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Public Deliberation and Epistemic Parity in Direct Democracies

LÉA FARINE

Abstract:

In a context of public-policy making, I propose to consider a fundamental norm of epistemic parity as contributing to the justification, the acceptability and the legitimacy of decisions taken through deliberative processes. I also suggest that models of semi-direct democracy, whose constitutional foundations include the possibility of deliberations among all citizens sanctioned by popular votes, promote epistemic parity.

Keywords:

Legitimacy; deliberation; public-policy making; decision-making; direct democracy; epistemic parity.

Be it observed that arguments used against 'government' action, where the government is entirely or mainly in the hands of a ruling class or caste, exercising wisely or unwisely a paternal or grandmotherly authority – such arguments lose their force just in proportion as the government becomes more and more genuinely the government of the people by the people themselves. (Ritchie, 1869, p. 64)

1. Introduction

Context and practical issues

The problem of the legitimacy of political decisions taken by "the ruling classes" is of great relevance today, even within democratic systems that favour "the government of the people by the people themselves". The recent "yellow vests" movement in France is a good illustration. On 17 November 2018, some French citizens mobilised to protest against the introduction of a tax on fuel prices, by organising roads or roundabouts blocks and demonstrations. Quickly, this initial demand extended to other social and political issues. For example, Murielle, retired, states that the French system is comparable to a monarchy: "We have a king as president of the Republic" [my translation] (Bedock et al., 2019, p. 11).

Mainly individuals from the working classes, who do not feel heard, understood or respected when they speak up carry this critical discourse on government decisions (Ibid, p.1). It leads to three types of demands: achieving better "control of the rulers and of the most important political decisions", constructing «conditions for better listening on the part of representatives" and creating a "greater statutory and physical proximity" [my translation] (Ibid, p. 13).

Similar cases can be mentioned, such as the problem of the "democratic deficit" at the level of the European institutions. For example, Kratochvil and Sychra (2019), for example, point to three factors explaining this democratic deficit. First, the absence of the notion of a public sphere at the European level (insufficiently public deliberations). Second, the psychological gap between the European Union and its citizens (citizen disinterest in European politics). Third, the fact that regulations adopted at the European level are far removed from citizens' preferences.

In both cases, the issue is not so much the legitimacy of governments as the legitimacy of governance: the problem is not located in democratic systems *per se*, but in how to achieve democratic ideals through the exercise of legislative and/or executive power. According to Bekkers et al., «the idea of governance reflects the attention that should be paid to the processes themselves in which actors with different interests, resources and beliefs co-produce policy practices that they share. The paradigm shift from 'government to governance' gives government organizations a position in complex exchange networks [...]». (2007, p. 22)

The French government's strategic response to the yellow vests crisis, for example, is "governance-oriented". Starting in December 2019, the executive branch organised a national debate («*grand débat national*») accessible to all citizens and aimed at fostering public deliberation on issues such as democracy and citizenship or ecological transition, by promoting and organising exchange using practical tools (websites, fora, fact sheets, etc.) (see Courant, 2019; Rui, 2019). As for the European Commission, which affirms its will to maintain "a permanent dialogue with citizens" [my translation] (2019, p. 44), in 2011 it set up the "Debating Europe" project, "an online discussion platform based on a simple model: citizens ask questions - policy makers and experts respond" (Debating Europe, 2001) (see also Cmeciu & Cmeciu, 2014).

From the point of view of argumentation studies, problems related to «democratic deficits» are

both theoretical and practical. As for theoretical issues, research can contribute to identify «gaps between the citizens', policymakers' and scholarly experts' argumentation», and for practical issues to improve «the way [...] citizens understand, evaluate and contribute to public decision-making on such matters of common concern as climate change or energy policies» (COST Committee, 2018). To address these concerns, three working groups were created within the APPLY project (European Network for Argumentation and Public Policy Analysis) (Ibid.): one focusing on the empirical study of public argumentation (data collection), another on the development of practical tools (concrete solutions) and the last on norms for the production and evaluation of public argumentation (theoretical input).

In this paper, I deal with the last issue, raising the question of the relations between public argumentation processes and the legitimacy of public policies, and applying it to the Swiss federalist and semi-direct system case. I expand on this research question and present my hypotheses below, after having clarified two important theoretical insights: first, the link between democracy and public deliberation, and second, the particularities of the Swiss democratic system.

Theoretical insight: democracy and public deliberation

To provide an overview of the connection between democracy and public deliberation, I invoke John Rawls, a theoretician of liberal democracy, and Jürgen Habermas, a theoretician of deliberative democracy¹.

Rawls premises his political liberalism theory on "the fact of reasonable pluralism as a pluralism of comprehensive doctrines, including both religious and nonreligious doctrines" (Rawls, 2005, p. 14). Two comprehensive doctrines, e.g. Christianity and Buddhism, Kantism and Utilitarianism, etc., can be partially or fully opposing. Two individuals, depending on whether they adhere to one or another doctrine, can disagree partially or fully about the truth of a proposition. In contrast to the notion of comprehensive doctrine, a doctrine can be freestanding, "when it is not presented as derived from, or as part of, any comprehensive doctrine" that is, when "it contains its own normative intrinsic normative and moral ideal". (Rawls, 2005, p.42) For a plurality of comprehensive doctrines to coexist within a democratic political system, the concept of justice supporting it must be freestanding: all citizens regardless of the contradictory comprehensive doctrines to which they adhere must consent to it. A political system based on a freestanding conception is legitimate, that is all citizens "in the light of principles and ideals acceptable to their common human reason can endorse it" (Rawls, 2005, p.137).

The First Amendment to the United States Constitution, for example, pertains to a freestanding and legitimate doctrine. According to Rawls, any individual placed under a "veil of ignorance", i.e. a fictional situation of impartiality, would adopt as legitimate the freedom of assembly, the freedom of expression or the freedom to exercise her religion. Thus, in a Rawlsian approach freestanding political doctrines permit public deliberations. Freedom of assembly, for instance, ensures the right to meet under the aegis of any comprehensive doctrine; freedom of expression ensures the right to initiate and participate in deliberations, etc.

Contrastingly, Habermas proposes a more pragmatic conception of democracy. In his view, democracy grounds *in* the "fact of pluralism": "(U) [universalization principle] regulates only argumentation among a plurality of participants; second, it suggests the perspective of real-life argumentation, in which all affected are admitted as participants." (Habermas, 1990, p. 66)

Therefore, within a pluralist system, a norm is valid if and only if "(U) *All* affected can accept the consequences and the side effects its *general* observance can be anticipated to have for the satisfaction of *everyone's* interests (and these consequences are preferred to those of known

¹ For an antagonistic point of view, see the conservative theory of Scruton (2001). For a more comprehensive and charitable account on Rawls' and Habermas' theories, see Herdrick (2010).

alternative possibilities for regulation)." (Habermas, 1990, p. 65)

Finally, for a norm to be universal according to Habermas, those it concerns must approve it; it must be justified pragmatically, within a pluralistic society; and it is validated through a deliberative process rooted in diversity. In relation to the principle of universalization, Habermas hence puts forward a principle of discourse ethics (D) "only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity *as participants in a practical discourse*. This principle of discourse ethics (D) [...] already *presupposes* that we *can* justify our choice of a norm." (Habermas, 1990, p. 66)

In sum, according to Habermas, there is a universal fact rather than a universal freestanding doctrine: all citizens of a given political system are potential participants in the practical discourse. On that account, deliberation is foundational because it generates, sets and modifies norms. Moreover, deliberation is not "sub-regulated" by some universal reasonable principle. Deliberation *is* the democracy, whose ontology is as it exists and not as someone would conceive it under a veil of ignorance, as in Rawls' theory.

I now briefly summarize how public deliberation embeds in a democratic system, trying to offer a definition compatible with both Habermas and Rawls conceptions:

1. Democracy is composed of its citizens.
2. The citizens of a democracy adhere to plural, sometimes opposing, comprehensive doctrines.
3. The norms constituting a democratic system apply to all citizens.
4. The norms constituting a democratic system aim at legitimacy.
5. For a norm to be legitimate, it must be freestanding and/or the result of a public deliberation.
6. Public deliberation is a fact of democracy.

Theoretical insight: the Swiss democratic system

In this paper, I focus on federalism and semi-direct democracy as noticeable features of the Swiss system. According to Dosenrode, "the core of federalism is about two things: independence and politics, territorial politics. Creating a federation is about getting the advantages of being a greater entity, while keeping as much independence for the constituent entities as possible." (2007, p. 7) A federalist system is therefore plural by nature, since the very purpose of federalism is the cooperation of distinct entities within the same political system. Moreover, a parallel can be drawn between Switzerland and the European Union, whose one of the greatest challenges is to organize and facilitate democratic cooperation among the Member states.

Swiss semi-direct democracy exercises through three political tools at a federal level. The *popular initiative*, first, which allows citizens to submit to popular vote an extension or amendment to the Constitution. "For a popular initiative to succeed, those launching the initiative need to collect 100'000 signatures from people entitled to vote within 18 months. By signing such a list, people declare themselves to be in favour of the initiative. Parliament is responsible for examining whether the initiative respects the principles of consistency of form, unity of subject matter and the mandatory rules of international law. If this is not the case, Parliament may declare the initiative totally or partially invalid." (Swiss Confederation, 2020) The optional referendum, second, through which citizens can stop decisions of the legislative power from coming into force. From the publication of the law or decree in the Federal Gazette, "a referendum can take place once at least 50,000 valid signatures have been handed in to the Federal Chancellery, which is responsible, in the final instance, for checking the validity of the signatures. If the number of signatures is attained, the contested decision can be put to the vote of the people." (Ibid.) Third, the mandatory referendum, which provides for the consultation of the population for any amendment to the Constitution scheduled by the legislative power.

Research goal and hypotheses

In this paper, I raise the question of connections between processes of public deliberation and legitimacy of public policies, in semi-direct systems case, such as the Swiss democracy and I address it through three hypotheses:

1. Concepts of public deliberation and public decision-making are interrelated: the legitimacy of a public deliberation depends on the public decision that follows the deliberation and the legitimacy of a public decision depends on the public deliberation that precedes the public decision.
2. Public decision-making and public deliberation connect to the notions of epistemic parity and political equality among citizens.
3. Epistemic parity and political equality enhance the legitimacy of political decision-making processes and the legitimacy of political norms.

To discuss the first hypothesis, I first clarify the definitions of *public reason*, *public justification*, *public deliberation* and *public decision*, before referring to Pettit's discursive dilemmas (2001) to show that public deliberation does not justify a public decision, and public decision is not justified by a public deliberation. I then mention the notions of *centripetal democracy* and of *voting space* (Lacey, 2017), which frames both deliberation and public decision.

To justify the second hypothesis, I discuss Talisse's (2008) *socio-epistemic justification of liberal democracy* and Jønch-Clausen and Kappel's *deep disagreement* objection (2015) and suggest that an operative socio-epistemic justification of liberalism should take into account a principle of political equality.

To justify the third hypothesis, I challenge Jønch-Clausen and Kappel's objection to a socio-epistemic justification of liberalism, pointing out that this objection no longer holds in a deliberative-decisional political system. Eventually, I illustrate this point with the case of the Swiss popular initiative "For the dignity of farm animals (horned cows)", relating this case to the concept of political legitimacy.

1. Public deliberation and public decision-making

1.a. Public reason, public justification, public deliberation and public decision-making

Before clarifying how public deliberation and public decision-making interrelates, I begin by distinguishing between the notions of "public reason", "public justification" and "public deliberation".

According to Chambers, *public reason* "refers to the content of the reasons given within public justification. Here, the question focus on the types reasons appropriate to public justification. The adjectives most often used to describe public reasons are intelligible, accessible, acceptable and sharable." (2010, p. 2) As I explained in the introduction mentioning Rawls' and Habermas' theories, the principle of public reason requires some sort of universality and is at least partially typological, as Chambers notes in speaking of "types reasons appropriate to public justification". In other words, public reason, metaphorically exercised under a veil of ignorance (Rawls) or actually through a process of deliberation (Habermas), generates public reason(s), or justification(s).

Public justification, more precisely "the public of public justification":

refers first to the fact that it is justification of public things, i.e., laws, constitutions, basic social structure; second, to the fact that the addressee of the justification is a public at large characterized by pluralism (this might be ideally conceived, or as an empirical entity, or something in between); and finally, public refers to the idea that justification is presented in public or by citizens acting publicly. (Chambers, 2010, p.2)

Public deliberation, finally, "refers to the process of reason-giving" (Chambers, 2010, p.2). Therefore, I summarize the distinction between public reason, public justification and public deliberation as follows: through a process of public deliberation, based on (Rawls) or generating (Habermas) a principle of public reason, citizens produce public justifications. The process of public deliberation:

1. Is about a public issue
(content clause)
2. Is typically expressed by people in their public capacity, e.g. as citizens or politicians (speaker clause)
3. [Is expressed] in an open forum
(context clause)
4. [Addresses] a larger audience whose members are people in their public capacity
(addressee clause) (COST Working Group 2, 2019, p. 4)

This definition might be questionable, however, because public justification relates to a public decision leading to the ratification of a public norm. Research indeed commonly distinguishes between deliberative and aggregative democracy. According to Peter, "the main difference between the two conceptions of democracy is [...] that the deliberative conception treats the transformative effect of public deliberation on preferences or beliefs as crucial for the justification of democracy and the legitimacy of democratic decisions, while the aggregative conception does not." (2017, p. 78) For the supporters of the aggregative conception, the process of deliberation connects with a democratic decision-making by majority vote. In this view, a public norm is justified by the vote rather than by the deliberation. For the supporters of the deliberative conception, on the contrary, the decision records the result of the deliberation, but is not contained *within* the justification.

In the next sections, I suggest that the deliberative and aggregative conceptions of democracy are interrelated, referring to Pettit's "discursive dilemmas" (2001). In other words, deliberation is not sufficient to justify an aggregate public decision and aggregate public decision is not sufficient to justify a deliberation. From these examples of discursive dilemmas, I then turn to Lacey's (2017) notion of *centripetal democracy*, arguing that the relation between public deliberation and public justification stands mainly at the level of governance, not government. Finally, I show that the key features of this governance relevant to the public justification of norms are the epistemic and political equality of citizens.

1.b. Public deliberation does not justify a public decision

I begin by presenting a case where a public deliberation does not justify a public decision, referring to the second Pettit's discursive dilemma (2001).

Assume that "there is a conclusion to be decided among a group of people by reference to a disjunction of independent or separable premises - the conclusion will be endorsed if any of the

premises is endorsed, and otherwise it will be rejected." (Ibid., p. 276).

In Switzerland, for example, a right wing nationalist party (Swiss People’s Party) submitted in 2014 a popular initiative to the debate and vote of the population. This initiative called "Stopping mass immigration" (Swiss Confederation, 2019) proposed an amendment to the Constitution, in order to restrict immigration, both for foreigners who are gainfully employed in Switzerland and asylum seekers. The amendment therefore includes two independent premises, one concerning immigrants working in Switzerland, the other asylum seekers. For the purposes of the example, assume that three citizens answer two questions through a deliberative process: Is reducing immigration of workers justified? Is reducing immigration of asylum seekers justified? At the end of the deliberation, their position is as follows:

Disjunctive premises	Is reducing immigration of workers justified?	Is reducing immigration of asylum seekers justified?	Should the initiative be accepted?
Donald	yes	no	yes
Mickey	no	yes	yes
Pluto	no	no	no

Situating with respect to the deliberative process, the majority of participants in the debate do not justify either the first or the second premise. Therefore, citizens should not accept the initiative, since neither of the two premises is justified. However, Donald and Mickey are somehow prejudiced. Both individually have sufficient reason to believe that the initiative should be accepted, Donald because he believes it is justified to reduce immigration of workers, Mickey because he believes it is justified to reduce immigration of asylum seekers. Therefore, in this case, public deliberation negates the aggregation of participants’ individual preferences, the majority of whom is in favour of the initiative.

1.c. Public decision does not justify a public deliberation

I now present the second dilemma, where a public decision does not justify a public decision (2001).

Assume that "there is a conclusion to be decided among a group of people by reference to a conjunction of independent or separable premises — the conclusion will be endorsed if relevant premises are endorsed, and otherwise it will be rejected." (p.274)

In Switzerland, for example, an environmental party (The Green Party of Switzerland) submitted in 2016 a popular initiative called "For a sustainable and resource-efficient economy (Green Economy)" (Swiss Confederation, 2016), in favour of sustainable development. The amendment premised on two conjunctive questions: Is the ecological threat sufficient to justify the promotion of a "green economy"? Is promoting a "green economy" effective in responding to the ecological threat? Again, assume that three citizens answer the questions through a deliberative process. Their position in the debate is as follows:

Conjunctive premises	Is the ecological threat sufficient to justify the building of a "green economy"?	Is building a "green economy" effective in responding to the ecological threat?	Should the initiative be accepted?
Daisy	yes	no	no
Minnie	no	yes	no
Fifi	yes	yes	yes

Situating with respect to decision-making, the majority of participants in the debate do not believe that the initiative should be accepted: the aggregation of individual preferences entails a rejection of the initiative. With respect to the deliberation, however, the two premises are justified by the majority. Therefore, in this case, the decision-making somehow deceives the "deliberative reason" of Daisy, Minnie and Fifi, because the result of deliberation does not reflect in participants' individual preferences. Public decision thus denies a premises-driven justification in favour of the initiative.

1.d. The challenge of governance and centripetal democracy

Lacey (2017) recently proposed a mixed conception of democracy, neither aggregative nor deliberative, illustrating his position with Belgian, Swiss and European democracies' cases. According to him:

One standard opposition we find in democratic theory is between those who would see aggregation as the defining feature of democracy and those who would emphasize deliberation. In my view, the concept of aggregation is too thin because it refers to only one aspect of voting procedures, namely the counting of votes. As I have argued, the act of voting is presupposed by a voting space² (compound) of which aggregation is an important but small part. Deliberation, on the other hand, has been identified as a form of discursive participation and only one permissible way of democratically engaging in the public sphere. Subsuming aggregation and deliberation respectively within the wider concepts of voting space and discursive participation makes implausible any major opposition between them, since voting spaces have been demonstrated to have a fundamental structuring effect on the public sphere wherein discursive participation proceeds. (2017, p. 46)

In accordance with this conception of democracy, the notion of public deliberation includes that of public decision, both embedding under the wider concept of voting space. I thus suggest to add a "goal clause" to the definition of public deliberation given above, taking decision into account, and to define similarly public deliberation. Public deliberation:

1. Is about a public issue (content clause)
2. Is typically expressed by people in their public capacity, e.g. as citizens or politicians (speaker clause)
3. [Is expressed] in an open forum (context clause)
4. [Addresses] a larger audience whose members are people in their public capacity (addressee clause) (COST Working Group 2, 2019, p. 4)
- 5. Aims at a public decision (goal clause)**

Public decision:

1. Is about a public issue (content clause)
2. Is typically made by people in their public decisional capacity (voters clause)
3. Results in a public policy (modifies the political context of the voters) (context clause)
4. Concern a larger population whose members are people in their public capacity

² "Any set of procedures that formally open up political power to the input of individual citizens through the act of voting" (Lacey, 2017, p.23).

of decision (addressee clause)

5. Is driven by a public deliberation (justification clause)

I previously mentioned the notion of governance: "the idea of governance reflects the attention that should be paid to the processes themselves in which actors with different interests, resources and beliefs co-produce policy practices that they share." (Bekkers et al., 2007, p. 22) This notion is in line with Lacey's theory of centripetal democracy, which "refers to the capacity of particular institutional arrangements to integrate diverse identities and interests within a singular political community." (Lacey, p. 75-76). Centripetal democratic systems hence function as centralizing institutions, organizing both deliberations and decisions within a voting space. In the next section, I advance the idea that liberal democracy can be justified if and only if it is conceived centripetally, namely as voting space aiming at political equality and epistemic parity of citizens.

2. Public deliberation and epistemic position of citizens

2.a. Talisse's socio-epistemic justification of liberal democracy and Jønch-Clausen and Kappel's deep disagreement objection

Talisse's argument

Talisse (2008) socio-epistemic justification of liberal democracy is useful in conceptualizing the notion of public deliberation, because it draws on a normative conception of epistemic exchange similar to that of fundamental models in argumentation studies, such as pragma-dialectics. According to Talisse, who echoes Buchanan (2004 ; 2002) and Goldman (1999), agents are epistemically interdependent (2008, p. 109). They form and revise their beliefs in accordance with a certain social model and follow socially derived epistemic habit. An epistemic habit is virtuous if it tends towards truth and vicious if it does not.

The concept of "epistemic habit" could meet that of "pragma-dialectical model", which "consists in the first place of a procedure for testing the acceptability of standpoints critically in the light of the commitments the parties have assumed in the empirical reality of argumentative discourse". Furthermore, this model "provides a description of what argumentative discourse would be like if it were optimally and solely aimed at methodically resolving a difference of opinion about the acceptability of a standpoint on the merits." (Van Eemeren et al., 2015, p.112-113)

In both accounts, epistemic exchange is regarded as a process aimed at testing the acceptability of beliefs or standpoints and whose outcome is function-related: if the process effectively tests the acceptability of beliefs or standpoints, it is virtuous, or effective. If it does not, it is vicious, or ineffective. However, agents cannot test all of their beliefs through virtuous, or effective, critical discussion. Therefore, epistemic habit refers not only to how beliefs are formed or revised, but also to how agents evaluate the authority of their fellows, that is, to whom and what extent they show "epistemic deference" (Talisse, 2008, p. 109). Epistemic interdependence of agents is advantageous in that it drastically reduces the cognitive cost of forming and revising beliefs, but also hazardous because it increases the risks of having false beliefs (for an evolutionary view on this matter, see Sperber, 2001). These risks are "both prudential and moral: they are prudential insofar as false beliefs frustrate one's deliberations about means; they are moral insofar as they can lead one to adopt immoral ends." (Talisse, 2008, p. 110)

According to Talisse, liberal democratic institutions are consequently epistemically justified, because they "minimize the risks of dependence while maximizing the benefits of the epistemic

division of labor", by means of three features. They:

- (1) recognize individual liberties of thought, conscience, and association, all of which enable the free exchange of information
- (2) feature a meritocratic system of identifying experts that encourages proper epistemic deference
- (3) encourage a broad culture of moral egalitarianism that enables citizens confidently to address, question, and criticize each other and socially identified purported experts. (Talissee, p. 110)

Jønch-Clausen and Kappel's objection

According to Jønch-Clausen and Kappel, some rational agents might nevertheless "reasonably reject [...] the assumption that the core institutions of liberal democracy facilitate the epistemically optimal exchanges of evidence and reason; indeed [...] a believer may rationally hold that core liberal institutions put her in an epistemically worse off position" (2015, p. 377). For example, assume that Juliette is a "rational believer" who:

(T1) operates in compliance with a set of basic epistemic norms (EN). Roughly EN comprises the idea that rational believers aim at believing truly, and that in doing so, they need to be responsive to evidence and reason. EN further holds that to hold a belief involves incurring an obligation to articulate one's reasons, evidence, and arguments when incited to do so. Finally, to articulate one's reasons is to enter into a social process of evidence and reason-exchange. (Ibid., p. 374)

Furthermore:

(T2) Anyone who, upon reflection, sees themselves as operating in compliance with EN is rationally committed to endorse the social institutions facilitating the epistemically best social process of evidence and reason-exchange (Ibid., p.374)

So far, so good. However, it turns out that Juliette, who have been studying philosophy and theology for years, adheres to a dualist epistemic system (E-system); she believes that she is compound of a physical body and an immortal soul, capable of forming particular knowledge about the world independently of sensitive experience, through some practices and subjective experiences such as prayer, meditation or trance. Moreover, Juliette is not the only dualist agent in the democracy to which she belongs. She is part of a community of agents who have the same epistemic system.

Juliette, like any rational agent, tends to adopt true beliefs. She is also willing to enter into a socio-epistemic process of exchanging reasons with other agents (T1). Furthermore, she is rationally committed to endorse social institutions that facilitate the best possible socio-epistemic exchange (T2). Nevertheless, Juliette, because of her dualism, is minority. Her dualistic epistemic system differs from that of the majority of physicalist agents, and she knows it. Therefore, from Juliette's point of view, is it true that:

(T3) There is a set of key liberal democratic institutions that are epistemically best with respect to facilitating the social process of exchange of evidence and reason? (Ibid, p. 374)

The answer is no. If:

[Juliette] believes that enough participants in the exchange of evidence and reason do not share [her] E-system, then [Juliette] will not, *from a first-personal perspective*, have reason to expect that his own epistemic position will improve by being exposed to these other perspectives. In other words, if the dominant set of E-systems in the society in which [Juliette] lives is significantly at odds with central elements of [Juliette's] own E-system, then [Juliette] may have no reason to seek exposure, or may even rationally seek to avoid exposure. (Ibid., p. 378).

The crux of the problem is that, because of the existence of incompatible epistemic systems, Talisse's justification of liberalism is not public. Even though any rational agent can accept (T1) and (T2), the "epistemic best" of the premise (T3) depends on individual epistemic systems. The "epistemic best" of Juliet the Dualist when she is minority, for example, is not a set of liberal institutions, not because these institutions are liberal but because they do not permit, in Juliette's view, a free and advantageous epistemic exchange. Therefore, according to Jønch-Clausen and Kappel, who rely on a "deep disagreement argument", it is not true that:

(A2) No-one (or almost no-one) among the members of the polity can *reasonably rejects* the premises or the inferences of the master-argument, no matter what their religious and moral outlook or other parts of their (reasonable) comprehensive view is. (p. 375)

2.b. Epistemic parity supports political parity and political equality improves epistemic parity

Nonetheless, I believe that Talisse's proposal is salvageable, by specifying the concept of "key liberal institutions", which can be look on as centripetal structures promoting political equality and improving epistemic parity between citizens.

Epistemic parity is typically defined as an epistemic *equality* relation between two agents with respect to a proposition:

Suppose that you and your friend independently evaluate the same factual claim—for example, the claim that the death penalty significantly deterred crime in Texas in the 1980s. Each of you has access to the same crime statistics, sociological reports, and so on, and has no other relevant evidence. Furthermore, you count your friend as an epistemic peer—as being as good as you at evaluating such claims. (Elga, 2007, p. 484)

If two agents are not epistemic peers with respect to a proposition, then one is the other's epistemic superior or inferior. Several factors determine the epistemic expertise of an agent about a factual proposition or a set of propositions: Has she relevant cognitive biases? Is she attentive while evaluating the proposition? Does she bear sufficient evidences? etc. (Frances, 2014)

I suggest supplementing this conception by a definition of epistemic parity as an *equivalence* relation. Assume that Zat and Taz deliberate on a deontic proposition, for example, "We should introduce a tax on gasoline." Zat premises his justification on three propositions about which he is epistemically competent: "Global warming is real", "Greenhouse gases warm the Earth", "The introduction of a tax on gasoline significantly decreased greenhouse gas emissions shortly after its introduction in Waltonie³ in 2002". As for Taz, he does not believe that "We should

³ Waltonie is a new country created in honour of Douglas Walton

introduce a tax on gasoline". He premises his justification on three other propositions: "The tax would cost 100 euros per month for a citizen driving 50 kilometres a day to go to work"; "The average salary of workers in our country is 2000 euros"; "100 euros per month equal 5% of the average salary of workers. "

In this case, Zat and Taz are not necessarily epistemic peers regarding the propositions premising their deontic standpoint. Nonetheless, their justifications are equally relevant to justify or not the deontic norm. They are thus epistemic peers in a sense of epistemic parity as an equivalence relation: Zat and Taz are epistemically equally competent to justify or not a deontic norm.

Consequently, for liberal institutions to "minimize the risks of [epistemic] dependence while maximizing the benefits of the epistemic division of labor", it is insufficient that they:

- (1) recognize individual liberties of thought, conscience, and association, all of which enable the free exchange of information.
- (2) feature a meritocratic system of identifying experts that encourages proper epistemic deference.
- (3) encourage a broad culture of moral egalitarianism that enables citizens confidently to address, question, and criticize each other and socially identified purported experts. (Talisso, p. 110)

They should also genuinely take into account the fact of pluralism, i.e., recognize the considerable number of cases where citizens, in relation to a deontic proposition or a deontic propositional domain, have poles apart positions *and* epistemically equivalent justifications. Indeed, because liberal institutions generate public and sometimes coercive norms, free epistemic exchange serves as much to prevent undesirable policies than harmful policies. Moreover, it provides citizens with the opportunity to achieve personal ends in a public setting by dint of persuasion.

To sum up, liberal institutions should be effective in conciliating a global justification of norms, whose value lies on public reason, with an individual justification, whose value lies in the desirable or the undesirable from a first-person perspective. In this sense, epistemic parity as an equivalence relation backups political equality.

According to Dahl, ideal political equality requires five key-features:

1. "Effective participation": all citizens must have the right to participate in public deliberations on a policy.
2. "Equality in voting": all citizens must have the right to participate in vote on the adoption of a policy.
3. "Gaining enlightened understanding": all citizens must have access to information about the new policy and alternative possibilities.
4. "Final control of the agenda" : all citizens must have the right to propose new policies for debate and voting at any time, and to question previously adopted policies.
5. "Fundamental rights": each of these features is a fundamental right. (2006, p. 9)

The notion of "key liberal institutions" can now be specified to match the properties of an ideal political equality: liberal institutions should tend towards epistemic parity as an equivalence relation between citizens, that is, towards ideal political equality. These *centripetal* institutions do not function as governments, since the *demos* governs itself, but as governance.

Consequently, epistemic parity between citizens, as an equality relation this time, is in turn enhanced. Zat and Taz, freely exchanging about deontic propositions and mutually recognizing

as epistemically equivalent, are in ideal conditions to form and revise their beliefs. Zat perhaps does not know that global warming is a reality. However, since this knowledge is not considered more relevant than his own to the deontic proposal to be evaluated, he is well positioned to adopt it in a climate of mutual epistemic trust. (see Almassi, 2012) He also has the opportunity to try to improve his expertise on the subject and confront his opponent on his own ground. At a governmental level, in such a framework, institutions perform a role of facilitators and organisers of the deliberations, e.g. by synthesising citizens' views and justifications, organising spaces for debate, etc.

A solution to Pettit’s discursive dilemmas now appears. With the first dilemma, we had a case where public deliberation does not justify public decision (Pettit, 2001):

Disjunctive premises	Is reducing immigration of workers justified?	Is reducing immigration of asylum seekers justified?	Should the initiative be accepted?
Donald	yes	no	yes
Mickey	no	yes	yes
Pluto	no	no	no

Considering deliberation only, Donald and Mickey are somehow prejudiced in this case, because deliberative justification is at odds with their individual justifications. In a situation of ideal political equality however, this deliberation hinges from the outset on a principle of epistemic parity as equivalence, since it tends towards a voting closure of the process. The system thus acknowledges political equivalency of the participants, even though their standpoints oppose.

Furthermore, the system organising deliberations and votes must make available sufficient tools to ensure that every participant has access to the views of opponents and to a comprehensive picture of the debate. Therefore, at the time of the vote, citizens can choose either to take into account the result of the deliberation or their individual preferences. If the outcome of the vote matches the outcome of the deliberation, then the norm is justified by "deliberative reason." If, on the contrary, the result of the vote aggregates individual preferences and denies "deliberative reason", then the norm is justified by the principle of epistemic parity as an equivalence relation, that is, by the principle of political equality. Moreover, the process can be started over at any time. Pluto feeling prejudiced with respect to deliberative reason, for example, has the right to propose later to repeal the text of law about immigration of workers, namely to eliminate the conjunction, knowing that it is his best chance to win.

With the second dilemma, we had a case where public decision does not justify a public deliberation (Pettit, 2001):

Conjunctive premises	Is the ecological threat sufficient to justify the building of a "green economy"?	Is building a "green economy" effective in responding to the ecological threat?	Should the initiative be accepted?
Daisy	yes	no	no
Minnie	no	yes	no
Fifi	yes	yes	yes

Considering decision only, the "deliberative reason" of Daisy, Minnie and Fifi is somehow deceived. Both premises are indeed justified by the deliberation, but the justification does not materialize in the aggregated result. In an ideal system of political equality, however, the vote is inscribed from the outset in a system that favours epistemic equality, since the vote closing the process results from a free deliberation organized by the governance. It is therefore assumed that participants, at the end of the process and through deliberation, are epistemic peers capable of an informed choice. Daisy or Minnie may thus accept the initiative even though they do not accept the justification of a premise, opting for the deliberative reason. They may as well not reconsider their position and reject the initiative anyway, opting for their individual preferences. In both cases, again, the adopted norm is legitimized, either through epistemic parity as an equality relation, which enables citizens to draw to the same rational conclusions all together, or through epistemic parity as an equivalence relation, which enables citizens' differing justifications for the same norm to be considered equally rational. And again, legitimacy is enhanced by the possibility to restart the process at any time.

3. Deep disagreement, cow horns and legitimacy

Finally, I show why specifying the notion of voting space and epistemic parity as equality and equivalence make it possible to reject a deep disagreement objection against the socio-epistemic justification of liberal democracy, referring to Boltanski and Thévenot's theory of justification (2006) and the Swiss initiative "For the dignity of farm animals (horned cows)". Elaborating on this deep disagreement case, I explain why the debate can still take place in an epistemically satisfactory and advantageous way for all citizens and why the result is legitimized and legitimate.

3.1. Deep disagreement

In my view, Jønch-Clausen and Kappel's definition of deep disagreement is questionable. The epistemic systems of two agents might indeed be more or less similar or dissimilar, but the existence of total incompatibilities that inhibit the debate is doubtful if these individuals are rational.

Fogelin (1985) is the first to suggest the canonical example of abortion debate: deep disagreement occurs when "parties on opposite sides of the abortion debate can agree on a wide range of biological facts-when the heartbeat begins in the foetus, when brain waves first appear, when viability occurs, etc., yet continue to disagree on the moral issue." (p. 6) In such case, in my view, the difficulty is not so much a problem concerning the justification of factual propositions, but rather of deontic propositions, like "Abortion should/should not be legal in the first three months of pregnancy".

It is, actually, a particular case of epistemic equivalence. Two justifications of a deontic proposition D being part of poles apart epistemic systems, for example a dualistic system and a physicalist system, can however be recognized as equivalent, with respect to each agent's epistemic system. Crumb and Pebble, for example, might disagree about the right to abortion in the first three months of the foetus. Crumb believes in the right to life in an absolute and coherent way (he is also a vegetarian; he does not kill insects, etc.) Pebble believes that the right of women to choose whether to have a child is fundamental. In this case, Crumb and Pebble can rationally recognize each other as epistemic peers, in the equivalence sense, with respect to the deontic proposition D. The difficulty does not seem much more fundamental than the simple fact of pluralism, on which the issue relocates.

According to Boltanski and Thévenot :

The fact that people may choose among a number of different ways of establishing equivalence raises questions about how these approaches are interrelated, and how people deal with such complexity. We have already suggested, however, that the order of each polity makes it possible to reduce complexity by reducing forms of generality characteristic of other polities to instances of particularity. (2006, p. 127)

In their *economy of worth* theory, the authors argue for the idea that the social space is composed of a plurality of worlds:

1. "The inspired world", whose principle is "the outpouring of inspiration." (p. 159)
The recognized evidence in this world is "the certainty of intuition." (p. 163)
2. "The domestic world", whose principle is "the engenderment according to tradition." (p. 165) The recognized evidences in this world are "the exemplary anecdotes." (p. 176)
3. "The world of fame", whose principle is "the reality of public opinion." (p. 178)
The recognize evidence in this world is "the evidence of success." (p. 184)
4. "The civic world", whose principle is "the preeminence of collectives." (p. 185)
The recognized evidences in this world are "the legal texts." (p. 193)
5. "The market world", whose principle is "competition." (p. 196). The recognized evidences in this world are "money, benefit, result, and payback." (p. 202)
6. "The industrial world", whose principle is "the efficiency." The recognized evidence in this world is a "measure." (p.211)

According to Boltanski and Thévenot, the coexistence of these worlds is a social fact. From a political perspective, a legitimate system should hence allow the coexistence of these worlds and the free evaluation, through deliberation, of their importance with respect to one or another deontic norm. In addition, any agent should be able in principle of rationally recognizing the existence of these spaces as valid value systems, for herself and for the agents with whom she interacts, as well as of calculating and understanding the equivalence of these value systems within a specific case of disagreement.

Consequently, disagreement about abortion would not be a clash of epistemic systems, since both parties recognize the same biological facts. Rather, for the specific deontic norm concerning abortion, agents refer to different worlds, which do not prevent them to acknowledge each other's system. If the other's world of reference is not acknowledge, then epistemic parity as an equivalence relation is not recognized. The conflict is therefore more a conflict about relevance of values than of rationality.

3.2. Socio-epistemic justification of a liberal democracy in which citizens can debate about the dignity of horned cows

For a socio-epistemic justification of liberal democracy to hold, in addition to allowing free epistemic exchange while minimizing the risks associated with epistemic dependence, liberal institutions must also be able to foster the recognition of types of "social worlds" such as those

described by Boltanski and Thévenot. This is the social side of a socio-epistemic justification, and the epistemic justification of a social world, in which agents adapt not only their factual knowledge, but also their knowledge of the exchange processes, and of the types of values underlying these exchanges.

Within systems favouring a "centripetal" type of governance, this type of exchanges can be encouraged, for example, by tools of direct democracy, such as the popular initiative. This tool allows in principle to submit to public deliberation and vote any proposal to amend the Constitution. In Switzerland, submitting a popular initiative necessitates the collection of 100,000 signatures, which approximately represents 1.8% of the voters. Therefore, a minority can bring into the voting space, comprising both deliberation and decision, any policy proposition.

A mountain farmer, for example, launched a signatures collection in 2016, to propose an amendment to the Constitution called "For the dignity of farm animals (horned cows)", the aim of which was to introduce financial bonuses for owners of cows and goats who do not dehorn their animals. According to the proponent of the initiative expressing publicly: "Nature must be treated with respect, and cows must be considered as full-fledged beings. If their horns were meaningless, Mother Nature would not give them at birth." (*L'Illustré*, 2017). This statement situates somewhere between the "inspired world" and the "domestic world" of Boltanski and Thévenot. Nevertheless, because it is a subject of deliberation and vote, citizens, who cannot ignore the framework in which the proponent's justification is inscribed, discuss it in the public sphere.

In addition, when a group of citizens or a citizen submits and defends an initiative, she enters into a process of epistemic exchange and evaluation of value systems. That is, she must be able to situate herself with respect to these systems in such a way as to propose arguments compatible with each of them, ideally. In the cow's horns initiative case, for example, these were arguments such as "20% of dehorned animals suffer from long-term pain, as a study by the University of Bern has shown", which is at the junction between "the inspired world" and "the industrial world" ; or, "dehorning only appeared with the industrialization of agriculture", which is between a rejection of the "industrial world" and a validation of the "domestic world." (Hornkuh initiative website, 2020). Sadly for the cows, a significant majority of Swiss citizens rejected the initiative. However, a genuine debate took place and can be started over at any time.

With such a conception of liberal institutions, the deep disagreement objection against a social-epistemic justification of liberalism seems to fall. Even if the epistemic system or the world of an agent is minority and even if this system is the only one to which she refers, she still can propose a deontic norm to the debate, locating it within her own framework. Moreover, she can, through the debate, estimate the number of citizens locating in the same world with respect to this deontic norm and acquire knowledge about the worlds in which other citizens locate. Therefore, there is no reason for a citizen, for instance Juliette the Dualist, to "reject [...] the assumption that the core institutions of liberal democracy facilitate the epistemically optimal exchanges of evidence and reason" and to "hold that core liberal institutions put her in an epistemically worse off position" (Jønch-Clausen and Kappel , 2015, p. 377), since epistemic equivalence is recognized as fundamental principle.

3.3. Legitimacy of the political system and legitimacy of norms

To sum up my argument, I suggest two necessary properties for the legitimacy of a political system. A political system is legitimate if and only if:

1. The system admits epistemic parity as an equivalence between citizens, that is, it admits that,

for a norm N, the justification can locate into any social world SW.

2. The system promotes epistemic parity as an equality relation between citizens, that is, it promotes free epistemic exchange between citizens.

A political norm is legitimate if and only if:

1. It is justified by a deliberative and decision-making process admitting epistemic parity as an equivalence relation and favouring epistemic parity as an equality relation.

2. It is justified either by the deliberative reason, or by aggregated individual preferences, or by both.

3. Its justification locates in at least one social world, to which at least one citizen refers.

4. It can be revised at any time by any citizen.

4. Conclusion

In conclusion, I would like to anticipate a jingoism objection against my argument. I believe that tools of direct democracy improve political equality among citizens and I tend to believe they improve the legitimacy of decisions. I also believe that this system is criticisable in many respects. For instance, in Switzerland, the injustices moderated by political equality tend to transfer to non-voting minorities, such as immigrants; in cases where the aggregative reason is preferred and contravenes the deliberative reason, decisions sometimes violate international law or the human rights convention; and so on. (see Giraux, 2013; Donovan, 2019).

Furthermore, I do not believe that a system of direct or semi-direct democracy is the only one that can meet the legitimacy criteria suggested above. As Bedock et al. point out in their studies on the yellow vests crisis in France, protesters do not necessarily call for an end of the representative system in favour of a semi-direct or direct democracy. Rather, they call out for "reinventing representation [...] according to three main principles: more control of elected representatives, elected representative as spokespersons who listen to citizens and a better statutory and geographical proximity between the representatives and the represented." [my translation] (Bedock et al., 2019, p. 13.) They call out, in other words, for a government which would be more genuinely "the government of the people by the people themselves." (Ritchie, 1869, p. 64) How can this democratic ideal be achieved? By listening those who protest and by recognizing the reality and the equivalence of the social worlds. Governments should not be swallow's nests, from which citizens are looked down upon, but centres for the circulation of power.

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