vote-theoretic rather than, say, outcome-theoretic), both aggregative and epistemic conceptions of democracy also share (along with sortition) a reliance on *some* sort of egalitarianism. For Condorc-

⁵ The view that certain states of affairs make lives better whether anybody happens to want them or not reflects an “objective list” theory of prudential values. For criticisms of that view, see Perry (1932), Sumner (1995), Keller (2009), and Horn (2020).

⁶ As will become clear as I progress, “voluntarist,” “aggregational” “populist” and their cognates are used interchangeably here to describe what I take to be the correct understanding of voting. The use of “voluntarist” in this context stems from the fact that according to this view, any evidence regarding what “ought to be done” by a group strictly follows from voter *choices*, without regard to any alleged essential relationship to some presumed objective or intersubjective “good.” As in ethical voluntarism, the voter attitudes, whether or not *aggregated*, are themselves thought to create the values. See Horn (2020: Ch. 2–3). However, it is important to distinguish the sort of voluntarism referred to here from that discussed by Rosanvallon (2006: Part II) in connection with Rousseauian “unification” of individual wills into a perfectly concordant *volonté générale*. While it is difficult to construct an entirely consistent picture from Rousseau’s wide-ranging remarks on the will of the people, he generally required unanimity of individual judgments for any unambiguous reading of the general will. Furthermore, on Rousseau’s view, the general will should be thought of as an agglomeration of individual judgments regarding *the common good*, not of self-interested preferences. See Rousseau (1762: Bk 3, Ch. 2), Coleman and Ferejohn (1986), Estlund (1990, 2008).

⁷ See, e.g., Bryce (1921) and Benn and Peters (1959). The general idea of the “wisdom of crowds” goes back to at least Aristotle and was picked up by Aquinas and Marsilius of Padua long before being reinvented by Rousseau. However, such “wisdom” may be understood in either an epistemic or aggregative fashion, for both conceptions can be argued to be consistent with a focus on the proposition that good government is more likely to ensue when people affected by the passage of laws are consulted regarding what policies they would prefer to have enacted.

tian epistemic democrats, this dependence stems from the fact that jury theorems usually assert that it is in *majority* opinions that one can find epistemic advantage,⁸ and the sense of any such assertion necessitates the equality of individual votes. As Riker put it, “voting would not mean much if each person’s vote were not counted in the same way” (Riker 1982: 7).⁹

Political equality is a notoriously difficult concept, but, at a minimum, it seems to require of any democracy that it be *a political organization in which each* (or, according to many theorists, each sane, non-felonious, adult) *member is initially provided by their government with equal political power*.¹⁰ The difficulty of determining the exact way or ways in which citizens of democratic polities must be at least roughly equal is well known.¹¹ But equality of the “political weight” of both votes and persons has generally been deemed to be a crucial component not only of aggregative theories, but of democracy generally (Wall 2007). Is there any way to ground the prominence of this majoritarian feature? Historically, philosophers have argued that majority rule is deducible from the “greater force” of majority voices¹² or from what sort of societal arrangement produces the most “freedom” among group members.¹³ While such arguments attempt to deduce equality from more basic considerations, it may rather be “that political equality is a bedrock normative ideal” that cannot be “derived from a deeper value, or set of values, that explain its moral importance” (Wall 2007: 417). Political equality may, in other words, simply be axiomatic. One philosopher who made such a claim was Everett W. Hall, who proposed as a “frankly ethical postulate or article of faith” that,

[A]nything freely chosen by an individual is, [by that fact] good, and, [ignoring what he called the “fecundity” of the choice] equal to any other. This gives us a

⁸ Usually, but not always. For an example of a non-strictly-majoritarian variety, see Shapley and Grofman (1984). This matter is irrelevant for my purposes here, however.

⁹ I shall discuss below the basis for voluntaristic egalitarianism that was provided by Everett W. Hall. Benn and Peters (1959: 401) maintained that “[T]he resources of all parties must not be so unequal as to deprive any of a fair hearing,” while Lord Bryce (1921) was entirely unmoved by any distributional sentiments at all: “We are not here concerned [with economic equality] for democracy—which is merely a form of government, not a consideration of the purposes to which government may be turned—has nothing to do with economic equality...” (Vol. 1: 65).

¹⁰ Equality of political power among group members is insufficient on its own even for any sort of skeletal democracy, since each person might be given precisely none at all. See, e.g., Wall (2007) and Abizadeh (2021).

¹¹ See, e.g. Beitz (1989), Pojman and Westmoreland (1997), and Wall (2007).

¹² See Hobbes (1651) and Locke (1680).

¹³ See Kelsen (1949).

basis of equality, but it is an ethical, not a factual, equality. Individuals are equal as sources...of value. [They] may be as unequal in mental endowment, financial ability, physical make-up as you please. Our postulate says simply that these actual inequalities are irrelevant to the goodness of what they freely choose. (Hall 1943: 444–445)¹⁴

Whether or not one accepts Hall's view on this matter, making specifically *electoral* power the key to political equality has long been attractive to democracy theorists, not only because it is intuitive to demand that particular sort of parity, but because it is a relatively easy item to distribute to group members (Wall, 2007).

Although epistemic and aggregative concepts of democracy share a reliance both on egalitarianism and a choice-theoretic notion of *democracy*, as will be discussed below, they differ greatly in their understanding of the meaning of “correctness” (or “truth”) as those terms apply to the results of plebiscites.¹⁵ The essential point is that according to epistemic democracy, the correctness of a public choice can never be reduced to any fact or facts derivable from any aggregation of citizen preferences—even if such aggregation indicates unanimity.¹⁶

I. Why Aggregationism Has Nearly Disappeared from the Philosophical—if not from the Common— Understanding of *Democracy*

As noted above, the aggregationist understanding of public choices, according to which voting has nothing much to do with *truth, judgment, knowledge, or reasonability*, seems to have almost completely disappeared from the scholarly landscape. How did this happen? I believe there are two independent reasons. One is associated with discoveries in the arena of social choice, most notably the Arrow's Impossibility Theorem (Arrow

¹⁴ I note that although Hall makes this an “*ethical*” postulate,” I find nothing anywhere in his work that clearly distinguishes ethical from prudential values, and I think it is more useful to understand his postulate as an axiom of prudential value.

¹⁵ The family of theories associated with epistemic democracy include those advocating both pragmatic and correspondence conceptions of truth, and the pragmatic genus encompasses both Deweyan and Peircian species. See, e.g., Tallise (2011) and Koopman (2009).

¹⁶ On the other hand, a jury theorem's requirement for something like the “competence” of each voter may allow epistemic democrats to derive some comfort from the popularity of a policy among the electorate. That is because group members who will be affected by vote results can be expected to have greater interest in, and so learn more about, the relevant policy options. Thus, while correctness can never be formally *derivable* from majority selections, epistemic democrats may argue that if voters believe that the choices they make involve their future well-being, the assumption of a greater than .5 probability (*ex ante*) of each voter being “right” is reasonable.

1951) This proof concludes that individual preference orderings cannot be aggregated in any manner that can coherently represent a particular group preference or “will.” The second reason, which certainly began swaying theorists and other observers long before Arrow but has continued to be influential to this day, involves the fear that the voluntarist/ aggregative theory of majority decision-making—a position now often also referred to as “populism”—may produce tyrannical havoc. Both of these reasons are proffered in William Riker’s 1982 book, *Liberalism Against Populism*, which was as seminal in moving democratic theory beyond the brilliant findings of Arrow, as the discoveries of Kepler were to advances in Copernican astronomy.

According to (Cohen 1986), Riker asserts that populism is “committed to the existence of a popular will, to the view that liberty consists in obedience to that will, and—what is most important from the standpoint of connecting the theory of democracy and the theory of social choice—to the thesis that the popular will is revealed through voting” (Cohen 1986: 27). And for Riker, populism has two fatal defects. First, by eliminating all constitutional checks on the “general will” (i.e., on majorities), populism allows for horrifying abuses of the type exemplified in the French Revolution. Second, populism’s defenders wrongly believe that it is possible to derive a coherent “general will” by tallying the individual preferences of group members. This is said to be impossible because the alleged ubiquity of voting cycles and other unavoidable problems of incoherence or ambiguity make every attempt to devise sensible means for inferring a “group desire” from individual preference orderings provably pointless. According to Riker’s more Madisonian conception, elections ought to be used only for throwing incumbent “bums” out. Such restrictive uses could, he believed, at least if accompanied by liberal dispensations of traditional individual rights, both allow for beneficial (if not entirely coherent) elections while preventing moral atrocities from being committed by majorities that are quite likely to be both ignorant and rapacious.¹⁷

As noted, Riker’s attacks, particularly those asserting the necessary incoherence of any social welfare function, were extremely influential, especially among conservatives. But as a healthy proportion of philoso-

¹⁷ It’s notable that Cohen’s rebuttal of Rikerian objections to populism includes the remark that “Riker is surely correct that decisions of majorities are sometimes wrong and often hard to interpret” (Cohen 1986: 27). That assertion is striking because it entails both the anti-Arrovian view that majorities *do* have distinct (if sometimes ambiguous) positions and the epistemic notion that such positions are either right or wrong.

phers and political scientists since Riker's day have been uncomfortable with classical liberalism of the Madisonian variety, the positive proposals made in his book have exerted somewhat less attraction—at least among scholars. Many later theorists have sought instead for ways to acknowledge Arrow's impossibility proof without stripping from every conceivable plebiscite nearly all substantive contributions it might make to the devising of government policies. And the most resilient solution seems to have been found in the Condorcetian claim that majoritarian democracy does not require preference aggregation to provide support for democratic legitimacy, because elections that do no more than count and compare vote totals can be relied on to produce objectively better public policy choices than any other form of policy selection. So, e.g., it is argued that a first-past-the-post election result need not be construed as a preference aggregation to have epistemic value, because pursuant to Condorcet's Jury Theorem, if the electorate is sufficiently large, independent, competent, sincere, and unbiased, an electoral winner is simply more likely to be the correct choice.

While Arrovian objections may have played the biggest role in the near disappearance of aggregationism in the area of welfare economics, as noted above, they have not been behind all of the effective critiques of epistemic democracy. Moral concerns and the fear of "majority tyranny" have also played a large part.¹⁸ In addition, there have been criticisms to the effect that only truth-tracking theories of democracy can explain why there is so much policy-related *argument* surrounding elections. For example, Helene Landemore writes that, on what she calls a "purely proceduralist" (i.e., exclusively aggregative) position,

[D]emocratic decisions are good because they are procedurally fair, not because they yield outcomes that are in some sense "good." Such a purely proceduralist commitment to the value of democracy, however, runs against the idea that when we argue and deliberate about politics and when we ultimately vote at the end of such a deliberative process what we hope for is the triumph of "the unforced force of the better argument".... If no alternative was truly better...one might wonder: Why would politicians bother campaigning, that is, resort to reasons and arguments and try to inform the people?... Why mail citizens the 300-page volume of the constitution if not for them to make up their mind as to the "rightness" of this document for the European project? (Landemore 2013: xvii)¹⁹

¹⁸ For a discussion of some of the literature on this matter, see Horn (2021).

¹⁹ Landemore (2013) also provides the following two non-Arovian reasons for discarding the view that elections should be understood to be aggregations of preferences rather than judgments: First, "It makes the justification of democracy almost too easy.... Only if politics is about something other—and *more*—than pure preference aggregation and equal preference satisfaction

(Dworkin 2000) concurs, at least for some kinds of electoral choices. He argues that while one can be at least fairly safe in asserting whether or not it is correct for a certain community to build a new sports center rather than a new road simply by counting the preferences of the residents there, other votes aren't like that. On his view, the determination of, e.g., whether capital punishment is more appropriate than the attempted rehabilitation of convicted murderers should not even be roughly assessed by the counting of votes.²⁰ And this prohibition would seem to be in order whether or not some modicum of epistemic weight can be gleaned from elections related to such matters.

In sum, although it may have taken 30 or 40 years from the publication of Riker's *Liberalism Against Populism*, whether as a result of arguments alleging the incoherence of any purported social welfare function, or in the wake of claims that the old voluntaristic theories are dangerous, it seems we are all epistemic democrats now.²¹

II. Where Epistemic Democracy Has Gone Wrong

I believe that the epistemic approach to voting and democracy is mistaken and will take the remainder of this paper to do what I can on behalf of rehabilitating the old-fashioned aggregative/voluntaristic theory. But I want to stress that my objections should not be taken to be aimed at jury theorems. While I do think that some of the criticisms regarding

is the competition between rule of one, rule of the few, and rule of the many relevant and interesting." Second, (here citing Bryan Caplan 2007) preference counting is said to have "only a partial empirical validity, since on many questions people do not vote their self-interest" (Landmore 2013: 185–186). The idea here seems to be that if individuals have non-personal *reasons* for their preferences, we should drop the hunt for preferences and turn directly to those reasons.

²⁰ Dworkin calls questions about matters like capital punishment and racial discrimination "choice-insensitive" (or "choice-independent"), distinguishing them from "choice-sensitive" issues which are "those whose correct solution...depends essentially on the character and distribution of preferences within the political community" (Dworkin 2000: 204). Unsurprisingly, he takes choice-independent matters to be more appropriate for courts than voters, and he uses this issue to support the concept of judicial review generally. Wall follows Dworkin here, distinguishing "aggregative" matters from those that he takes to involve attributions of justice or political morality, which he calls "judgment issues" (Wall 2007: 427).

²¹ As evidence of this complete takeover, one can consider the fact that (Christiano and Bajaj 2024)—the newly revised *SEP* entry on democracy—fails even to suggest the possibility that there is any alternative to the view. It is also worth noting that Joshua Cohen's groundbreaking critique of Riker actually claimed to be searching for an "epistemic populism" (Cohen 1986: 34–38). Indeed, even such recent, self-described proponents of "proceduralism" as Fabienne Peter (2023) have been unwilling to call for a complete divorce between what is wanted by a populace and the notions of reasonability and truth. See also Estlund (2008) and Cerovac (2020).

independence and competence in the literature may be telling, partly because the notions of “randomness,” “independence,” and “sincerity” used by Condorcetians are problematic, such objections are outside the focus of this paper. My point here is rather that one cannot legitimately derive epistemic democracy even from a sound jury theorem, because elections are not about “external truths.” Thus, a jury theorem claiming to provide evidence for policy “truths” could be relevant to *what a group wants* at any time, only if entirely different questions were to be asked of voters than have or likely ever will be asked of any electorate. For it is obviously the specific question(s): *Which of these choice(s) would be preferable (or more preferable or approvable) to you?*—rather than any inquiry entailing some factual matter regarding future group well-being—that nearly always constitutes the entire subject matter political elections.²²

Let us consider whether it makes sense to replace preference aggregation by the search for an external truth in what is surely the most common type of voting around the world today—the choosing of representatives. Can it be seriously maintained that the democratic value of an election to public office is entirely—or even mostly—a function of the evidential support it can give to an answer to the question “Which candidate would produce a jurisdiction in which residents will be better off (in the near term)?”—something that has not even actually been asked of the voters? Surely, even sincere, unbiased voters may want a certain candidate to win for reasons having nothing to do with the overall well-being of any group. Perhaps a desired victory for some candidate is thought to help or hurt some specific subgroup precisely because of a predicted *reduction* of overall well-being or for reasons having nothing to do with aggregate well-being at all. Furthermore, if one discounts the importance of the relatively easily determinable fact of who some populace happens to want to win an election, it seems odd to support democracy in the first place. Because if we *do* care about which individual(s) a citizenry wants to represent them (as it would seem authentic democrats must), using even an incontestable jury theorem to “produce evidence” of something else seems an extremely odd and inefficient way to express that concern.

²² It is therefore quite fortunate that the explicitly asked questions can be answered simply by aggregating voter choices. (Bright 2019: 568) contains a passage concerning a vote on a local question regarding trash bin collection that is exactly on point. Horn (2020: 160–172) discusses a similar set of problems with respect to any attempt to turn the results of a straightforward municipal vote on whether a broken bridge should be repaired, replaced, or left alone into any sort of estimate of future aggregate well-being—whether in the short- or long-term.

On the other hand, if what we do most care about accurate estimates of future group well-being pursuant to the victory of various representatives or proposals, even those who are convinced of the soundness of a jury theorem ought to agree that very different questions should be asked at the polls, questions which there is good reason to think are likely to be answered strategically rather than honestly. For example, the obviously strange-sounding ballot question: “Which of these candidates is most likely to produce the greatest aggregate well-being for this constituency over the next four years?” seems surely to be replaced in many voters’ minds by “Who would you prefer to win today?” with the answers they offer being based on whatever reason most appeals to them at the time.

Following (Richardson 1979), (Anderson 2006) attempts to formulate a hybrid theory that combines external truths with voter intentions. She notes as an example that while she believes that anti-pollution policies could only be wanted by an electorate if such enactments “actually reduce pollution to acceptable levels at an acceptable cost,” she also thinks that pollution can count as of genuinely public interest only if citizens “affirm its place on the public agenda” (p. 10). That is, voters may be trusted to judge what matters but not what is to be done about it: and she believes that this distinction ought to have the assent even of those who are confident in the soundness of a jury theorem (which, incidentally, Anderson is not). It seems reasonable to object here, that if “the wise” know what ought to be done to improve well-being in some group, they may also have to be put in charge of interpreting and limiting citizen views regarding “what matters.” If, for example, some group ostensibly wants air conditioners in public buildings to be set at lower temperatures so they will be cooler in those buildings than they are at present; under certain conditions we should expect environmental scientists to determine that voter views about what matters to them may also need “expert correction.” More importantly, if voters are generally disinterested in matters that are “objectively crucial” to their very survival, surely the wise won’t hesitate to make amendments on that front.

The inescapable problem is that, even for “hybrid” epistemic democrats, democratic polities must always attempt to advance all and only those representatives and laws that will leave a jurisdiction as prosperous and happy as can be, and that requirement effectively pumps into the concept of democracy properties that should be understood to be extrinsic to it. Such inclusion of clearly extrinsic characteristics is contrary to the position advocated by voluntarists: for them, authentic democracy is not thought to be valuable in virtue of any of its instrumental qualities:

rather, its principal merits are considered to be intrinsic, regardless of what messes it may sometimes produce.

Notably, where the epistemic concept has been combined with a sense that there is at least *something* important about a populace being asked how it would like its future to unfold, some theorists have advocated a move in the direction of “deliberative democracy.” A Condorcetian reason for taking that tack would be evidence that where there is sufficient and fair deliberation, support by a larger majority increases the probability of the correctness of an electoral policy choice.²³ I have no wish to deny the value of deliberation by legislators or committee members.²⁴ But it should be remembered that if the benefits produced by a plebiscite are to be increased by appropriate deliberative activities, such activities would have to take place prior to the elections—and that seems impossible given the structure of most contemporary polities.²⁵ Therefore, whether or not deliberation ultimately makes for better public policies, its use by elected officials is orthogonal to the acceptability of either aggregative or epistemic concepts of citizen voting.

Strict Condorcetianism thus seems worse than ambivalent about the value of self-governance. Indeed, it invites the suspicion that its adherents are so wedded to the search for evidence of external policy truths that if there were to be a successful refutation of jury theorems generally, we ought to give up democracy entirely for some sort of paternalistic Platonism. After all, if the sole, or even predominant, value of majority rule is thought to be instrumental, and we discover that this supposed instrumentality is illusory, what would be the point of its continuance? Furthermore, if one should desire to keep having elections for political or psychological reasons, in view of the close proximity of the Condorcetian variety of epistemic democracy to traditional epistocratic conceptions of what makes for good government, it must at least seem sensible to endorse Millian recommendations for providing additional vote-weights to those with more education or higher test scores. And it should be clear that changes of that kind would be inconsistent with basic democratic requirements for the equality of both votes and voters. Finally, one might ask whether it is really reasonable to suppose that the feelings of deep dread and mourning affecting populations whose

²³ See, e.g., Elster (1997) and Peter (2007, 2023: 121–142).

²⁴ Both Richardson (1997) and Cerovac (2020) make compelling cases on behalf of such value.

²⁵ For another view, one that is very sympathetic to direct democracy, see Fuller (2023).

democracies are disintegrating before their eyes—even segments of those populations with no obvious personal stake in the matter—can be solely a function of the loss of a supposed epistemic benefit.

I don't deny that advocates of Condorcetian epistemic democracy, like those preferring other variants, have generally proclaimed their support for some sort of democratic governance. Nevertheless, I believe that a disdain for majority rule is often clearly visible in the work of epistemic democrats of all colors.²⁶ It seems clear, at any rate, that the long-lived and nearly worldwide consensus among both scholars and laypeople on the superiority of democracy to all of its rivals stems not from the supposed epistemic value provided by vote counting, but from an intuitive grasp of the importance of the intrinsic value of majoritarianism (Richardson 1997).

I have suggested above that the notion that every election is a contest between correct and incorrect options conflicts with the views most commonly held by non-theorists.²⁷ To repeat, it seems obvious that the more widespread and intuitive notion is that democracy requires that each voter preference (or *choice*) be given equal weight so that an entire aggregate can both ask for and get what it wants. According to the voluntarist, that result—rather than any search for *truth*—is the reason why the candidate(s) or ballot questions getting most votes should be declared winner(s).

However, the fact that aggregative democrats downgrade the evidential value of votes and elections as compared with epistemic democrats should not be thought to imply voluntarists have no use for any sort of “correctness” in the characterization of an election or individual vote. On their view, an election result is correct just in case it reflects an accurate

²⁶ And I don't think the essential elitism of the position is lessened by any responsive attack claiming that voluntaristic majoritarianism must be parroting some sort of market-based position, simply because welfare economics also requires choice aggregations (though the latter also regularly involves the utilization of market-oriented indifference curves) Estlund (1990: 398). Estlund's hostility toward traditional notions of popular self-government seem to me betrayed by his bewilderment both with Robert Dahl's contention that “the goals of every adult citizen of a republic are to be accorded equal value in determining governmental policies” and with his opposition to the oligarchic claim that “the goals of some particular set of individuals are inherently right or good, and the process of making decisions should ensure maximization of these goals. Estlund (1997: 177, 200), citing Dahl (1956: 31).

²⁷ And a variety of well-known theorists as well. Perhaps the most widely used mid-20th Century textbook in political science put this matter quite categorically: “[T]hough some policies are more prudent than others, there is no reason to suppose that the one preferred by the electoral majority is therefore the wisest. We do not settle such questions by counting heads” (Benn and Peters 1959: 416).

tally pursuant to a procedure that is reasonably asserted to be of a type that is essential to egalitarian self-governance. Similarly, an individual vote may be said to be correct if it reflects what the voter wants at the time of the election. On this view, there is no suggestion that what has been selected must be what is most likely to be *good* or *best* either for her or for her fellow citizens based on some independent standard or ideal. Again, it is even possible that a (sincere) voter wants the winner to produce *negative* prudential value, perhaps to frustrate another party's future prospects.

Unsurprisingly, the two different conceptions of correctness used by the two democratic theories discussed here point to two different sorts of evidence that may be adduced on behalf of the application of the term:

Correctness (A): An assertion that some election result is *correct* may rely on a sound jury theorem, because such theorems show that majority support for a policy provides reliable evidence that such policy is more probably *correct* (and hence, that those individuals who vote with the majority are also *correct*.)

Correctness (B): An assertion that some election result is *correct* relies on evidence of the fairness and appropriateness of the procedure and the accuracy of the tally. An assertion that a particular vote is *correct* implies only that the voter understands and follows the applicable voting rule and that her vote accurately reflects her current attitudes toward the available options.²⁸

It should now be apparent that Landemore's above-quoted objection that on a purely aggregative view, one utilizing *Correctness (B)*, it is senseless to provide possible voters with voluminous reasons to support this or that person or position, involves a misconstrual of what is being asserted by voluntarists. For it seems perfectly reasonable for aggregative advocates of Jones' candidacy, capital punishment, or abortion rights to attempt to push voters toward particular choices by the provision of reasons why such voters might enjoy this, rather than that, state of affairs. And, of course, there is no reason why such lobbying could not involve a 300-page mailing. Furthermore, the sort of issue

²⁸ I make no claim that evidence, either that an electoral procedure is fair or that voters completely understand the rules and are voting sincerely, can ever be entirely dispositive. The point is that such evidence, however limited it may be, is what matters for *Correctness (B)*. I have discussed difficulties involving the understanding of and compliance with voting rules in the opening section of Horn (2024).

being voted upon—whether or not it might be depicted by Dworkin as “choice-insensitive” or justice-involving—does not obviously alter the importance of non-Condorcetian motives either for having elections or of campaigning for particular results in them.

I have said that the epistemic position is likely to be counterintuitive to those not steeped in contemporary democratic or public choice theories. It may help to understand what I take to be a natural attitude of bewilderment toward the epistemic democrat’s viewpoint if it is remembered that there is an eponymous aspect to Condorcet’s theorem: official court jurors, unlike regular election-day voters, are generally charged with determining *factual* matters only. *Did X commit the crime under consideration? Did she do it alone?* Questions of that type don’t seem much like queries concerning whether one candidate for office is preferable to another, because the latter seem more like requests for *value judgments*.²⁹ This may explain why Condorcet-style arguments seem out of place when applied to typical election choices, especially those involving candidates for office. This problem does not arise for majoritarian voluntarists who must hold only that each equally weighted vote, whether or not previously deliberated upon, sensibly arrived at, reflecting some measure of intelligence or prior study, or showing any consideration at all of an actual or purported “common good,” should be taken as a reflection of one personal preference and counted.

III. The Rehabilitation of Aggregationism

Whether or not I have been right to accuse the epistemic standpoint of being rather boldly inconsistent with common views about elections, I have not yet responded to the criticisms leveled by Arrow and Riker. First, those critics have made the undeniable point that any attribution of *Correctness B* must depend on a particular set of voting rules. The acceptance of a “highest count” as proof of electoral victory (and thus of an attribution of *Correctness B*) seems like a blatant attempt to ignore that objection. For if a different counting convention had been used, a

²⁹ Goodin and Spiekermann (2018: 38–42, 195–207) spend a lot of space defending the idea that as moral and other types of value judgments may resemble factual judgments in being true or false, there is nothing to prevent the use of elections and jury theorems to decide which truth value is most likely to apply to a particular value claim. The problem is that what a person wants cannot usually be identified with any estimate of prudential or ethical effects (individual or group) expected to result from an electoral choice. As indicated above, it is simply an (aggregable) *fact* about a person’s wishes.

different winner might have been anointed. For example, using a First-Past-The-Post methodology, where there are two candidates X and Y, if more people really do vote for candidate X than vote for candidate Y and candidate X is declared the electoral winner, then the results of the election (whether or not its structure is thought to reflect the best possible procedures) will have been *correct*. But another selection rule, perhaps one also considering *how much* each candidate is liked, might have landed upon a different winner.³⁰

The first thing to recognize when considering the force of this Arrowian objection is that it relies on the supposition that the voluntarist must produce a single, unambiguous definition of “general will” that will fit every situation. But, in reality, all that a voluntaristic majoritarian should be required to defend is the proposition that in any individual instance in which we want to know, with respect to possible answers X, Y, Z... which one (or two, or three...) should be selected, a sensible and coherent voting rule can be constructed *for that environment* that counts the equally-treated choices of the electorate, and subsequently declares one (or more) of the candidates to have won based solely on that count. No thicker or more generally usable concept of “general will” need ever be produced.³¹

But what is a “sensible and coherent voting rule”? I believe that a variety of transformations from sets of individual preferences to “what the people want” may be acceptable. To take a simple example, if given only the two choices of a sports facility or a tax reduction, when more people vote for the sports facility to be built than for the taxes to be lowered, attempting to build the facility may justly be said to be a *Correct (B)* result. In any case, no general refutation of Arrow’s impossibility

³⁰ See Riker (1982: 37), Coleman and Ferejohn (1986: 12), Horn (2020: Ch. 7).

³¹ Similar points are made in both Coleman and Ferejohn (1986) and Cohen (1986). Benn and Peters (1959: 397) put the matter this way: “We can only say that ‘the people’ has a will if it is organized by some sort of voting procedure....The will of the people cannot be determined independently of the particular procedure employed, for it is not a natural will, nor is it a sum of similar wills of persons sharing a common interest, but the result of going through a procedure which weighs some wills against others.” In addition, it is not really the case that Arrow has demonstrated that there can be *no* coherent aggregation procedure competent to specify something that can be reasonably described as a (situation specific) “general will.” Kenneth May’s (1954) proof showed that there are plentiful rules and aggregation methods for which Arrow’s theorem creates no difficulties at all. And it is not only single-choice, single-winner rules like FPTP that are immune according to May’s proof: both the Single Non-Transferable Vote (SNTV) and Approval Voting are examples of procedures that are not subject to transitivity failures because they do not rely on ordinal ranking, even though one produces multiple winners from the single choices of voters, and the other allows for multiple choices of voters to result in a single winner.

theorem is required for the responsible support of a particular voting rule: one need only ensure that the procedure being proposed will not produce incoherent results in the applicable environment.

Democratic solutions to matters of public disagreement are resorted to daily in a wide variety of contexts. To repeat an example that I have used elsewhere (Horn 2020: Ch. 7), when eight people are planning a party and need to decide what flavor soda to buy, it's easy to see how aggregating their various preferences in different ways can produce a large number of inconsistent, yet individually defensible outcomes. I gave my reasons for supposing that Approval Voting makes for the best method in that—as well as more important—situations, and I will not repeat them here.³² The important point now is that use of any one of a number of well-known voting methodologies, whether or not such use is arguably a poor choice under the particular circumstances at hand, will provide a *democratic* answer, so long as it is not endangered by Arrow's proof. There is simply no need to require of any particular decision methodology either that it would be appropriate to every sort of instance where there is a difference of opinion, or to insist that no other appropriately chosen method could also have been an authentically democratic way of resolving that difference of opinion.

I have claimed that it is almost impossible to find any aggregative majoritarians anymore, but I have also mentioned some well-known and apparently effective responses to one of the most common criticisms of the voluntarist position.³³ Why aggregationism not rebound? Part of the reason seems to be that while there have certainly been articulate and compelling responses to the Arrow/Riker assaults on “populist” theories of voting published over the last fifty years, the authors of these rebuttals have not often called for a return to the thoroughly voluntaristic view proposed here. They have been more likely to allege other deficiencies in majoritarian voluntarism.³⁴ Naturally, I cannot hope to answer every

³² One reason the fixing of a voting rule to be used to settle every sort of disagreement is not trivial stems from the fact that the complicating matter of *representation* is often involved. Horn (2020: Ch. 8).

³³ In addition to May's (1954) proof, some of the most important responses to Arrowian critiques of aggregative democracy seem to me to have been provided in Coleman/Ferejohn (1986) and Cohen (1986). Especially compelling is Cohen's remark in response to Riker's preferred type of “liberal voting” that it cannot “distinguish elections from random assassinations, select bombings, threats of revolution, and military coups” (Cohen 1986: 30). See also Mackie (2003).

³⁴ For example, in spite of his stated disapprobation for epistemic democracy, Cohen (1986) remained uncomfortable with any populism that is not “reasonable.”

species of complaint ever made to simple majoritarianism, but I will try to address some of the most popular ones below.

David Estlund, one of the most important exponents of epistemic democracy, has famously objected that those who devalue the evidential importance of votes in favor of electoral proceduralism should be as satisfied with (fair) coin-flips as they are with majority tallies, since coin flips also provide equal weight to every voter, namely, none.³⁵ What that criticism completely misses, however, is the majoritarian insistence on the obligation of every self-governing polity to ensure that the policies it enacts reflect what its citizens indicate they *want*. Indeed, it is hard to see how anyone with any affection for authentic self-government could be content with devices like coin-flips or lotteries as ostensible democracy generators (Estlund 2008: 6). His “three A’s” criteria of Aggregability, Advocacy and Activity for a correct interpretation of voting seem to me eminently reasonable, but his claim that “desires...are never themselves answers to questions” (1990: 403) in conjunction with his refusal to allow either desires or preferences to be considered as *choices* prevents votes as they are understood by traditional majoritarians from meeting them. And Estlund’s sole argument for those crucial assertions is that “social states, or government policies that are named on the ballot are alternatives confronting the society, not the individual” (1990: 410). However, the traditional and, I think natural, view is that individual votes represent choices between *this* and *that option*, even if they are for societal policies.³⁶ Such a picture seems to me not only to meet Estlund’s three A’s but to also have the virtue of being quite simple. And it is important to understand that on the voluntarist view, the appropriateness of an election is not, as Landemore and Estlund suggest, simply a function whether the procedure used exhibits what Rawls called “pure procedural justice”—at least if that characterization is thought to be entirely encompassed by its indifference to who or what is held to win. For the voluntarist, the fairness of an election requires not just impartiality, egalitarianism, and the accuracy of the tally, but also that it that attempts to assess *what voters want*.

To be fair, Estlund believes that his conception of democracy, one which promises a sincere attempt at the improvement of overall well-being provides a road to a general justification of political authority

³⁵ Estlund (2008: 6).

³⁶ For a good discussion of the importance of aligning conceptions of self-government with the wishes of voters, see Abizadeh (2021).

(2008). The basic idea is not only that there would not be much point to elections if those who lose them have no interest in going along with the result, but is intended to additionally suggest that where populations *do* have such interest, governments can be shown to be legitimate. Hence, an acceptable theory of government authority may involve a goal of attractive prudential results for *everyone*. And it is hard to deny that, for their own part, voluntarists have usually shown more interest in providing analogies between individual and group choices as inducements to obey government edicts than in attempting to demonstrate how this or that government can be proven to be ultimately authoritative or “legitimate.” In my view, the attitudinal difference here mostly suggests that the Platonistic metaphysical proclivities of some epistemic democrats does not stop with the assertion that “policy truths” may be entirely independent of what any group member ever desires. Such theorists seem to have an even more heavyweight fish to fry: the derivation of political authority. According to aggregationism, on the other hand, democratic principles are neither dependent upon proofs of the ultimate legitimacy of government structures nor are expected to provide a basis for that legitimacy. Instead, the theory limits all claimed advantages to what is strictly entailed by an electorate getting all and only what it wants. What benefits arise from sincere governmental efforts to follow electoral instructions stem entirely from what is taken to be the intrinsic value of self-governance. There are no promises either of wine or roses—let alone stunning metaphysical breakthroughs.

But what about questions involving justice? Isn't the position, which is now often derided as (either right- or left-) populism, unacceptable on its face because of its proclivity for engendering harms involving the unjust treatment of vulnerable groups? Landemore (2013: xvi) has summarized her concerns about the matter this way: “All over the world... formal and informal majorities endorse irrational, xenophobic, racist, anti-Semitic, and sexist ideologies.... The fact that a majority agrees on a position does not say much, the suspicion goes, about the intrinsic value of that position.” Indeed, the voluntarist position regarding what votes mean seems so close to a Schmittian decisionism that it is not hard to see why it has been customary to treat it with both fear and loathing.³⁷ Can

³⁷ This fearful, “liberal” way of looking at the matter was brilliantly rebutted by the Harvard Constitutional scholar Richard D. Parker (1993). He put it that “to attribute much past or present oppression to ‘majorities’ is...a ridiculous exaggeration, [because m]ajorities rarely rule at all. Certainly, they almost never rule directly.” And he noted that “[m]ost oppression...is the work of *minorities*....much of it the work of *elite* minorities—refined and well-educated—whose

the voluntaristic majoritarian respond to complaints centering around the unhappy conjunction of threats of tyranny with a clear sense that any decent democracy must at least seek to provide justice to all of its citizens? I believe a good response to attacks involving alleged dangers of “mob rule” starts with the above-discussed necessity of egalitarianism, the attitude that all persons and votes must be treated equally. That seems insufficient, however, for it remains difficult to see how one could show that coherent egalitarian voting rules must be inconsistent with every type of majority tyranny, especially those connected with the “problem of the persistent minority” (Beitz 1989; Abizadeh 2021). An appropriate answer to that challenge likely requires the concession that exemplary governmental arrangements may require axioms supplementary to the egalitarian principles proposed by Hall, Wall, and many others. While it is my view that equal protection and the political rights of speech, assembly, association, and press—even, perhaps, mandatory engagement in deliberative activities by elected officials—are all derivable from minimalistically construed democratic principles alone,³⁸ there are other apparently important properties that may not be deducible therefrom. To give just two examples that have proved difficult for majoritarians, one might mention (i) any federalist principle according to which the choices of those who are “closer” to policy effects should be considered more relevant than the preferences of those “farther away” from such effects;³⁹ and (ii) the intuitive principle that citizens should always be allowed to exit their jurisdictions if they wish to do so.⁴⁰ Both of these seem similar to the principle of person-and-vote-equality in being foundational to the acceptability of any government, whether democratic or not, but may differ from egalitarianism (as well as from the protection of the “political rights”) in not being strictly deducible from, constitutive of, or otherwise intrinsic to the concept of democracy itself. The idea that majorities may ignore such tenets is certainly disconcerting, but I believe it is extremely important to understand that to say of some polity that, in spite of its being a democracy it is entirely non-federal or (equally)

hands tend in real life to clutch the immediate levers of power” (Parker 1993: 569–70). See also Horn (2021).

³⁸ Arguably this is also the case for with respect to *proportionality*: the provision of appropriate *voice* to each substantial minority in a “volume” corresponding with the size of that group.

³⁹ I believe Abizadeh (2021) is unsuccessful in the attempt to coherently conjoin a thoroughgoing democracy with federalism.

⁴⁰ For plentiful arguments for the position that citizen right-to-exit is as indispensable to democracy as voter voice, see Warren (2011).

prohibits every individual citizen from departing without leave of the majority is not to be guilty of self-contradiction.

The main point is that it should not be thought necessary of authentic democracies that they produce pleasant places to live. In fact, it seems to me quite odd that defenders of majoritarian self-governance have often been expected to guarantee such results. Why should a cruel but extremely democratic populace not be expected to produce an unpleasant polity? Creating environments that are charitable, sagacious, or otherwise virtuous may require the assistance of excellent parents or schools; indeed, it may “take a village.” It thus seems absurd to require of any defensible democratic scheme that it alone ought somehow to be capable of producing a populace that is not only kind, but healthy, wealthy, and wise.

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