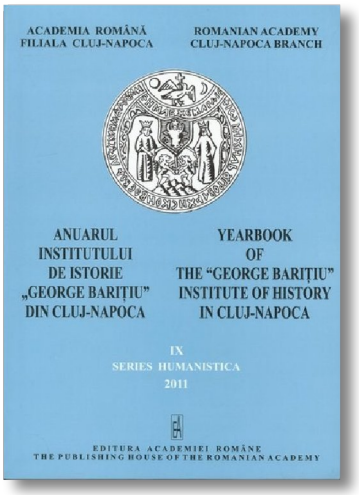

ISSN 1584-4404

Yearbook of the George Barițiu History Institute of Cluj-Napoca
Series *Humanistica*

humanistica.ro

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How to cite this article:
Pleșca, Vasile (2011) *The Reasonable Deliberation and the Limits of the Constructivist Reasoning*, Yearbook of the George Barițiu History Institute of Cluj-Napoca, Series Humanistica, Vol. 9, pp. 265–272. DOI: 10.5281/zenodo.22966087

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THE REASONABLE DELIBERATION AND THE LIMITS OF THE CONSTRUCTIVIST REASONING[1]

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Abstract. *The present study represents an analysis of the epistemic processes implied by the act of democratic deliberation. The finality of this study is analyzing to which extent the rational component of the democratic deliberation can face an epistemic analysis and not only a triumphant, strictly political one. In other words, does the concept of rational deliberation bear with the perspective of knowledge location in the political process? This analysis is thus performed using the distinction Hayek makes between the constructivist and the evolutionary reasoning. The conclusion we come to is that given the fact that the deliberative democracy theory uses a constructivist reasoning, it is only a XXIst century image of the social engineering errors of the past century. At the same time, the properties of rational deliberation must not be ignored nor abandoned but absorbed and used in the branches of the democracy theory which would truly benefit from it.*

Key words: *rational deliberation, constructivist reasoning, Hayek, limits of reason.*

The democratic deliberative theory endures an epistemic drawback. This study will disclose this drawback, its origins and will also try to sketch a way to avoid it.

The reasonable deliberation is undoubtedly one of the most promising directions of the contemporary democratic theory[3] and thus one of the most appealing. It is also appealing because of the fact that deliberation looks to eliminate

[1] This paper was made within POSDRU Programme *The Knowledge Based Society – Researches, Debates, Perspectives,* Postdoctoral Programme supported by the Sectorial Operational Programme Human Resources Development (SOP HRD), financed from the European Social Fund and by the Romanian Government under the contract number POSDRU ID 56815/ E 1859.

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[3] Jose Luis Marti, *The Epistemic Conception of Deliberative Democracy Defended. Reasons, Rightness and Equal Political Autonomy*, in *** *Deliberative Democracy and its Discontents*, Samantha Besson and Jose Luis Marti (eds.), Asghate Publishing Limited, 2006, p. 27–56.

irrationality from the democratic space. Manifesting their trust in rational arguments, the theorists of deliberative democracy perceive the political discourse exactly as a scientific one, where hypothesis, arguments and conclusions follow the same guiding lines, those of reason, clarity and coherence. Moreover, deliberation improves the argumentative solidity of political beliefs.

Therefore, following the rational process of deliberation, a number of consequences are impossible to ignore: the growth of the quantity and quality of information; the emergence of a thorough meditative process on the circulated arguments; the emergence of a process of learning the values (democratic and epistemic), experiences and motives of the other participants to the dialogue; the growth in the degree of responsibility and openness to consensus[4].

Another thing comes about within the process of reasonable deliberation. At the moment where anyone engages in an intellectual dispute, looking to convince the others with the use of the solidity and soundness of his own arguments, he must first listen, understand and honestly accept the value of their arguments. As a consequence, within the process of reasonable deliberation, the values, interests, individual "truths", sketched many times using selfish thinking, are transformed by the action of the best argument in a positive action which points to a more general interest which would truly reflect the political participation.

By pursuing Habermas[5], it is possible to create a principle which sketches the defining idea of the deliberative theory of democracy: the democratic decisions posses normative value if and only if they are the result of a deliberative process of reasonable argumentation which keeps to the following procedures: nobody and nothing imposes restrictions of any nature on the implication in the process of democratic deliberation; any rationally argued opinion can be expressed by anyone and also any other opinion can be argued, using reasonable arguments, by anyone; the only coercion upon the rational deliberation process is the one of the best argument[6].

Walzer's words only emphasize the framework sketched above:

> *"Deliberation here describes a particular way of thinking: quiet, reflective, open to a wide range of evidence, respectful of different views. It is a rational process of weighing the available data, considering alternative possibilities, arguing about relevance and worthiness, and then choosing the best policy or person."*[7]

[4] Jon Elster, *Introduction*, in *** *Deliberative Democracy*, Jon Elster (ed.), Cambridge: Cambridge University Press, 1998, p. 11.

[5] See Jurgen Habermas, *Moral Consciousness and Communicative Action*, Cambridge: Polity Press, 1990, p. 62.

[6] Seyla Benhabib, *Toward a Deliberative Model of Democratic Legitimacy*, in *Democracy and Difference. Contesting the Boundaries of the Politics*, Seyla Benhabib (ed.), Princeton: Princeton University Press, 1996, p. 70.

[7] Michael Walzer, *Deliberation, and What Else?*, in *** *Deliberative Politics. Essays on Democracy and Disagreement*, Stephen Macedo (ed.), Oxford: Oxford University Press, 1999, p. 58.

Furthermore – and maybe foremost, reasonable deliberation offers a new type of justification to the democratic process: the rational justification of participation. For the first time in thousands of years from the Athenian democracy, participation obtains a primal sense in democracy, looking to parallel the contribution of representation.

The properties of the deliberative model do not stop here[8].

This study does not look to underline the drawbacks of democracy's deliberative theory. It does not even criticize democracy's deliberative theory[9]. The lines above were only pointing out the positive aspects of this approach. The finality of this study is analyzing to which extent the rational component of the democratic deliberation can face an epistemic analysis and not only a triumphant, strictly political one. In other words, does the concept of rational deliberation bear with the perspective of knowledge location in the political process?

An invention of the ancient Greek reasoning, the rationality of the political demarche has offered ever since those ancient times the necessary support needed to reaching the goal of the political act: the good of the community. In over two thousand years, rationality has imposed a style and became a true instance to monitor, in a critic and auto reflexive manner, the entire political demarche. The modern rationalism has awarded a new dignity to the social problematic.

The theory of rational deliberation is in fact the key stone which completes this belief in the power of reason. Over two thousand years of belief in reason culminate in concepts such as *public reason*[10] or *reasoning together*[11]. What we are facing is in

[8] Also, the deliberation "contributes to the legitimacy of decisions made under conditions of scarcity"; encourages citizens „to take a broader perspective on questions of public policy than they might otherwise take"; clarifies "the nature of a moral conflict, helping to distinguish among the moral, the amoral, and the immoral, and between compatible and incompatible values"; and, "compared to other methods of decision making[,] increases the chances of arriving at justifiable policies" (Amy Gutman, Dennis Thompson, *Democracy and Disagreement*, Cambridge: The Belknap Press of Harvard University Press, 1997, p. 41–43).

[9] Just like some authors can be: "Deliberative democracy...is as purely aspirational and unrealistic as rule by Platonic guardians. With half the population having an IQ below 100... with the issues confronting modern government highly complex, with ordinary people having as little interest in complex policy issues as they have aptitude for them, and with the officials whom the people elect buffeted by interest groups and the pressures of competitive elections, it would be unrealistic to expect good ideas and sensible policies to emerge from the intellectual disorder that is democratic politics by a process aptly termed deliberative." (Richard Posner, *Law, Pragmatism, and Democracy*, Cambridge, MA: Harvard University Press, 2003, p. 107)

[10] John Rawls, *Political Liberalism*, New York, Columbia University Press, 1996; above all, see chapter VI (*The Idea of Public Reason*), p. 212–254. Public rationality is a way to reason upon the political values shared by free, equal citizens, who do not break the citizens' broad doctrines as long as those doctrines are compatible to democratic politics. Therefore, the object of conception on the public reason turns into specifying the idea of the justification of the political conception about reason for a characterized society, just like democracy is, of reasonable pluralism.

[11] "In keeping with the spirit of a deliberative constitution, we argue that citizens and public officials are responsible for setting limits to the liberty and opportunity principles, and they should do so through a deliberative process that satisfies the conditions of reciprocity, publicity, and accountability" (Amy Gutman, Dennis Thompson, *Democracy and Disagreement*, Cambridge: The Belknap Press of Harvard University Press, 1997, p. 200–201).

fact the democratization of reason: this is transformed in a staple product, trusted and used by everyone because it is appreciated by the wisest representatives. *What is more, the idea of rational deliberation revives the attractive idea that man, by the power of its reason, has created social institutions and can continuously improve them.* And we have to admit, this idea can steal and does steal the human minds. Because nothing could be more uplifting than the idea that you can create order in the universe with the use of your mind, which has a specific purpose and the methods to reach that purpose. This appearance of the illuminist spirit was arguably best pictured by Voltaire: "If you are looking for good laws, burn the old ones and create new ones yourself!"[12] The conclusion we come to by analyzing this pretention to its final consequences is the one invoked by Hayek: "Sociology's most important role is the prediction of future development and the moulding (*gestalten*) of its future or creating the future of mankind, if we prefer to put it in other words"[13]. Hayek writes to continue the Swedish author: "If science can make such claims, this obviously implies that the entire human civilization and all we have achieved until now cannot be edified but through *intentional rational construction*". The theory of rational deliberation within a democratic model is precisely the expression of such a vision.

This is why, we will continue by analyzing Hayek's critic demarche on this specific type of reasoning.

To analyze Hayek's knowledge theory, we must begin from the distinction he makes between "The constructivist rationalism"[14] and the "evolutionary rationalism" – this being the conceptual basis of his theory. The starting point of the epistemic demarche of the Austrian philosopher is that "the knowledge of circumstances of which we must make use never exists in concentrated or integrated form but solely as the dispersed bits of incomplete and frequently contradictory knowledge which all the separate individuals possess"[15]. Hayek's explicitly expressed belief is that it is practically and logically impossible to possess the necessary knowledge to fulfil the goals promised by the constructivist philosophers[16].

The distinction Hayek makes between two types of rationalism, the one which believes in the unlimited creating powers of the human reason (constructivism)

[12] Voltaire, *Philosophical Dictionary*, translated by Anca Delia Comăneanu, foreword by Irina Mavrodin, Iaşi: Polirom, 2002, p. 245.

[13] Friedrich A. Hayek, *Constructivism's mistakes*, in *** *F. A Hayek's Social philosophy*, Adrian-Paul Iliescu (coord.), Iaşi, Edit. Polirom, 2001, p. 84. The quote Hayek uses belongs to Torgny T. Segerstedt, *Wandel der Gesellschaft*, "Bild den Wissenschaft", VI, 5 (1969), p. 441.

[14] "I called constructivist reasoning a concept which leads to treating all cultural phenomena as the product of an intended projection and the belief that it is possible and desirable to rebuilt all institutions according to a premeditated plan." [F. A. Hayek, *The Principles of a Liberal Social Order*, in *** *Social Philosophy*, Adrian-Paul Iliescu (coord.), Iaşi, Edit. Polirom, 2000, p. 10]

[15] F. A. Hayek, *The Use of Knowledge in Society*, "American Economic Review", XXXV, 4 (1945), p. 519 – http://www.econlib.org/library/Essays/hykKnw1.html (accessed 28.08.2010).

[16] John Gray, *Hayek on Liberty*, Oxford: Basil Blackwell, 1984, p. IX–X.

and the one more interested in seeing the limits of reason (a reasoning called evolutionism), in a manner which nears him to a typically conservatist approach is what will shape both his epistemological and his political work. Of course not many can accept that it is possible to say at the same time that man is influenced in his decisions both by a certain inclination towards what the community, with its traditions and rules created over time, plants in every human being, and by his rational capacity to follow a goal and create the means to reach it.

The notion of "knowledge" and most importantly "limited knowledge" prove key factors for a full understanding of his social theory. When asking why individuals only have a limited knowledge about the surrounding environment and are capable to act only by referring to a unique part of it, we find the answer in the fact that the social system is a complex process. There are so many unknown variants which come to a result that nobody can know them all. Hayek adds to the concept of "limited knowledge" the one of "silent knowledge" by which he means a variety of behavioural dispositions which the individual possesses and which he uses both consciously and unconsciously. The dispositions possess knowledge accumulated by the previous generation or generations.

In other words, what matters most in Hayek's demarche is to discover and analyze the limits of human reason, and not to sketch utopian systems, where man is axis mundi. *Therefore, we do not face a anti-rationalism, but a specific rationalism, opposed to the instrumentalist (or constructivist, as Hayek calls it), pertaining to Enlightenment, where in the Aristotelian fashion, the purpose of science is to know the ultimate values and principles. Hayek's message is ultimately a common sense one. The message is that "people are never led exclusively by their understanding of the causal connections between certain known ways and certain wanted goals but always by certain behaviour rules they are seldom aware of and which they have surely invented unconsciously"*[17].

It is true that Hayek is in conflict with a certain reasoning but that reasoning is only the Cartesian one, the one who thinks that human society can be built, moulded and remoulded by human reason alone. But there is a big problem in this type of approach of the political philosophy: the fact that freedom may (and history has proven that this does indeed happen) be sacrificed in the name of a superior reasoning and of a better future. For the Cartesian adept, freedom is agreeing with reason and if reason demands that freedom be extinct or affected, this will happen. For Hayek, freedom seems to give less but, as a paradox, much more.

We are back at the same problem, the disbelief in the power of reason, so characteristic for epistemics, British empirics and, at a political level, the whole Anglo-Saxon space. In these conditions, of full disbelief in the power of human reason, freedom cannot be built on the foundation of human reason: freedom must be connected to what has existed before it in society: institutions, customs, traditions, habits, rules[18].

[17] F. A. Hayek, *Constitution of Liberty*, London: Routledge, 1963, p. 84–85.
[18] *Ibidem*, p. 92.

His attitude towards reason, the belief or disbelief of it is practically used by Hayek to distinct between what would be a "false individualism" and a "real individualism" – the false individualism being the one that, unlimitedly promoting power and the capacity of human reason gets to kneel humanity in the name of reason. It is in this context that we must understand Hayek's following words: "Reason is, undoubtedly, the most precious of human possessions. Our argument merely tries to show it is not almighty"[19].

The Austrian philosopher's epistemology is the basis of his economy and his political theory. Only by his epistemic assumptions, can the fundamental concept of "spontaneous order" be fully understood. The spontaneous order is mainly a process of learning *the given information by the contribution of millions of individual agents and second, a* process of generating *new information or knowledge. At this point we must underline the idea that "spontaneous order" reaches a complexity level which greatly overpasses the creating, ordering and predicting capacity of the human reason. Why?*

Hayek commences a methodological demarche where he greatly uses certain conceptual dichotomies; practically his whole work seems to be built respecting this Newtonian physics' principle: "every action has a reaction."[20] *Therefore, between spontaneous order and the different organisations of the human society there is a difference of reachability of more than one goal at the same time. If organisations are defined in the measure where they can respond in a instrumentalist-rationalist manner to specific problems of the human society, spontaneous order is a thing it* **contains***, has appeared and evolved with it. What is more important, only spontaneous order comes up with original explicative problems and thus implies the necessity of the social theory.*

In these conditions, any analysis on the social domain must evermore be based on the hypothesis of the limits of human reason. As Hayek underlines, "the Socratic maxim which says that observing human ignorance is the beginning of wisdom has profound implications in the understanding of society"[21]*. In this methodological and conceptual environment, the opposition between spontaneous order and the Cartesian reasoning seems ever more flagrant, as the Hayekian reasoning cannot agree with the two hypothesis a priori assumed by the Cartesian constructivist reasoning, which is that knowledge can be reduced to the level of human intellect and that social institutions are and most importantly, must be the product of the intended creation of the human reason*[22]*. Referred to this way, the spontaneous order is the only one capable of responding at individual level on the epistemic problems related to accomplishing particular objectives at the moment where freedom is allowed and promoted, a thing pertaining to the promotion of one's own interests, as long as these do not become coercion for the other members of society. We must give up the constructivist prejudice that "there are facts known strictly by the intellect and*

[19] *Ibidem*, p. 100.
[20] *Ibidem*, p. 53.
[21] *Ibidem*, p. 53.
[22] Hayek, *The Errors of Constructivism*, p. 81–102.

based on these facts it is possible to build a desirable social order"[23]*. Although paradoxical for some but evident for the trained eye, the most important problem of the political philosophy, the one of the relation between individual and society, between individual and the other individuals, does not have a political answer, but a epistemic one. There are two reasons for this: "1. The factual observation that knowledge is dispersed amongst a multitude of individual minds, which explains why such knowledge cannot be centralized. 2. The claim that the human mind is the product of cultural evolution, which explains why existing social rules and institutions could not have been invented by man"*[24]*.*

The social processes, in other words, possess their own rationality, one impossible to theoretically conceptualize. The political consequences of the existence and principality of the silent knowledge are important and the first one is related to the epistemic impossibility of social and economic planning. This vision, closely related to the humble attitude towards the capacities of human reason implies a certain pragmatic approach, shall we say, towards social development. What Hayek wants to suggest is that the ambition to conceptually understand the world and modify society by rational projection is, in material terms, a priori fated to failure. The failure of a political system which wants to rationally build society is essentially a epistemic failure, of misconception over the report of the human being on knowledge. While this is impossible. Hayek's rationalist vision, where silent knowledge is fragmented and divided at the level of each social and economic actor totally contradicts the vision of those who promote the rational projection at society level. The social engineer has always found it impossible to rationally build a social system exactly because he was never capable to have all information offered by a society, first of all, and second of all because he never considered the particular circumstances of a society's development. In other words, the concept of a social engineer is the concept of failure.

An ante factum critique of reasonable deliberation, created by Hayek decades before it became the defining term of the present democracy theory, can seem awkward. But there is no awkwardness here. There is only a depth of the arguments and an adequate understanding of the development of the human society. What is more, not even the claim on the fact that the arguments used by the Austrian thinker refers to XXth century socialism and not to the XXIst century deliberation. Hayek's critique is not strictly faced towards socialism, much to narrow in vision and course over time, but towards a wider conception he calls "Machbarkeit", using a German term, difficult to translate because of its specificity[25]*. By this term, Hayek considers the conception which sees the society as an entity which can be consciously and rationally built in the name of a better social order. And the entire fabric of the deliberative theory of democracy is based precisely on this assumption of the rational creation of the world. And this means that "constructivist rationalism rests on the fallacious assumption that: (1)*

[23] *Ibidem*, p. 95.
[24] Christina Petsoulas, *Hayek's Liberalism and its Origins*, London: Routledge, 2001, p. 18.
[25] F. A. Hayek, *The Fatal Conceit,* W. W. Bartley III (ed.), London: Routledge, 1988, p. 83.

knowledge can be concentrated one or more selected individuals, and (2) that all social institutions are, and, ought to be, the product of deliberate design"[26].

Deliberation is an attractive concept. Rationality is an even more attractive one. As a consequence, from the moment where the socialism that Hayek has written against for all his life has collapsed, his promoters being attracted by something else[27]*. But deliberation, at the level of implied epistemic processes, is nothing else but a name given to social engineering at the end of the XX*th *century. There is an entire constellation of thinkers who have shown through the century the errors of this way of considering human society. The dominant thinking in the democracy theory at the beginning of the century shows that it has learned nothing from the errors of the social theory of the past century, retaining a limitless trust in human reason.*

Besides arguments sketched in the name of an evolutionary, "critic", "limited" reasoning, what would be left of the rational approach of deliberation? Michael Walzer[28] *names a series of fields pertaining to the democratic society where rational deliberation is not possible. After reading Hayek's work, we realize that the list of domains where rational deliberation is not possible is much longer. We can therefore ask ourselves: where and how is deliberation possible?*

This is why the properties of the intrusion of rational deliberation in the political theory would be lost if they are not applied as the theorists of the deliberative theory consider possible. This is why rational deliberation must only be promoted in certain sides of a democratic society, firstly giving up the poisonously utopian trust of deliberately improving the human society. The deliberation must be based on acknowledging the limits of human rationality and not on the limitless trust in it. And the field which can mostly benefit from a balanced deliberation is the one of rights. Because it is the domain where the actual discourse agonizes, more and more, between the disbelief of democracy theorists in their value and politicians' demagogy, inclined to "award" more and more (illusive) rights in exchange for votes.

[26] Christina Petsoulas, *op. cit*., p.17–18.

[27] "It is a truism that socialism is dead, and an irony that it survives most robustly as a doctrine not in Paris, where it has suffered a fate worse than falsification by becoming thoroughly unfashionable, nor in London, where it has been abandoned by the Labour Party, but in the universities of capitalist America, as the ideology of the American academic *nomenklatura*." (John Gray, *Postliberalism. Studies in Political Thought*, London: Routledge, 1996, p. 245)

[28] Michael Walzer, *op. cit*., p. 58–70.