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EMPIRICAL EMBODIMENT OF CRITICAL RATIONALISM: DELIBERATIVE THEORY AND OPEN SOCIETY

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Your responsibility and mine is to uncover errors, correct them and do whatever is in our power to help one another to gradually build a better world. I say “gradually” because, as we are fallible, we are certainly going to make mistakes: let us be wary of false prophets who have a solution for everything! Especially when they have cannons to support their propositions.

—Popper (1993: 17)

Cognitivist approaches to politics and political action underlie both Karl Popper’s and deliberative political theory. In this article, we claim that deliberative theory inherits—or in parallel develops—Popper’s call for reason in political decision-making. Starting from its first clear articulation in 1980 by Joseph M. Bessette, and then further elaboration in (a book with the evincive title of) *The Mild Voice of Reason* (1994), deliberative theory prompted many innovations and social experiments whose core aim was to improve decision-making and governance through greater or better scaled participation. Habermas was one of the pioneers of deliberative democratic theory, when advocating for *discursive democracy* or a deliberative approach to governance (Habermas, 1989). His attempt to establish deliberative dialogue between a developed, powerful public sphere and public institutions had a huge impact in the theory of democracy, especially in advocacy for the right and benefits of consenting to disagree. However, it has also been criticized as non-implementable, without a support structure for the public sphere (Scott-Phillips 2023; Landemore 2020).

In seeking an alternative that would allow critical reasoning (and deliberation), focus has shifted from dialogue *between* institutions—dialogue between, in fact, society and the state, as implied in Habermas’s approach, was difficult to grasp—to a dialogue *within* institutions. Different deliberative democratic innovations evolved to fulfill the need for informed discussion for the sake of better decision-making, mostly based on deliberative mini-publics (Goodin and Dryzek 2006; Fung 2003; Gastil et al. 2008; Smith 2009; Warren 2009; Smith and Ryan 2012). This proliferation was so remarkable that it has been named the

deliberative turn in democratic theory (Dryzek 2000). The deliberative turn and significant development of the deliberative theory is supported by cognitive science, anthropology and other fields studying “human nature,” grounded in deep evolutionary and cognitive reasons why deliberative approaches are especially effective in complex societies (Scott-Phillips 2023).

The power of group reasoning has been evidenced in more recent studies, emphasizing the epistemic value of deliberative democracy and proving that it yields epistemically superior outcomes—more informed and more coherent opinions and decisions (Landemore 2007; Wu 2011; Mercier and Landemore 2012; Fiket 2019).

For our argument, we are particularly interested in the systemic approach to deliberative democracy, as it develops the criteria of deliberative quality of social practices (Parkinson and Mansbridge 2012). These criteria are epistemic, ethical, and democratic functions.¹ The *epistemic* function of deliberative social actions is to form preferences, opinions, and decisions that are based on the *weighing of all relevant information and arguments*. This function strongly relies on the deliberative ideal of *inclusiveness*, which guarantees the inclusion of “all” discourses and exposure to different views (Thompson 2008; Habermas 1984). Also, it relies on the *communication of justified arguments* (reason giving), given that in a heterogeneous environment an argument has to be justified in terms of common good, to be accepted and considered for deliberation (Habermas 1984; Cohen 1989; Gutmann and Thompson 2004; Mendelberg 2002; Thompson 2008). In fact, this function enables us to thoroughly investigate the issue at stake in the similar way that scientific argument is exposed to the investigation. *Fallibility* of the justified arguments is tested in the mutual communication of deliberative arenas. Finally, justifications must be both procedurally and substantively “accessible,” conferring a certain amount of legitimacy upon the decision-making process (Sen 2013).

A systemic approach strongly indicates that different social practices are deliberative arenas. It implies that its deliberative quality could be improved and society benefit from what Popper called *piecemeal engineering approach*—experts work on populating the social space with deliberative mini-publics in various forms, contributing, thus, to better governance. Such an idea was

1 The other two functions are concerned with the procedural aspects that contribute to the success of the process and final good decisions—or in Popper’s spirit—the least bad decisions. The *ethical* function of the deliberative system is concerned with *mutual respect* among citizens. It is strongly related to the previous function, since the fulfillment of the epistemic function allows for the development of mutual respect. Exposure to different arguments and views, in fact, makes us think respectfully about the reasons and interests of others involved in the public discussion (Cooke 2000). Recently, studies evolved around *empathetic* function of the deliberation, speaking for the empathetic understanding as a product of the deliberative discussions (Hannon 2019). The *democratic* function of deliberative systems is related to the deliberative requirement of the equality of participation and is intrinsically connected to the other two functions. It posits that all those that could be affected by a decision should have the possibility to participate in the public discussion about that decision.

further advanced by Landemore's concept of open democracy, conceived as a system that sets standards for public deliberation on all political levels, becoming *a new model of democracy* (Landemore 2013; 2020). It is an open question whether Popper would appreciate the concept of *open democracy*, as his model of *open society* was more technocratic and envisaged as epistocracy.

We believe, however, that Popper's political philosophy is not incompatible with theories of deliberative democracy. What's more, we can situate Popper at the core of deliberative theory, where a carefully designed top-down approach has been dominant so far. The experimental models have been lauded as enabling the emergence of new political styles and administrative practices. We will try to show how these practices coincide with basic postulates of Popper's political theory of critical rationalism. By showing that Popper's theory is valuable for deliberative theory, we try to bridge these two traditions that have not been communicating to each other before. In fact, we try to show that Popper is not less important to be included in a corpus of deliberative theoretical foundation and when stripped from his elitist view of the policymaking, he could very well communicate own principles as basic postulates of the first wave of deliberative theory.

Popper's Critical Rationalism and Negative Utilitarianism as Foundations of Open Society

When introducing the concept of *open society*, Popper says that "our Western civilization" made an eastern breakthrough, that is, that the Ancient Greeks made a step from "tribalism towards humanitarianism" (Popper 1947a: 151). Tribalism is founded on a collective tribal tradition that leaves no space for personal responsibility. This is what constitutes the original *closed society*, as magical or tribal or collectivist. Open society, on the other hand, lets its members face personal decisions and their consequences. Popper admits that the division between closed or magic and open or rational/critical society is not straightforward but based on ideal models, and that (elements of) both can be identified in contemporary societies. The transition between traditional closed societies to open societies happened when institutions were recognized as a human creation that institutes action toward people-oriented goals or human purposes (Popper 1947a: 247). The *discovery of critical discussion* makes a crucial, revolutionary turn in human (and social) development. Following this path is not without challenges, as this requires human and social beings to behave rationally, take care of themselves, and take on a huge responsibility. Yet, this is the price of being human (Popper 1947a: 154, 176). Popper also reinforces that it is not possible to bring back the glorious past of the innocent and beautiful closed society, as all these attempts lead to destruction and totalitarian projects with millions of victims. Once the rational path has been taken, we need to find methods to improve things, without appealing to a "philosopher's stone, or a formula that will convert our somewhat corrupt human society into pure, lasting gold"

(Popper 1947b: 316–317). “But if we wish to remain human, then there is only one way, the way into the open society. We must go on into the unknown, courageously, using what reason we have, to plan for security and freedom” (Popper 1947a: 177). Popper’s bold proposal of open society is at once its strongest open advocacy. There is a clear antinomy between openness and closeness that is, in fact, inhuman behavior, which is anticivilizing as it is unscientific.

Civilization and science go hand in hand for Popper. Interpreters agree that Popper’s approach to the social and political philosophy is specific precisely in that it begins with the understanding of the scientific method and strives to implement it in society, beyond science. Contrary to, for example, Foucault (2018), Popper is persistent in seeing science as a privileged field of interaction (Popper 1978) and wholeheartedly advocates applying a methodology of *critical rationalism* (Popper 1962: 52, 216, 312–313; Popper 1947b: 213, 224–225; cf. Miller 1994). It is already affirmed in the natural sciences and it should be embedded in the social sciences and (real) politics. Popper talks about the lack of rationality that enables the realization of Hitler—“The ‘world’ is not rational, but it is the task of science to rationalize it. ‘Society’ is not rational, but it is the task of the social engineer to rationalize it. Ordinary language is not rational, but it is our task to rationalize it, or at least to keep up its standards of clarity” (Popper 1947b: 337). In one unified vision of the science and politics, openness to constant questioning ought to permeate institutions and enable not only scientific but also general progress. Through uncompromisingly thorough questioning, a given political course may be modified or abandoned, following the falsification model of scientific theories.

The advantage of open society institutions in modern liberal democracies, “the world of Western democracies” that “may not be the best of all conceivable or logically possible political worlds, but it is the best of all political worlds of whose existence we have any historical knowledge” (Popper 2002a: 90), except for individual freedom, lies in the capacity for peaceful autocorrection. Open societies nurture freedom and social progress through embedding and stimulating the critical rationalist approach, as all knowledge, including social, is hypothetical and dependent on the same scientific method (translated into an institutionalized trial and error process, Popper 1962: 5; Popper 2002a: 81–92; cf. Corvi 1997; Notturmo 2000; Currie and Musgrave 1985; Jarvie and Pralong 1999). It is almost as if he is saying that their democratic character and prosperity are a collateral benefit of critical rationalism as a pervasive scientific/social method.

Popper, thus, argues for open society, but not by using the moral defense of liberalism (cf. Jacobs 1991); rather, he does so proving that its totalitarian rival is not fallible (Popper 1962: 336–338; cf. Simkin 1993; Stokes 1998). It is *fallibilism* that actually connects Popper’s theory of knowledge and philosophy of society: as we progress in science, deliberately submitting theories to uncompromising questioning, rejecting those that are wrong, so the critical spirit can and should

operate in society. Instead of historical determinism, falsely imagining that the future is predictable, historical indeterminism is the only philosophy of history that matches the correctly understood nature of the scientific knowledge (Popper 1982). The *piecemeal engineering approach* that leads us to accomplish specific goals one by one is the only antidote to the fatal frenzy of holistic social planning (Popper 1957: 64–71; Popper 1947a: 139–144, 224, 245–246; Popper 1994: 76, 104, 201, 228; Popper 2000: 40–48; cf. James 1980).

Popper's political vision is specific and difficult to situate in established ideological fields. Perhaps the easiest label is liberal—reason, tolerance, nonviolence, and individual freedom are values that he openly advocates for, while modern liberal democracy is the best historic form of open society. However, Popper himself stated that the idea of “liberal,” “liberalism, etc.” does not designate a follower of any political party, but “simply a man who values individual freedom and who is alive to the dangers inherent in all forms of power and authority” (Popper 1962: viii). Liberalism understood so widely is the reason behind appropriating Popper not only to liberal but also sometimes to conservative and socialist segments of the ideological spectrum.

His political theory resonates with some of the prominent scholars who established the grounds for the deliberative turn in democratic theory. In his interesting article on the liberal community, Dworkin emphasizes that “political communities have a communal life, and the success or failure of a community's communal life is part of what determines whether its members lives are good or bad” (Dworkin 1989: 492). The communal life of one society—embodied in the acts of government, meaning its legislative, executive, and judicial institutions—is the collective framework that sets the ethical standards for individual success or failure. The actor—Dworkin designates them an integrated liberal—clearly understands that they cannot live the good life in a community that does not treat everyone with equal concern (*ibid.*: 501).

Popper's thinking also has parallels with Dworkin's understanding of the communal life principles. When injustice is substantial and pervasive in a political community, says Dworkin, “someone with a vivid sense of his own critical interests is inevitably thwarted when his community fails in its responsibilities of justice” (1989: 504). Discussion that revolves around disagreement is essential for serving the common interest of all in securing the *just* solution. Healthy disagreement is necessary, since citizens are members of a community who know (or should know) that they can only win or lose together. In fact, citizens need *critical rationalism* when they coordinately act within their own political community to overcome disagreement and gradually eliminate injustice. This principle of securing the just solution lies within a broad and universally acceptable idea that we should, whenever possible, minimize suffering (through solidarity). “Whatever else our exact ethical commitments and specific positive goals are, we can and should certainly all agree that, in principle, and whenever possible, the overall amount of conscious suffering in all beings capable of

conscious suffering should be minimized” (Metzinger 2003: 622). It originates from what Smart (1958) saw as Popper’s moral doctrine: *the principle of negative utilitarianism*.

The capacity to suffer, whether the exclusive domain of humans or extended to all animate beings, as well as the aversion to suffering from those who only might experience it or who sympathize with the suffering of others—allows it to be the basis of practical, moral, and/or political action. It is undeniable that suffering should provoke moral considerations, but also present us with further ethical questions: first of all, the question of the nature, scope, or measure of our obligations toward those who suffer; but also the question of necessary affective capacities and moral virtues for an appropriate or responsible response to suffering (Mayerfeld 2002). The issue becomes still more complicated when suffering is not only something that elicits response from moral beings, but when it is itself entailed by certain actions. Every ethical school of thought, without exception, contains some prohibition on causing suffering; however, all too often, the prohibition comes with an addendum—“unnecessary” suffering. This inevitably leads to a new point of contention: when is it “necessary”—that is, justified—to cause suffering? In other words, who has the power to judge its necessity and then inflict suffering? Regardless of the different answers to these questions, what has become well established, thanks in large part to Popper’s commitment, is that “if there’s one ethical principle that most people agree on, it’s the importance of reducing suffering. It seems to be a widespread intuition that there’s something particularly morally urgent about suffering” (Gorton 2015). This is the *lowest common denominator*, at which calculation ends and the character of justified action is preserved.

From Epistocracy to Deliberative Democracy

In spite of the technocratic character of Popper’s vision of the open society, there are elements that allow greater participation of the citizens if carefully observed. When he says, “the liberal does not dream of a perfect consensus of opinions; he only hopes for the mutual fertilization of opinions, and the consequent growth of ideas” (Popper 1962: 352), he is very much in line with deliberative argumentation that seeks not consensus but better understanding and decision-making based on (acknowledging) the interest of others. His description of the necessary precondition for practicing critical rationalism clearly resonates with the definition of the deliberative arenas: “All that is needed is a readiness to learn from one’s partner in the discussion, which includes a genuine wish to understand what he intends to say” (ibid.).

Additionally, Popper advocated a certain and limited degree of state interventionism, allowing the development of practices that could enable state-guided enhancement of good governance, as long as it was aimed at reducing suffering in society. This interventionism is not to be equated with utopian efforts to create social and economic equality (cf. Danaher 2018, Kadlec 2008); rather, they are

attempts of the state to diminish the worst consequences of capitalism step by step.² Popper suggested applying nonmarket-oriented, gradual *social engineering* precisely to solve the problems of poverty, unemployment, health care, and vast class inequalities. It is clear that Popper's vision of politics is mostly technocratic and directed top to bottom. However, although unclear from his writing how this social engineering would work practically, it nevertheless allows us to "upgrade" his theory with deliberative arenas. Indeed, as piecemeal engineering, they could precisely be that social practice whose operationalization is lacking in Popper. Rational action for Popper implies experiments on or with institutions, which would be performed step by step, on a small scale, enabling timely detection of errors and continuous correction.

Suspicion toward direct state intervention as a way of solving social problems is not contradictory to what we are advocating here. Popper acknowledges the longstanding tension between the principles of freedom and justice: intervention inevitably strengthens the state, potentially endangering individual freedom; yet, it is also (often) the only way to make society fairer and more stable. The fear that giving necessary and always potentially dangerous power to the state could mean the loss of freedom and end of planning leads Popper to a request for a balanced state engagement: "State intervention should be limited to what is really necessary for the protection of freedom. We must intervene, but knowing this to be a necessary evil, we should intervene as little as possible" (Popper 1947b: 122). If instruments of citizens' will, such as deliberative arenas, are embedded in state power, it allows for decisions to not only be freer and more just but also transform them from individual to collective.

Still, we cannot claim that Popper's vision of the political order and policymaking gave a significant role to the citizens. He thought that exemplary "public policy" would not be driven by the wisdom or character of a superior leader—as in Plato—nor by the people, who are *not there to pursue policies but to judge their (un)successes* (Popper 2000: 72). Popper based his whole system on epistocracy³—socially committed devotees of the scientific method who would guarantee gradual changes and their responsible correction step by step.

- 2 Popper's abhorrence of extensive central planning definitely fits into the libertarian tradition. The same may be said of the unreserved privileging of individual freedom as the most important political value and deprecation of (imposed) equality because it is the road to tyranny (cf. Popper 2002b: 36; Shearmur 1996). However, while admitting the extensive benefit from the mechanism of the free market, Popper persisted in warning against unbridled capitalism. He fully acknowledged the injustice and inhumanity of the *laissez-faire* system depicted by Marx and considered the state a counterpower to the economic monopoly. He advocated for abandoning the politics of unlimited economic freedom and its replacement with economic interventionism that would protect the economically weak (Popper 1947b: 116–117).
- 3 Popper's open society was technocratic rather than aristocratic. However, there is a very specific *aristocracy* not foreign to Popper's vision—an aristocratic liberalism (Kahan 1992). We believe that Popper would not mind being in the company of Jacob Burckhardt, John Stuart Mill, or Alexis de Tocqueville. His open society is also *pancritic*, a society of *all* open issues, a *debate club* whose members are committed to "truths" or better solutions to problems (see also Kendel 1989 or Jarvie 1972).

We dare claim here, based on the works of Dworkin, Gutmann, Thompson, Cohen, Cook, etc., that deliberation is a normative ideal that not only yields better laws but also induces a positive transformation in its participants—making them more epistemically and empathetically equipped. In addition to epistemic, we emphasize also empathetic quality, whose main function is to accommodate polarization and antagonism in society that lead not to critical rationalism but judgmentalism (Hannon 2019; Grimm 2018).⁴ People need to be persuaded that deliberation is in their best interest for it to be successful and yield better decisions: “When people are motivated to reason, they do a better job at accepting only sound arguments, which is quite generally to their advantage” (Mercier and Sperber 2011: 96; see also Petty et al. 1981). Even if we factor in confirmation bias, as it is impossible to eliminate at the individual level, deliberation leads to better decisions at the collective level (Mercier and Landemore 2012). This argument speaks against criticism of Popper made by critical theorists, that is, Adorno, who claims that “positivist cognitive ideals of harmonious and consistent, logically flawless models” are unsustainable (Adorno 1997: 308–309, our translation). If we do not aim at logically flawless models but on ones that allow collective reasoning on diverse arguments, regardless of how logically flawed, and without *predetermined correct answers*, this will bring us closer to contextually specific, less flawed decisions and policies.

Reason can flourish only if we provide the appropriate environment.⁵ In this “we,” we see a place for making peace with the role of socially committed scientists or experts, so important to Popper. It is difficult to project deliberative democracy and its development as a replacement of representative democracy (or at least a substantive complement to it), without socially committed actors that devote their expertise to building social norms and practices that will be the skeleton of such deliberative democracy. This “we” would be a community of deliberative theorists and practitioners who invest their expertise to find better models of deliberative innovations that would further involve more citizens and secure better decisions. These socially committed experts may be various social actors and come from different layers of society.⁶

In a recent study of deliberative process through a citizens’ assembly in Serbia (Fiket and Dorđević 2022), and a study of trust-building through social movements (Fiket et al. forthcoming), the role of experts was widened to include all those who gained knowledge through practice and engagement. They are considered as equal to, if not more important, than mere academics and intellectuals possessing theoretical expertise. Deliberative mini-publics (DMPs), namely,

4 There is also opposing evidence, where beneficial epistemic effects were recorded in a not so favorable atmosphere characterized by deep polarization, i.e., Catholics and Protestants in Northern Ireland (Luskin et al. 2014).

5 “Once we come to understand the perspectives of people on the other side of the ideological spectrum, we can begin to have a sensible discussion about what divides us” (Hannon 2019: 10).

6 The emergence of citizens’ science and its promotion fully aligns with this view of, at first glance, contradictory notion of lay experts.

were organized in Serbia in the contexts of the highly discouraging institutional environment of captured institutions of hybrid state. They still offered us a positive example of the ability of the—generally apathic—citizens to make an effort to come to the rational solutions for the two communal problems in focus (air pollution and expanding pedestrian zone). Serbian DMPs urged us to understand that this kind of experimentation is valuable and is able to produce considerable effects in rationalization of the decision-making process, but only if they are institutionally backed up. Without political will to utilize and institutionalize this instrument in order to bring its results directly into the policymaking process, the effect will be non-existing on a long-term basis. When Popper talks about piecemeal social engineering, we hold that he thinks that this should be political strategy, and institutionalization is the *conditio sine qua non* deliberative innovations can succeed.

When we look back in time, the deliberative turn in theory at the beginning of the twenty-first century was initially focused on introducing citizens into representative democratic politics in a limited and circumscribed way (Parvin 2020; Dryzek 2012; Mansbridge et al. 2012). After the severe crisis of representative democracy (approximately 2008), there was a rise in participatory democracy and proliferation of democratic innovations that sought not merely to complement but even completely replace representative democracy. With the loss of public trust in expert decision-making, the efforts to introduce more lay citizens and trust them to be capable of making decisions have been substantially deepened. Parvin openly opposes full participatory democracy, claiming, rather, that reforms aimed at incorporating citizens in elite-level debates would in general be more resilient to the current issues in liberal societies of low and unequal rates of citizen participation (Parvin 2020). Deliberative theory remains, thus, a significant and potent field of investigation of how to *institutionalize critical rationalism*, with the aim of achieving better decisions. Studies show that knowing or not knowing the mere facts is not the same as citizens' competence to solve political problems once that information and knowledge are presented to them (Janković 2022). If deliberative institutions are carefully designed, able to compensate for well-known cognitive and emotional biases, with “scientifically constructed conditions, supportive institutional features, such as balanced information materials, experts on multiple sides available for questioning, facilitation, and sessions with different actors, as well as necessary deliberative norms” (ibid.: 33), then we can indeed speak of realization or even *materialization* of Popper's ideals of critical rationalism and piecemeal social engineering.

Concluding Remarks

An open society is, among other things, a loud and well-founded protest against expectations, demands, and, especially, against prescriptions of paths to social happiness. It is intended as a necessary and, in all likelihood, sufficient check

against tyranny, authoritarianism, bias, lack of freedom, irresponsibility, and intolerance (cf. Popper 1947b: 225–226). Thanks to its negativism, the binary opposition actually dissolves into a basis for rational disagreement. Thanks to deliberative arenas, we can think of paths toward better decisions that are sound, rational, but also widely accepted and legitimate. It may be seen as a shell, a skeleton of an open society, without ideological substance, established to invite various arguments and conciliate the majoritarian principle with the inclusive character of open society.

In other words, we could say that the critical rationalism of open society provides the conditions of possibility for what deliberative democracy puts into practice. Indeed, epistemic, moral, and democratic unity does not reside only in the functions of a desirable society, but, if we may reconstruct Popper's response to the challenge of deliberation, in its establishment. Namely, what Popper calls the "rationalist attitude" or "the attitude of reasonableness," always quite similar to the "scientific attitude," implies, among other things, the "idea of impartiality," the idea that no one should be his or her own judge: faith in reason is not only faith in one's own reason but also in the reason of others. Thus, the "rationalist" rejects any request for authority, including the affirmation of his own, aware that they are "capable of learning from criticism as well as from his own and other people's mistakes, and that one can learn in this sense only if one takes others and their arguments seriously" (Popper 1947b: 213, 224–225). Popper further specifically connects rationalism with the right to be heard and to defend one's own arguments. He concludes that this implies "the recognition of the claim to tolerance, at least of those who are not intolerant themselves" (Popper 1947b: 225). From the ideas of impartiality and tolerance then derives the idea of responsibility—"we have not only to listen to arguments, but we have a duty to respond, to answer, where our actions affect others"—along with rationalism's association with "the recognition of the necessity of social institutions to protect freedom of criticism, freedom of thought, and thus the freedom of men" (Popper 1947b: 225–226). The adoption of so critically understood rationalism, Popper points out, at last implies the recognition that there is a unity of human reason: that there undoubtedly exists a "common medium of communication, a common language of reason," which imposes something like a "moral obligation ... to keep up its standards of clarity and to use it in such a way that it can retain its function as the vehicle of argument" (Popper 1947b: 345). If there should be something like qualified deliberation, we dare suggest, there should also be its underlying postulations.

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