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Prøvens form (sæt kryds)	Projekt	Synopsis	Artikel	Speciale X	Skriftlig opgave
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Uddannelsens navn	Anvendt Filosofi	
Semester	10.	
Prøvens navn/modul (i studieordningen)	Kandidatspeciale	
Gruppenummer	Studienummer	Underskrift
Navn: Jakob Mainz	20136437	
Afleveringsdato	31-05-2018	
Projektitel/Synopsis titel/Speciale-titel/ opgave nummer	<i>The Case for Epistocracy</i>	
I henhold til studieordningen må opgaven i alt maks. fylde antal tegn	192.000	
Den afleverede opgave fylder (antal tegn med mellemrum i den afleverede opgave) (indholdsfortegnelse, litteraturliste og bilag medregnes ikke)	183.619	
Vejleder (projekt/synopsis/speciale)	Jørn Sønderholm	

Resumé

Dette speciale handler om analytisk politisk filosofi. Mere specifikt handler det om et konkret alternativ til repræsentativt demokrati. Dette alternativ kaldes et 'epistokrati'. Et epistokrati kan tage mange former. Fælles for alle former for epistokrati, er, at viden er i centrum. I én form for epistokrati kan vælgerne tildeles flere stemmer, hvis de kan demonstrere, at de har tilstrækkelig viden om netop dét, der skal stemmes om. I en anden form for epistokrati udvælges en repræsentativ del af befolkningen. Denne gruppe er de eneste, der kan stemme til det givne valg. Inden valget modtager gruppen intensiv undervisning i dét, der skal stemmes om.

Der findes i skrivende stund ingen epistokratier i verden. I hvert fald ikke i nogen af de former, som jeg har diskuteret i dette speciale. På sin vis findes der dog mange epistokratier, heriblandt Danmark. I Danmark skal man være minimum 18 år gammel for at stemme til en folkeafstemning, et folketingsvalg, et kommunalvalg, et regionsrådsvalg eller et Europaparlamentsvalg. Én af de grunde, der ofte gives for dette, er, at folk under 18 år ikke er 'kompetente' nok til at stemme. Som det vil blive klart i løbet af specialet, er dette også tilfældet for mange mennesker over 18 år. Så hvorfor ikke teste, hvor kompetente folk egentlig er, og så tildele stemmer baseret på disse testresultater? Det er én af de idéer, jeg diskuterer i dette speciale.

Idéen om epistokrati har været diskuteret af flere omgange i den filosofiske litteratur. Hidtil har de fleste, der har diskuteret idéen, været skeptiske, selvom undtagelser som Platon og Mill kan nævnes. I 2016 udgav den amerikanske filosof Jason Brennan bogen 'Against Democracy', hvori han forsvarer idéen om epistokrati. I denne bog beskriver Brennan, hvor lidt den typiske vælger ved om dét, der stemmes om. De empiriske studier viser, at de fleste vælgere er både ignorante og irrationelle, når det kommer til politik, og at dette har stor indflydelse på, hvor disse vælgere sætter sine kryds på valgsedlen. Gennem bogens kapitler argumenterer Brennan for, at vi ville opnå mere retfærdige udfald af vores valg handlinger med et epistokrati end med et demokrati. Han argumenterer derfor for, at vi burde eksperimentere med epistokrati, og hvis det fungerer i mindre skala, kan vi forsøge at skalere det op.

I første kapitel af dette speciale giver jeg en grundig redegørelse for Brennans argumenter. Jeg forsøger at gennemgå alle argumenter og pointer, der er relevante for de følgende kapitlers diskussion. I andet kapitel gennemgår jeg en række indvendinger, der har været rejst mod Brennans argumenter. Selvom indvendingerne i den filosofiske litteratur har været mange siden bogens udgivelse i 2016, har jeg valgt at fokusere på indvendinger fra to filosoffer. Jeg vurderer, at disse indvendinger er de mest lovende i litteraturen. De første indvendinger kommer fra Thomas Christiano, som er en prominent filosof inden for demokratiteori. Christiano har tre hovedindvendinger. Jeg forsøger at vise, hvordan Brennan kan svare tilfredsstillende på alle tre indvendinger uden at give afkald på idéen om epistokrati. De næste indvendinger

kommer fra Anne Jeffrey. Jeffrey har fem hovedindvendinger. Igen forsøger jeg at vise, hvordan Brennan kan svare tilfredsstillende på alle indvendinger. I tredje kapitel præsenterer jeg en række bekymringer og pointer, jeg selv har omkring epistokrati. Ingen af disse bekymringer har noget med selve Brennan's argumenter for epistokratiet at gøre. Der er dels tale om bekymringer om, hvorvidt epistokratiet er praktisk muligt, og dels om hvorvidt epistokratiet er i stand til at løse det problem, som det er tiltænkt at skulle løse. Jeg ender med at konkludere, at Brennan har konstrueret et holdbart argument for den kontroversielle påstand, at et epistokrati som minimum kan producere lige så retfærdige udfald af valg handlinger, som et demokrati kan. Jeg tror dog næppe, at vi vil se noget lignende et epistokrati lige foreløbig.

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The Case for Epistocracy

Introduction

This thesis is, broadly speaking, about political philosophy. Political philosophy is the branch of philosophy which is concerned with questions about how society should be arranged. In other words, political philosophy is the normative analysis of all social institutions. 'Institutions' in this sense means: "... the rules of the game in a society or, more formally, the humanly devised constraints that shape human interaction." (North 1990: 3). Democracy, monarchy, plutocracy, meritocracy, dictatorship and other forms of government are so to speak sets of rules about who gets to make the rules. Political philosophy tries to figure out which institutions are just and which are unjust, which rules should apply to which situations etc. In order to decide which institutions are just, we need theories about more fundamental question about justice. Will Kymlicka famously puts it this way:

"A successful theory of justice, therefore, will have to accept bits and pieces from most of the existing theories. But if the disagreements between these values really are foundational, how can they be integrated into a single theory? One traditional aim of political philosophy was to find coherent and comprehensive rules for deciding between conflicting political values. But how can we have such comprehensive criteria unless there is some deeper value in terms of which the conflicting values are judged?" (Kymlicka 2002: 3)

So, political philosophy not only seeks to provide answers to the question of 'which institutions are just?', but also more fundamental questions like 'what is justice?'. The questions raised in political philosophy can be very different in nature, they can call for very different types of answers, and be answered in very different manners. A non-exhaustive list of questions raised in political philosophy could be the following list offered by the political philosopher Jason Brennan:

"What kind of government, if any, ought we have, and what should it be permitted and forbidden to do? Do we have any moral obligation to obey our government's laws and commands? What rights do people have, and why? Should people be allowed to own private property? If they don't have enough property to live well, should the government provide it through tax funded welfare programs? Should people be free to choose what to eat, how to live, what to worship, what to say, or on what terms they will work? Is it important that

everyone have equal opportunity to succeed? Should we make sure everyone ends up equally successful? Should people be allowed to emigrate freely? When, if ever, is war justifiable? What's more important: liberty or equality? And what exactly is liberty, anyway?" (Brennan 2016a: 3-4)¹

In political philosophy we try to answer these questions, and many others, as rigorously as possible. To judge whether a given institution is just or unjust, at least two things are needed. First, we need a theory which can help us prioritize certain values over others. Second, we need empirical knowledge about the institution at stake: How does the institution work? What are the alternatives to this institution? And so on. To do so, political philosophers often turn to social science, sociology and economics. To put it simply, these empirical fields study how the political institutions *are*, while political philosophy studies how the political institutions *ought* to be.

It is essentially contested within the field of normative theory what it means exactly to *study* normative issues. In the particular tradition of political philosophy which this thesis will be concerned with, philosophers study normative political questions through the construction of logically sound arguments. That an argument is sound in this sense means that it has a valid form², and that all the premises of the argument are true. If the truth of a premise is empirically determinable, we turn to economics, social science or sociology. If the premise is normative, we turn either to normative theories or considered judgments. Often, the latter approach includes constructing thought-experiments which are meant to pump the reader's intuitions about what is plausible. The ultimate task is to eliminate all contradictions in the arguments, and weigh theoretic principles and particular intuitions³ against each other, until a *reflective equilibrium* is reached⁴ (See Rawls 1971: 18-19). A reflective equilibrium is reached when all the theoretic principles and particular intuitions have been weighed against each other, so that they no longer contradict each other. This 'method' of political philosophy which I have briefly described here is nowhere near universally accepted in the field. The specific subfield that I will discuss in this thesis does, however, utilizes this approach or something close to it. This field could perhaps best be described as 'analytic normative political philosophy'.

¹ For a somewhat different but still non-exhaustive list, see e.g. Narveson 2008.

² That the argument form is valid simply means that it is impossible for the premises to be true while the conclusion is false. An example is the *modus ponens* argument, which has the form: $p \rightarrow q$, p , therefore: q .

³ Some have argued that it is also useful or necessary to weigh intuitions and principles against a third item, namely relevant 'background theories'. These theories often include fundamental theories about personhood, economics, sociology, anthropology etc. (See Daniels 1979; Daniels 1996 and Timmons 1987). This extended version of the reflective equilibrium is often called 'wide reflective equilibrium', while the reflective equilibrium without background theories is called 'narrow reflective equilibrium' (Daniels 2018). Some have even argued that a fourth item should be added, namely a proper philosophical method (Brennan 2007).

⁴ It does not need to be a reflexive equilibrium in the stringent Rawlsian meaning of the term.

To narrow it down further, this thesis is about a particular subfield within political philosophy, namely democratic theory. In democratic theory, or at least in *normative* democratic theory, we focus on the questions of the moral foundations of democratic institutions. One of the most influential contemporary democratic theorists, Thomas Christiano, puts it this way:

"[Normative democratic theory] is distinct from descriptive and explanatory democratic theory. It does not offer in the first instance a scientific study of those societies that are called democratic. It aims to provide an account of when and why democracy is morally desirable as well as moral principles for guiding the design of democratic institutions. Of course, normative democratic theory is inherently interdisciplinary and must call on the results of political science, sociology and economics in order to give this kind of concrete guidance." (Christiano 2015)

So, in normative democratic theory, we try to figure out how democracies should be arranged, which moral foundations democracies are built upon etc. Actually, the study of alternative forms of government, other than democracy, is also often said to be located within democratic theory. This point is relevant for this thesis, because it is concerned with an alternative to representative democracy, namely a so-called epistocracy. The discussion over whether epistocracy is preferable to democracy is a relatively new discussion in the field of democratic theory, although similar ideas have been discussed throughout the history (See e.g. Mill 1975). The word 'epistocracy' means 'the rule of those who know' and was famously coined by David Estlund (Estlund 2008). In an epistocracy, political knowledge is at center. For instance, in one form of epistocracy, voters might gain additional votes, if they can demonstrate a high level of knowledge about the specific issue in a given election. Estlund was very skeptical about the idea, but at least one philosopher has found it more persuasive. This philosopher is the aforementioned Jason Brennan. This thesis is centered around Brennan's arguments in favor of epistocracy, and the objections that have subsequently been raised to them in the literature on normative political philosophy.

In his recent book 'Against Democracy', Brennan defends epistocracy. He argues that many voters are uninformed and irrational, and thus not competent to vote. He defends the idea of an epistocracy, where some sort of sortation based on knowledge and competence decides the amount of political power a voter can have. This is, obviously, a very controversial idea. It is therefore not surprising that many people have objected to Brennan's arguments. Those who have criticized Brennan include at least one very prominent political philosopher, namely Thomas Christiano, who I quoted earlier in this introduction.

As said, the idea of epistocracy is in many ways controversial. However, I will argue that Jason Brennan makes a compelling case for why epistocracy is superior to, or at least as good as, democracy

(Brennan 2016). He argues for example that the act of casting a vote constitutes performing power over others, and that one ought to cast one's vote responsibly. Brennan points to empirical studies showing that voters in general have very limited knowledge about what they are voting about, what the different candidates stand for, who are likely to represent their preferences etc. And when they do have the relevant knowledge, they use this knowledge in irrational ways. He concludes, rightfully I think, that voting under these conditions does not amount to voting responsibly. Brennan lists a range of possible forms an epistocracy could take in order to produce more just outcomes than democracy. Some of them include voters taking a basic empirical test, to determine whether they have a sufficient grasp of what the particular election is about, and other basic questions. Other forms of epistocracy involve economic calculations in order to determine what policy preferences voters would have, if only they knew more. Although I find Brennan's arguments to be sound, I worry that epistocracies are not feasible in the near future, and that some of his proposed forms of epistocracy are not able to resolve the problems they set out to resolve. I will address these worries in the end of the thesis.

This thesis proceeds the following way: In chapter (I) I explain, in detail, Brennan's arguments in favor of epistocracy. In chapter (II) I unfold a number of objections that have been raised to Brennan's epistocracy, and I try to explain how Brennan could successfully respond to these objections. In chapter (III) I will present a few final remarks about epistocracy, including a few of my own worries. But first, I will explain Jason Brennan's arguments in favor of epistocracy.

(I) Why Epistocracy?

I will now turn to a detailed description of the idea of epistocracy. I will follow Jason Brennan's description in his book 'Against Democracy' (Brennan 2016), since he makes a really strong case for the controversial arguments in favor of epistocracy. My description will inevitably be an inadequate and non-exhaustive description of this complex idea, but I will try to include the most important elements relevant for the proceeding discussion of objections to Brennan's arguments. In this chapter, I will start by explaining Brennan's reasons for being skeptical about democracy, and then turn to his reasons for favoring epistocracy over democracy. First, we turn to Brennan's description of three voter-archetypes.

Hobbits, Hooligans and Vulcans

Brennan divides voters into three overarching groups, corresponding to three voter-archetypes that can be found in the empirical literature of psychology, economics, social science and sociology. He calls these groups Hobbits, Hooligans and Vulcans respectively (See e.g. Caplan 2007 and Somin 2013). Hobbits tend to be ignorant about politics and are primarily occupied by living their day-to-day lives, with little concern to the world outside their immediate encounters. In the United States the typical nonvoter is a Hobbit in this sense, Brennan claims (Brennan 2016: 4). Hooligans on the other hand know very much about politics. They have large amounts of political information easily available from the top of their heads, they know the history of politics etc., but they are highly biased in favor of their own political team. Hooligans can, contrary to the typical Hobbit, tell you their arguments for their beliefs, but they cannot tell you the arguments for the opposing view in a way that the opponents would find satisfactory. The typical voter, registered party members and politicians are Hooligans, Brennan claims (Ibid: 5). Vulcans, on the other hand, are informed and rational people, who form their informed beliefs based on logical reasoning, and frequently read and listen to the other side's arguments, change their minds when exposed to better arguments, carefully investigate the facts before they moralize, reproduces the opponents arguments in a non-strawman fashion etc. No one really fits the description of a Vulcan perfectly, since everyone is at least a little biased. However, these descriptions are conceptual archetypes and people can therefore be more or less Vulcan-like (Ibid). Brennan argues that it would be more efficient to select from competent Vulcan-like voters in the suffrage, than it would be to educate Hobbits and Hooligans, hoping that they become more Vulcan-like. This is so, because better and more education does not seem to have any significant effect on the levels of political ignorance over time (Somin 2013: 20).

What Do Voters Know About Politics?

Based on the empirical findings of an electorate primarily consisting of Hobbits and Hooligans, one might wonder how much voters actually know about politics. They might be ignorant and irrational, but to what

extent? To a great extent, Brennan argues. He explains that this widespread ignorance and irrationality is not only due to people's incapability of searching for good information, or lack of reasoning powers. Rather, it is primarily due to the incentive structure of voting (Brennan 2016: 30). To demonstrate this point, Brennan asks us to compare voting behavior to the behavior of crossing a street. When we cross a street, we carefully check both sides to see if it is clear. If it is not, we wait. Why? Because if we do not wait, we might die. In other words, we have every incentive to check carefully before we pass the street. When we vote, most of us do not check all possible alternatives, and we do not read all the relevant political science, economics and political philosophy necessary to decide what the best alternative is. Why? Because if we do not do these things, nothing happens. Whether we vote for the worst possible candidate, or the best possible candidate, the outcome is the same (Ibid: 23). No single voter has autonomous control over the outcome, because each vote has a close-to-zero chance of deciding the outcome. The combination of all votes matters a great deal, so this does not imply that voters believe that politics does not matter. It is just to say that each of them do not have strong incentives to be informed and rational when it comes to voting.

To describe what implications these poor incentives have for the voters' knowledge, Brennan turns to the political scientist Ilya Somin (Somin 2013). Following Somin, Brennan tells us that at least 35 percent of voters are "know-nothings" (Ibid: 17-37). But one does not have to put all eggs in Somin's basket. Political scientist Larry Bartels writes that "the political ignorance of the American voter is one of the best documented features of contemporary politics" (Bartels 1996: 194). Political theorist Jeffrey Friedman writes that "the public is far more ignorant than academic and journalistic observers of the public realize" (Friedman 2006: v). Political scientist John Ferejohn agrees with Somin, Bartels and Friedman: "Nothing strikes the student of public opinion and democracy more forcefully than the paucity of information most people possess about politics" (Cited in Converse 1990). Brennan offers an extensive list of important information that many voters do not know. I will only cite a few of them:

- During election years, most citizens cannot identify any congressional candidates in their district. (Hardin 2009: 60).
- Citizens generally do not know which party controls Congress (Somin 2013: 17-21).
- Immediately before the 2004 presidential election, almost 70 percent of US citizens were unaware that Congress had added a prescription drug benefit to Medicare, though this was a giant increase to the federal budget and the largest new entitlement program since President Lyndon Johnson began the war on poverty (Somin 2004: 3-4).
- In the 2010 midterm presidential election, only 34 percent of voters knew that the Troubled Asset Relief Program was enacted under George W. Bush rather than Barack Obama. Only 39 percent knew

that defense was the largest category of discretionary spending in the federal budget (Somin 2013: 22).

- Americans vastly overestimate how much money is spent on foreign aid, and many think that one can significantly reduce the budget deficit by cutting foreign aid (Wall Street Journal 2012).
- Most Americans do not know even roughly how much is spent on social security or how much of the federal budget it takes up (Somin 2013: 29).

In short, voters know who the president is, and very little beyond that. Besides, even if many voters know very little about politics, nonvoters tend to know even less. Brennan cites The Pew Research Center and writes: "On average, people who are not registered to vote answer 4.9 out of 12 questions correctly compared with 7.2 among voters." (Brennan 2016: 27). This might not seem too bad, but if we control for how these surveys are carried out, it seems less uplifting. Most of the national surveys on voter knowledge use multiple-choice tests. This means that some people, who do not know the answers, might take a shot and guess. Sometimes they will be right. It also means that the surveys count people as knowledgeable, if they, say, know that the United States spends more on social security than on defense, but the survey does not check if people know by roughly *how much* (Ibid). Knowing the answers to easy questions in a multiple-choice test is not sufficient to make you a well-informed voter, Brennan claims. One would have to know the policy platforms of the candidates, how candidates are likely to vote in Congress, how much the candidates are likely to influence if they win, which policies are likely to have which outcomes etc. (Ibid: 28). Brennan gives the following example:

"So, for example, suppose I know candidates Smith and Colbert both want to improve the economy, but Smith favors free trade, and Colbert favors protectionism. I can't make a reasonable choice between them unless I know whether free trade or protectionism is more likely to improve the economy; to know that, I need to know economics." (Ibid)

If you go to a university library and point to the important works in economics, political science and political philosophy, the average voter does not know what is in them. Neither do they know what is in the US Constitution. For example, "less than 30 percent can name two or more rights listed in the First Amendment of the Bill of Rights. Less than a third know that Karl Marx' communist slogan "From each according to his abilities, to each according to his needs" is *not* in the Constitution (Ibid: 29). This ignorance matters a great deal because it leads to people choosing poorly, when they vote. For example, voters systematically underestimate the ability of the president and Congress to control the federal budget, the impact of state and local governments on public schools etc. (Somin 2013: 102). Voters do not know who controls what, so they often vote based on irrelevant policy differences, and choose solutions to problems that empirically

speaking are very unlikely to work (Brennan 2016: 29). An objection to this pessimistic analysis could be that voters do not have to be political experts. They just need to know enough to throw the incumbents out, when they are doing a bad job. The problem with this objection, Brennan says, is that knowing whether the bastards are doing a bad job requires a tremendous amount of social scientific knowledge (Ibid). You would have to know what the bastards did, what alternatives they had, whether the alternative candidates are likely to be better than the bastards and much more.

A striking fact about this political ignorance is how stable it actually is. One might think that the obvious solution to political ignorance is more education. However, political information has never been more accessible. As Brennan jokes, we all now have a device in our pockets, containing all the information we need, but we use it to look at pictures of cats and argue with strangers. In the 1940's less than 30 percent of white people over the age of 30 had a high school diploma, now more than 80 percent do. (Ibid: 30). People have never been more and better educated, and yet political ignorance has remained roughly the same. So, there is reason to be skeptical of the easy solution of 'more and better education'.

Political Ignorance and Irrationality

Now, some people might be tempted to conclude that voters must be stupid since they behave this way. But that is not the best explanation, according to Brennan (Ibid). As described in the previous section, people are generally able to make informed and rational decisions whenever the incentives are right. So, it is not that people are generally stupid, but rather that being uninformed in certain situations is the *rational* thing to do. This phenomenon is what economists call 'rational ignorance'. This is a fairly basic micro-economic insight. Spending time and effort gathering the necessary information for reaching a justified political belief is a cost, namely the cost that this time and effort could have been spend on other things more likely to be worth the while (Ibid). When this cost of acquiring the information exceeds the expected benefit of having this information, people will stay ignorant. To make this point clear, Brennan gives the following example:

"Suppose there's \$1 million buried somewhere in your city, there for the taking. Now suppose you know that the instructions for finding the money are inserted into the text of Leo Tolstoy's twelve-hundred-page 'War and Peace'. You'd probably be willing to read War and Peace to find the \$1 million. But suppose instead I just tell you the instructions are hidden, randomly, in the texts of one of the books in Harvard University's seventeen-million-books library system. Though it's worth \$1 million to find the text, it's no longer worth your time to search for it."
(Ibid: 30-31).

Most voters choose not to study all the relevant issues to become an informed voter. It is not that people are stupid, they just do not care enough, because the incentives support the behavior of staying ignorant. A vote

only makes a difference in situations where there is a tie (Ibid: 31). The chance of breaking a tie in a presidential election is, according to the most optimistic estimates, about one-in-a-million, and only if the voter votes for a major political party, and only if the voter lives in a swing state (Gelman, Silver and Edlin 2012). Once we understand the theory of rational ignorance, and with these probabilities in mind, it is not so puzzling that people are ignorant about politics.

Given the theory of rational ignorance, one might think that all voters would be equally ignorant. That turns out not to be the case. The diversity in political knowledge is actually very distinct. "Most voters are ignorant, but some are highly informed, and some are *worse than ignorant*", Brennan writes (Brennan 2016: 32). To demonstrate what he means by *worse than ignorant*, he cites political scientist Scott Althaus:

"Just how high [the variance is] is made clear when we add up the number of correct answers to these questions and divide respondents into knowledge quartiles. While people in the highest knowledge quartile averaged 15.6 correct answers out of 18 possible, people in the lowest averaged only 2.5 correct answers." (Althaus 2003).

The test Althaus is referring to here is the American National Election Studies (ANES), which surveys voters on basic political knowledge. The ANES shows, based on a set of standards, that the top 25 percent of voters are well informed, the next 25 percent are badly informed, the next 25 percent are know-nothings, and the last 25 percent are systematically misinformed. This means that many voters, when taking a basic multiple-choice test, would perform worse than chance. They would do better, if they closed their eyes and picked a random answer, or if they had a monkey choose for them. Political knowledge is not spread evenly among all demographic groups⁵. Political knowledge is positively correlated with having a college degree, being in the top half of income earners, living in the western United States, being republican leaning, being between the ages of thirty-five and fifty-four (Brennan 2016: 33). Political ignorance has an effect on policy preferences. If it did not, we should be indifferent about political ignorance. Political knowledge matters quite a lot when it comes to forming preferences. High-information democrats have different policy preferences than low-information democrats, and high-information republicans have different policy preferences than low-information republicans. In general, high-information citizens have different policy preferences than low-information citizens, even after correcting for demographic factors such as race, gender, income, education etc. (See Althaus 2003: 129 and Caplan 2007). When voters become more informed (still correcting for demographic factors), they generally prefer less government intervention, free

⁵ This fact gives rise to an objection against epistocracy, namely the Demographic Objection. I will discuss this objection later.

markets, they become more pro-choice, they prefer market solutions to healthcare, they are less supportive of public prayers, they are less hawkish about military intervention and they are more supportive of affirmative action (Ibid).

If the theory of rational ignorance is correct, how come some people are informed? To answer this question, we need to carefully examine what can be deduced from the theory of rational ignorance. The theory says that most people will stay politically ignorant, if the expected benefits of gaining the information does not exceed the costs of gaining the information. By the logical inference law of 'contraposition', we can deduce from the theory, that if people are not politically ignorant, it is because the expected benefits of gaining the information *does* exceed the costs of gaining the information. We know that people know that their individual vote does not matter in the big picture, so we know that the expected benefits of gaining political information exceeds the expected costs of doing so, but for non-voting reasons. What could these reasons be? Brennan suggests four different reasons:

1. *Hearing more and forgetting less*

Maybe this is true:

If most people forget 75 percent of what they hear, a person with a long education is likely to remember more political information, than a person with a short education.

2. *A belief in a moral duty to vote*

Many people believe they have a moral obligation to vote (or at least say they believe so when surveyed). Some of these even believe that they must cast an *informed* vote, and become better informed for this reason.

3. *Belonging and social class*

Because of conformity reasons, many people want to fit in and be respected by some group. In some groups, you fit in if you know a lot about cars, football or movies. The same is true of political knowledge in some groups.

4. *Political geeks*

Many people simply find politics more interesting than other people do, and thus enjoy gathering information for no other reason than the interest in it. (Brennan 2016: 35-36)

A problem that arises with these four reasons is that they do not guarantee in a strict sense that we get the facts right. For example, according to 3. some people have strong incentives to be politically informed to fit in a certain group. But they also, for the same reasons, have strong incentives to believe whatever the group believes. Similarly, some people, according to 4. have incentives to be politically informed, because they find

political information interesting. The problem is that they might find a mistaken theory more interesting than a true theory.

As described in the characteristic of the Hooligan, there is often *tribalism* involved when people form their political opinions (Ibid: 39). When belonging to a certain political group, people tend to think that opposing groups must be stupid and evil without really knowing the opposing group's arguments. This is obviously not a behavior a perfectly rational Vulcan would adopt. A Vulcan would examine the opposing group's arguments, and when she eventually finds good arguments among them, adjust her own views accordingly, thanking the opponent for pointing out her mistakes. One problematic consequence of this tribalism is the following: Political views often cluster together, even though they have nothing to do with each other. Consider the topics of gun control, global warming, how to handle the Islamic State of Iraq and Syria, mandatory paid maternity leaves for women, the minimum wage, gay marriage, the Common Core curriculum and flag burning. Brennan writes:

"If I know your stance on any one of these issues, I can predict with a high degree of reliability what your stance is on all the others. If you think about this, it's rather strange. The issues are logically unrelated ... yet, if you are pro-choice, you're almost certainly pro-gun control, and if you're pro-life, you're almost certainly anti-gun control. If you want to raise the minimum wage, you probably believe global warming is a major threat, and that government needs to intervene to stop it. If you oppose raising the minimum wage, you probably think that global warming isn't a big deal, and that government should do little or nothing about it." (Ibid: 41).

There could be hidden mechanism at play which explain why these seemingly unrelated beliefs cluster together. But, it seems likely that the primary effect is tribalism. Different political groups have settled on different sets of beliefs, and if you are in the group, you better believe all the beliefs of the group. Maybe a member of a political party would say that the reason that her beliefs cluster together, is that members of her party are just unusually good at getting to the truth, also on unrelated issues. But, Brennan says, this does not explain why the non-members' beliefs also cluster together. If she was right, we would expect the beliefs of non-members to be randomly distributed and not correlate on unrelated issues (Ibid: 42).

The fact that voters are biased in certain ways is, however, not adequately explained by the theory of rational ignorance. Even the most informed people can be biased. This has led economist Bryan Caplan to adopt the similar theory of *rational irrationality* (Caplan 2007). According to Caplan, it is possible for people to be rational about some issues, but irrational at others. Politics happens, for many people, to be within the scope of the latter (Caplan 2007: 114). Brennan summarizes Caplan's theory this way:

“A person is rationally irrational, when it is instrumentally rational for that person to be epistemically irrational. Instrumental rationality is about taking courses of action that serve one’s ends. Epistemic rationality is about forming beliefs with the goal of seeking truth and avoiding error, using a scientific evaluation of the best-available evidence.” (Brennan 2016: 48).

In some situations and contexts it can be instrumentally rational, to do something that is not epistemically rational. If you live in a fundamentalist theocratic state, it might be instrumentally rational for you to form your beliefs according to what the monarch wanted, even if these beliefs were not supported by any evidence (Ibid: 49). In many situations we get punished for being epistemically irrational. For example, the witch doctor who chooses, based on the laying of her tarot cards, not to receive chemotherapy when she is diagnosed with cancer, might have a higher risk of dying from her cancer than she would otherwise have. The compulsive gambler who chooses to spend her entire savings on the roulette in the casino under the illusions that she will soon become a billionaire, might end up bankrupt. However, this sort of punishment does not occur in voting. Our individual influence on the outcome is so vanishingly small that we can afford to form our beliefs irrationally. If you are wrong, nothing happens. If you are right, nothing happens.

How Do Voters Vote?

Given that many people tend to behave instrumentally rationally in many areas of life, it might be tempting to assume that voters vote selfishly. That is often not the case, though. Political scientists have studied voting behavior in more than sixty years, in many different contexts, using different methods, and they more often than not conclude, surprisingly, that people do not vote selfishly (See e.g. Chong 2013; Funk 2000; Miller 1999;

1993: 108-14; Sears, Hensler and Speer 1979 for a few examples out of many more). Instead of voting selfishly, social scientists find that voters tend to be nationalist and sociotropic. This means, voters tend to vote for what they *think* will be in the best interest of the country. This is perhaps intuitively surprising, but given the fact that we know how little each vote matters, we should not be so surprised. After all, a rational and selfish person would not vote selfishly, because he would not vote at all. His expected costs of casting the selfish vote would exceed the benefits of doing so (Ibid: 50). And so it goes for the rest of the selfish voters. We know that many people vote anyway, out of a belief of a duty to vote, a commitment to their political tribe, a wish to express ideology etc. When people vote anyway, it does not cost them anything *extra* to cast a non-selfish vote. All this explains the otherwise puzzling fact that people do not vote selfishly. Voters vote altruistically, because it does not cost them anything extra, given that they already vote, and that they know that their individual votes do not matter very much. This does not mean that they in fact succeed in

voting altruistically, only that they *think* they do. Brennan says that when voters vote they have both what he calls *policy preferences* and *outcome preferences*:

Policy preferences: The set of policies and laws they want candidates to support, such as increasing the estate tax, cutting spending, increasing tariffs, or escalating the war in Afghanistan.

Outcome preference: The consequences they want candidates to produce, such as improving the economy for everyone, reducing the amount of criminal violence, increasing economic equality, or reducing the danger of terrorism. (Ibid).

When political scientists find that voters do not vote selfishly, they are making a claim about outcome preferences rather than policy preferences. That a voter is nationalist and sociotropic only means that she wants her elected officials to serve the common good of the country rather than just her own selfish interests or the interests of people in the rest of the world. It does not mean that she knows what policies are likely to lead to her preferred outcomes. As I described earlier, it takes a lot of knowledge about economics and social science to be a well-informed voter. The distinction between policy preferences and outcome preferences explain why that is so. For example, many people want to improve the economy, prevent terrorism, reduce crime etc., but they have different and incompatible ideas of how best to do so. In order to know what policies will *actually* bring about the desired outcomes one needs to know tremendous amounts of information. So even though it is uplifting that voters do not vote merely selfishly, it is not so uplifting that this does not necessarily lead to desired outcomes. Maybe voting has other positive effects than obtaining desired policy outcomes, though, such as making voters more wise and virtuous. The next section is devoted to this question.

Does Politics Ennoble Us?

One might wonder whether the outcomes of elections are so important after all. Maybe it is at least as important what these outcomes do to us. Some outcomes might make us dumb, and corrupt our moral virtues while other outcomes might make us wise and morally virtuous. John Stuart Mill argued that we should examine all possible outcomes, including the effect these outcomes might have on citizens' intellectual and moral virtue. Mill hoped that participating in politics would make citizens wiser, smarter, more concerned with the common good and nobler. He hoped that getting citizens involved in politics would be like getting a fish to discover that there's a world outside the ocean (Ibid: 2). At Mill's time the empirical evidence needed to back his hypothesis was simply not available. Now it is, and it seems that Mill's hypothesis is falsified. The economist Joseph Schumpeter was closer to getting it right. He wrote:

"The typical citizen drops down to a lower level of mental performance as soon as he enters the political field. He argues and analyzes in a way which he would readily recognize as infantile within the sphere of his real interests. He becomes a primitive again." (Schumpeter 1996: 262)

As we have seen, Schumpeter's description matches the empirical findings quite good. Mill was afraid that this was true, but he believed that making people participate politics would change it. In Brennan's terminology, Mill hoped that political participation would transform people from Hobbits into Vulcans, and he believed that it was possible. This lead Mill to defend what Brennan calls 'the education argument', which goes like this:

1. Civil and political activity requires citizens to take a broad view of others' interests, and search for ways to promote the common good. This requires long-term thinking as well as engagement with moral, philosophical, and social scientific issues.
2. If so, then civic and political activity will tend to improve citizens' virtue and make them better informed.
3. Therefore, civic and political activity will tend to improve citizens' virtue and make them better informed. (Brennan 2016: 54-55).

Brennan argues that many contemporary theorists hold this argument to be sound, although many make specifications to what forms of participation will tend to ennoble us (Dagger 1997: 102-4). But, the argument is not sound, Brennan says. Political participation is likely to turn Hobbits into Hooligans, and Hooligans into worse Hooligans, rather than turning any of them into Vulcans. Brennan grants that many supporters of the education argument will agree on this point, but say that it just shows that we need to find the *right* way to participate. To this objection, Brennan responds that we at least do not seem to know what this right way is yet, and that the ways which others have suggested do not seem to work (Ibid).

Recall that Brennan claims that those who vote are more informed than those who abstain from voting. One might be tempted to conclude that political participation therefore *causes* people to be better informed. That would be an instance of the 'correlation-causality-fallacy', though. Just because two things are correlated with each other, it does not mean that one of them caused the other one. Recall the evidence that demonstrated that people who are interested in politics is both more likely to participate in politics and more likely to vote. This evidence did not demonstrate that voters know more because they vote, but that they vote more and know more, because they are interested in politics. This evidence does not support the education argument. Now the supporter of the education argument can say that this just shows that voting is not a sufficient condition for becoming educated. They might say that we need something more, namely deliberation.

A deliberative democracy can take various forms, but in general the idea is that people come together to argue with one another in an open-minded fashion, where they weigh pros and cons, listen to each other, advance ideas, criticize each other in a productive way etc. One of the pros of a deliberative democracy, the supporters say, is that it can include people of different races, gender identities, socioeconomic statuses, geographic origin etc. Some supporters have quite high expectations for the capability of deliberative democracy. Joshua Cohen claims that “the need to advance reasons that persuade others will help to shape the motivations that people bring to the deliberative procedure” and that the ideal deliberative democracy can be expected to “shape the identity and interests of citizens in ways that contribute to the common good” (Cohen 2006: 163, 174). In other words, Cohen has very optimistic ideas about a deliberative democracy can amount to. So does Habermas. Habermas also has a quite demanding idea of how deliberators should deliberate. According to Habermas, speakers must be consistent and not contradict themselves, they must treat like cases alike, they must be sincere, everyone who is competent to speak should be allowed into the discussion, and no one may coerce or manipulate another speaker (Habermas 2001: 65). Although the deliberative democrats generally mean well, the empirical literature does not support their claims, Brennan says. Social scientist Tali Mendelberg has examined all the empirical literature on what deliberative actually does to people, and she finds that the “empirical evidence for the benefits that deliberative theorists expect is “thin or non-existent” (Mendelberg 2002: 154). Mendelberg finds that deliberative democracy does not work as the supporters had hoped. For example:

1. Deliberation sometimes facilitate cooperation among individuals in social dilemmas, but it undermines cooperation among groups.
2. When groups are of different sizes, deliberation tends to exacerbate conflict rather than mediate it.
3. During deliberation, people use language in biased and manipulative ways.
4. Deliberation works best on “matters of objective truth”- when citizens are debating easily verifiable facts and statistics. (Following Brennan’s reproduction of Mendelberg’s findings. Brennan 2016: 65).
5. Citizens prefer *not* to engage in deliberative modes of reasoning and prefer that deliberation not last long (Somin 2013: 53).

Mendelberg is not the only one who has found troubling results for deliberate democracy. Even the supporters of deliberative democracy have found similar results. For example:

6. Deliberation tends to move people toward more extreme versions of their ideologies (Sunstein 2002).
7. Deliberation over sensitive matters – such as pornography laws – frequently leads to “hysteria” and “emotionalism” (Downs 1989).

8. Deliberation often causes deliberators to choose positions inconsistent with their own views-positions that the deliberators later regret (Ryfe 2005: 54).
9. Deliberation frequently causes deliberators to doubt that there is a correct position at all. This leads to moral or political skepticism or nihilism (Ibid)

Based on these empirical studies, Brennan concludes that the sufficient evidence needed to support deliberative democracy is not there. He says that in short, people are too Hooliganish to deliberate properly, and the deliberation itself makes them even more Hooliganish. He says that if it turns out that these empirical studies were wrong, and that real deliberative democracy does turn out to produce better results than the epistocracy he favors, then he is an instrumentalist about the choice, and would go with deliberative democracy. Until then, the instrumentalist would favor epistocracy (Brennan 2016: 67).

Ideal Theory vs Non-Ideal Theory

Throughout 'Against Democracy' Brennan tells us that we cannot rely on arm-chair philosophy when forming opinions about what form of government to favor. We must engage with economics, sociology, social science etc. to see how the world actually works, before we start moralizing over it. We should not just assume that the world is ideal, and then compare two systems against each other to see which one is best. This is the crux of the split between ideal theory and non-ideal theory. On Rawls' famous account of ideal theory, the ideal must be sorted out before turning to non-ideal theory. In Leif Wenar's entry on Rawls in Stanford Encyclopedia of Philosophy, he puts Rawls' view on ideal theory this way:

"Completing ideal theory first, Rawls says, yields a systematic understanding of how to reform our non-ideal world, and fixes a vision [...] of what is the best that can be hoped for. Once ideal theory is completed for a political sub-domain, non-ideal theory can be set out by reference to the ideal."
(Wenar 2017).

Brennan does not follow this account. He starts with a set of uncontroversial normative premises and a set of initial empirical hypotheses. Then he checks whether the empirical hypotheses are actually true, and then based on this, he finally forms his normative conclusions through valid reasoning. He claims that his method will avoid much of the demonstrably false starters in democratic theory. When we start with ideal theory, it is easy to forget to check the evidence and jump straight to conclusions. For example, Brennan attacks some of the *a priori* theorems which much democratic theory rely on, namely:

Miracle of Aggregation Theorem:

If errors in an enormous democracy are randomly distributed, then as long as there is a minority of well-informed voters, a democracy made up almost entirely of ignorant voters will perform just as well in epistemic terms as a democracy made up entirely of well-informed voters.

Condorcet Jury Theorem:

If voters are independent, and if the average voter is sufficiently well motivated and more likely than not to be correct, then as democracy becomes larger and larger, the probability that the demos will get the right answer approaches 1.

Hong-Page Theorem:

Under the right conditions, cognitive diversity among the participants in a collective decision-making process better contributes to that process producing right outcomes than increasing the participants' individual reliability or ability. (Brennan 2016: 173)

Even though the empirical evidence suggests that voters by and larger are ignorant, irrational and incompetent, it is possible that when they come together in democracy, they become competent as a group. Brennan says that this is true of some groups, for instance in larger markets. He gives the typical example of a pencil. No single human being has the knowledge and ability to make a pencil from scratch. But, collectively in a market, people figure it out (Ibid). Perhaps the same is true of democracy. According to the three theorems above, certain positive outcomes occur, if certain criteria are met. These criteria are not met, Brennan says⁶. If voters are systematically mistaken, then the Miracle of Aggregation does not occur. If voters are systematically mistaken, then the Condorcet Jury Theorem condemns democracy instead of supports it, because the theorem would imply that democracy is always making the wrong choices. If voters are systematically mistaken, then they do not have cognitive diversity, and then the Hong-Page Theorem does not occur. To be clear, the consequents of all three theorems rely on the fact that voters are *not* systematically mistaken. We have already seen the empirical evidence showing that they in fact are, so none of the theorems occur in reality. This seems devastating to the *a priori* proofs of democracy's decision procedure, but to be fair Brennan makes three reservations to this conclusion. First, it is still possible that another theorem reaches the same conclusion without assuming anything false. Second, not all *a priori* defenses of democracy rely on these theorems. Third, democracy produces surprisingly good results given

⁶ To be sure, Brennan is not making a logical mistake here, although it might seem so. It might seem that each theorem says ' $P \rightarrow Q$ ', and Brennan then says ' $\sim P$ ', and concludes ' $\sim Q$ ', which would be invalid. But in fact Brennan is not only denying P for empirical reasons, he also denies Q for empirical reasons, and not just because he denies P.

how misinformed and irrational the voters are, which might suggest that some sort of collective qualification of the decisions is at play anyway (Ibid: 173-174).

Against Semiotic Arguments

In his famous book 'Anarchy, State and Utopia', Robert Nozick argues for an instrumental approach to governments. What counts, Nozick says, are the results the government can produce (Nozick 1971). If another type of government can produce better results, then we should go with that. Later, in 'The Examined Life', Nozick says that when writing Anarchy, State and Utopia he did not realize the expressive value of politics (Nozick 1990: 286). In other words, he became impressed with symbolic or, as Brennan calls it, semiotic arguments. Brennan has made the exact opposite turn. In his 2010 book 'A Brief History of Liberty', Brennan wrote:

"The value of the right to vote consists in something more [other than its instrumental value]. It is not that individual votes have much practical utility. It is, rather that the right to vote is a badge of equal personhood." (Schmidtz and Brennan 2010).

In 'Against Democracy', he refutes this claim. He mentions a range of different arguments which focus on the symbolic power of democracy. These arguments rely on the idea that imbuing every citizens with equal voting power symbolizes respect and equal moral worth. Such semiotic arguments against epistocracy are said to communicate disrespect and unequal moral worth. A semiotic argument proper, is thus an argument that is independent of other arguments for democracy, and therefore also independent of arguments concerned with the outcomes of democracy or an alternative to it. Brennan claims that all such arguments fail. The defenders of these arguments often say that these arguments are based on the assumption that all people share a fundamentally equal moral status, which in part is relatively uncontroversial. For example, Elisabeth Anderson says the following:

"Pressure towards universal inclusion [in the franchise] follows from the demands of equality [...] whereby each adult actively recognizes everyone else' equal authority to make claims concerning the rules under which all shall live" (Anderson 2009: 215).

There are many editions of semiotic objections to alternatives to democracy, and many of them share Anderson's assumption. Brennan makes the following list of possible semiotic reasons to prefer democracy to its alternatives:

- Democracy is necessary to express that all citizens are equal.
- Democracy is necessary for proper social recognition or recognition of one's agency.
- Democracy is necessary as a social basis for self-respect.

- Democracy is necessary as a social basis for being respected by others.
- Democracy is necessary for proper inclusion as a full member of society.
- Nondemocratic structures, regardless of how well governed they are, are an affront to citizens' dignity. (Brennan 2016: 115).

Brennan then sets out to show that such objections fail to show that democratic rights have any real value to us, and that they are not sufficient to prefer democracy over epistocracy, nor think the democracy is inherently more just than epistocracy (Ibid: 116).

Brennan notes that semiotic objections have the most force when they are demonstrating arbitrary explicit immoral attitudes (Ibid). For example, if we consistently exclude black people from the franchise in order to express that black people are not morally equal to everyone else, then black people have a justified semiotic complaint, unaffected what policies are actually implemented. But this is not what Brennan suggests. He does not suggest excluding people in order to express wrongful contempt, but in order to produce more substantively just outcomes. Those who support semiotic arguments want to say that their arguments succeed regardless of intentions to express a certain attitude. But it does not follow in an obvious way from the assumption that all people are morally equal, that all people should have the same voting power. In fact, even if we grant that it is important to express that everyone is equal, it is not obvious why it is important to do it through voting power. Brennan writes:

“There are lots of ways to express that everyone is equal. Societies could put equality signs on their flags. They could erect statues of equality in their major cities. They could have a national equality day in which every schoolchild talks about equality. Or they could even put their money where their mouths are and commit to choosing whatever form of government turns out, as a matter of fact, to produce properly equitable results (even if that form turns out to be epistocratic). (Ibid: 118).

Brennan goes through examples of arguments that try to make the connection between an assumption of equal moral worth and equal voting power evident. I will only describe the most promising and perhaps most widespread of them here, namely Thomas Christiano's argument. His argument is that if you choose to disregard a democratically chosen law, you are actually saying that your own judgment is better than the others', and in effect you would be treating yourself as a god and everyone else as children (Christiano 2004: 287). You would express the superiority of your interests over others', Christiano says, and doing so is morally impermissible. This worry is not pointed explicitly towards epistocracy, but it surely suggests a semiotic objection to epistocracy. Christiano's argument implies that to reduce the franchise to the incompetent would express even bigger contempt and even worse views of superiority, than disregarding a democratically

chosen law (Brennan 2016: 119). But this position is puzzling for a number of reasons, Brennan says. Christiano claims that if you view your own judgment as superior to others', you in effect regard your own interests as more valuable than others. His argument for this is, according to Brennan, that people suffer from self-serving biases. The worry goes that if some people's political judgment is privileged over others, then these privileged people will exercise this power in ways that promote their own interests at the expense of other's (Ibid: 120). But the empirical evidence does not seem to support this claim, as we have seen in a previous section. In general, people do not tend to vote self-interestedly but rather according to what they perceive to be the national interest, whenever their vote has a sufficiently small chance of being decisive. If Christiano is worried about self-serving biases, Brennan says, he should not reject epistocracy categorically. Instead, he should leave it as an open empirical question whether epistocracy does a better job or worse job avoiding these biases. In addition, it is not obvious why it would be wrong to express that some people have inferior political judgment. Brennan agrees with Christiano that people have equal moral rights and that governments should not privilege the interests of some of others. But this is compatible with the view that some people have superior political judgment over others. "I think that my plumber is better at plumbing than I am, but I don't think he is better than I am, period. I think I am better at economic reasoning than my plumber, but I don't think I am better than he is, period", Brennan writes (Ibid: 121).

Christiano has another worry. He objects that justice must not only *be* done, it must also be *seen* as being done (Christiano 2008: 47). If voting power is distributed equally, then citizens will be confident that all citizens' interests are being promoted equally. If voting power is *not* distributed equally, then citizens will worry that some citizens' interests are not promoted on equal footing with others'. The problem here is, that people cannot see justice being done, unless it is *actually* being done. If epistocracy turned out to produce more just outcomes than democracy, then "... *instantiating democracy over epistocracy would not cause citizens to see justice done; it would at best cause them to mistakenly believe they are seeing justice done. Christiano's objection gets off ground only if citizens' suspicions of epistocracy are well grounded – that is, only if democracy actually performs better than epistocracy in promoting all citizens' interests equitably*" (Ibid: 124). But in that case, it would no longer be a merely semiotic argument, since we would then prefer democracy because it works better, and not because of what it expresses.

Instrumentalism vs Proceduralism

Maybe Brennan was right in arguing against semiotic arguments for democracy, and switching sides from democratic proceduralism to democratic instrumentalism, as described in the previous section. A pure proceduralist believes that the decision procedure itself is what makes a given decision just, regardless of what outcomes this procedure produces. Contrarily, a pure instrumentalist believes that only the outcomes of the procedure matter, and that we should go with whatever procedure produces the best outcomes. As

said, Brennan subscribes to pure instrumentalism when it comes to democracy. He takes the following to be the crux of the problem for proceduralism: If a proceduralist sincerely believes that we should favor democracy, since the democratic decision procedure is intrinsically just, then she needs to answer this question: Would democracy have been the best voting system, if we imagined away all the good consequences it tends to lead to? We do not even have to do a silly thought experiment to make this point clear, we can just point to the numerous unjust results that have been produced by democracies throughout history (the rise of Nazism e.g.). If the proceduralist answers this question by saying “No, but normally the procedure does not lead to such horrific results”, then the proper answer would be “Well, no, but then you are already an instrumentalist”⁷. This method consisting of isolating the factor which is claimed to have intrinsic value, in order to see if it still appears intrinsically valuable, was aptly coined by G. E. Moore as the ‘isolation method’ (Moore 1903)⁸. When we apply this method to the proceduralist/instrumentalist discussion, it seems that the proceduralist will not be able to successfully defend the claim that the democratic decision procedure has intrinsic value.

Brennan asks how we value democracy. Is it valuable like a painting (because of what it expresses or symbolizes), like a person (as an end in itself) or like a hammer (as an instrument). He subscribes to the last option. If we can find a better hammer, we should. As we have already seen, Brennan does not think that democracy is valuable because of what it expresses or symbolizes. He is, in short, against semiotic arguments (Brennan 2016: 141). His arguments for why, to stay in the metaphors, we should value democracy like we value a hammer, and not like we value a painting, also apply to why we should not value it like we value a person: If we apply Moore’s isolation method and imagine away all the outcomes of democracy, it is not obvious that we value democracy as an end in itself. In fact, even if we consider the outcomes of democracy, it is still not obvious why we should value it to the degree that many seem to do.

Brennan needs to reject proceduralism in order for his positive arguments in favor of epistocracy to succeed. In addition to the negative rejection of proceduralism, there is a negative principle that is crucial for Brennan, namely his so-called ‘Competence Principle’. The next section is devoted to this principle.

⁷ Actually, most proceduralists seem to accept some form of instrumentalism, at least in extreme cases like in the nazi-example. According to Halstead (2016), most proceduralists accept that in certain circumstances, we need to use undemocratic procedures, when the stakes are sufficiently high. Halstead calls these proceduralists ‘High Stakes Instrumentalists’, and he demonstrates why they too need to commit to some form of instrumentalism after all, since democracy tends to produce high stake errors repeatedly.

⁸ See Zimmerman 2001: chapter 5-6 for an excellent description of the method.

A Right to Competent Government

As we have seen, Brennan argues that the choice between democracy and epistocracy should be made on purely instrumental grounds. The choice should be based merely on what system best produces just outcomes, where just outcomes are defined independently of the procedure by which they come about (Brennan 2016: 140). When Hobbits and Hooligans vote, there is a fair chance that more unjust outcomes will be produced. This violates 'The Competence Principle':

The Competence Principle:

"It is presumed to be unjust and to violate a citizen's rights to forcibly deprive them of life, liberty, or property, or significantly harm their life prospects, as a result of decisions made by an incompetent deliberative body, or as a result of decisions made in an incompetent way or in bad faith. Political decisions are presumed to be legitimate and authoritative only when produced by competent political body in a competent way and in good faith." (Ibid: 141)

When we vote, each of us exercise power over others. This power can, when exercised incompetently, cause great harm to others. With the power does not just follow the privilege of choosing the national anthem, but also choosing whether we go to war or not, what levels of welfare are available, whether gay people can get married etc. Such levels of power with potential harmful effects on others normally calls for justification. But, Brennan points out, a democrat could reasonably claim that even if it is true that epistocracy produces more just outcomes than democracy, and that epistocracies are not intrinsically bad, we might still not be *obligated* to choose epistocracy over democracy (Ibid). Normally people do not have a moral obligation to maximize the good. It would be an extremely demanding view to say that they do. So maybe we should only state that people are only required to choose a political system that is *good enough*, but not necessarily *better* or *the best* (Ibid). The costs of implementing the most competent system might simply outweigh the benefits of such a system. Therefore, Brennan does not support the strong claim that we ought to implement the most competent system available, but rather that it is presumptively unjust to use an incompetent system, when there is a more competent system easily available.

Brennan argues that people tend to hold democratic bodies to lower moral standards than they hold alternative systems. He gives the example of carbon emissions (Ibid: 144). Many people believe the government must regulate carbon emissions. Pollution is a collective action problem. If I pollute all that I want, it would make no difference, but if everyone does that, it has a huge impact on everyone. And so it goes for any polluter. None of us have good incentives to pollute less, so many people conclude that the government should take actions and regulate emissions, and thereby solve this collective action problem. Something similar to this problem is true of voting as well. The analogy between pollution and voting is not

bulletproof though, since if I was the only one who polluted, it would still make no difference, but if I was the only one who voted, it would make all the difference. According to Brennan, the analogy to carbon emissions is good enough to make his point, though. He puts it this way:

“Given that there are so many other voters, for each of us our individual votes make no difference. We have every incentive to free ride on others’ efforts, externalize the cost of our biases onto others, and pollute democracy with our uninformed, misinformed, or irrational votes.” (Ibid)

Brennan asks why many people accept this point when it comes to polluting the environment, while they do not accept it when it comes to ‘polluting the polls’ (Ibid). Brennan gives another example of applying moral judgment asymmetrically with respect to democracy. He asks why we accept that little kids may not vote, when we accept that Hobbits and Hooligans may vote. If a kid is more competent than a Hobbit, why not let the kid vote? To that extent, most countries are already epistocracies (Ibid: 146). Brennan lists three reasons which he claims that many people take to be sufficient reasons for not letting kids vote⁹.

Membership: Little kids are not yet full members of society, so they don’t *deserve* a vote.

Dependence: Little kids will just vote however their parents tell them to vote, so giving them a vote is just giving their parents an extra vote.

Incompetence: Little kids don’t know enough to vote well. (Ibid: 147)

Often, people use one or more of these reasons as justification for restricting the suffrage. The problem is, though, that the reasons for excluding kids do not only apply to kids. If we for example accept that *incompetence* is a sufficient reason not to let kids vote, why do we not accept it as a sufficient reason not to let other incompetent people vote? The same reasoning goes for *membership* and *dependence*: There are (non-children) people who some citizens do not accept as ‘full members’ of their society, whatever that means, but who can still vote¹⁰. And there are (non-children) people who just votes whatever someone tells them to vote. But we do not exclude these people from voting. Specific demographic groups are excluded, because they, among other things, are not competent enough to vote. Brennan says that we should apply the competence criterion to those people who are actually incompetent, and only those who are incompetent (Ibid: 148). One way to do this, he says, is to let everyone take a competence test, and let those

⁹ It seems that Brennan takes each of these reasons to be individually sufficient conditions for letting kids vote. It seems, however, that he also takes them to be jointly sufficient conditions, which simply means that the combination of *membership*, *dependence* and *incompetence* is sufficient for letting kids vote.

¹⁰ Think for example of immigrants.

who pass the test get a number of votes corresponding to how well they do on the test (Ibid: 211). Instead of engaging in arbitrary age-discrimination, why not by default give everyone a chance to demonstrate that they are competent? (Ibid: 149).¹¹

Obviously, all this talk of competence calls for an explanation of what counts as competence. To answer this question, Brennan starts with a disclaimer. He says that in order for his argument to succeed, he does not need a precise theory of what exactly competence means, since whatever noncontroversial line we draw between political competence and incompetence, voters are likely to be on the wrong side of that line (Ibid: 162). In order to make his point clear he points to the literature of competence in medical ethics. Normally, patients should be allowed to decide for themselves what treatment to receive. Only if the patient is incompetent can the doctor overrule the patient's decision. Brennan quotes Jillian Craigie's 'standard criteria for competence' in medical ethics:

1. Patients must be aware of the relevant facts.
2. They must understand the relevant facts.
3. Patients must appreciate the relevance of those facts for their own particular case.
4. Patients must be able to reason about those facts in an appropriate way. (Craigie 2011)

Brennan claims that these criteria would apply to political competence as well, even though the details of each criteria might be subject for discussion. He even claims that these criteria would apply to almost all cases where competence is relevant, for instance in juries and in plumbing. If for example a jury knew that a victim had been stabbed by a left-handed perpetrator, but did not see that this was a relevant fact when the suspect is right-handed, we would immediately question whether the jury was competent. Similarly, if a plumber said that you needed to mow your lawn to fix your clogged pipes, you would immediately question whether this is a competent plumber (Ibid: 163-165). As we have seen in earlier chapters, voters in general do not live up to the criteria of 1-4. They do not know and understand the relevant facts, they do not appreciate the relevance of the facts they do know for specific cases, and they are not able to reason about facts in appropriate ways. If we grant that 1-4 are sufficient to determine competence, it seems that the electorate are generally incompetent. But, Brennan notes, The Competence Principle is not the only

¹¹ One might say that this is not really *age discrimination* since all people (unless they die very young), at some point, reaches the age of which they are allowed to vote, and that something similar would not be true of uninformed people. Uninformed people do not (in most cases) by time become informed, without making an effort. However, this does not explain why all kids should be excluded in the first place, if we by testing can include those who are actually sufficiently competent to vote. Neither does it explain, why it matters that uninformed voters would have to make an effort to become informed.

important principle for distributing political power. There might be other relevant considerations for allocating power. Presumably, the consequences of different allocations of power seem to matter as well. Normally, Brennan says, theories of legitimacy and authority comprise two kinds of principles. They have *disqualifiers* and they have *qualifiers*. Disqualifiers articulate grounds against either distributing power in certain manners, or limits the scope of power in certain ways. Qualifiers on the other hand articulate grounds for either distributing power in certain manners or allowing the scope of power to extend in certain manners (Brennan 2016: 166). The Competence Principle only serves as a disqualifier. To know how we should allocate power, we need a positive theory of legitimacy and authority, which The Competence Principle does not offer. But Brennan says he does not need to give such a theory. He only states that whatever that positive theory is, we should add the negative Competence Principle to it (Ibid).

What Should an Epistocracy Look Like?

As the title 'Against Democracy' might indicate, Brennan spends a great deal of time explaining what is wrong with democracy, and relatively little time explaining why an epistocracy would do better. In fact, out of the 9 chapters in his book, only chapter 8 is purely devoted to epistocracy. However, I will spend this section explaining the different versions of epistocracy which Brennan proposes.

Brennan opens chapter 8 by asking the reader to recall the question of what value a democracy has (Ibid: 204). Brennan certainly thinks that the correct answer is that we should value democracy like we value a hammer. If another hammer is available, and there are sufficient reasons to believe it is better, we should try it. Brennan thinks that certain forms of epistocracies qualify as such a hammer. He then spends the rest of chapter 8 elaborating on these particular forms of epistocracy. But before doing that, he explains why he thinks many philosophers tend to make mistakes, when they compare institutions (Ibid: 206-207).

Brennan borrows this thought experiment from Michael Munger: Imagine that we host a 'Big Pretty Pig' contest. There are only two entrants, since there are many big pigs and many pretty pigs, but only few pigs are both big and pretty. The judges go to the first pig and says, "Wow, this pig is really ugly! Let us give the prize to the other one". The mistake is obvious: The second pig might as well be even uglier. Many philosophers, economists and social scientists tend to make this mistake when evaluating institutions, Munger says (Ibid: 204). We should be very careful not to make this mistake, when we decide which voting system is the best available. If we look at a certain form of epistocracy and say: "Wow, there are many serious problems with this, let us stick to democracy", without evaluating whether there are at least as many and as serious problems with democracy, we have indeed made this mistake, Brennan says (Ibid: 204-206). In addition, when previous monarchies speculated whether democracy would be superior to monarchy, they did not have enough historical examples to be absolutely certain, but they had reasonable hypotheses. They

had reasons to think that democracy would be the least ugly pig compared to monarchy, even though many people pointed out the flaws of democracy. Now we have a democracy and have reasons to think that epistocracy would be an even less ugly pig (Ibid: 206). Even today, some monarchies do better than some democracies, so the judgment of this comparison may not be that obvious and straightforward (Ibid).

Before turning to the outline of possible forms of epistocracy, Brennan qualifies what counts as an epistocracy:

“A political system is epistocratic to the extent it distributes political power in proportion to knowledge or competence, as a matter of law or policy. This distribution has to be de jure, nor merely de facto.” (Ibid: 208)

There may indeed be more possible forms of epistocracy than the ones Brennan suggests. I will not elaborate on all possible forms of epistocracy but focus on those that seem most important with regard to the objections that have been raised to Brennan's argument.

Values-only-voting

A famous form of epistocracy-like system (or quasi-epistocracy) has been suggested by Thomas Christiano. He suggests a so-called values-only system, where voters only vote on the *aims* the society is to pursue, while the legislators decide the *means* to achieve those aims. Actually, Christiano and Brennan agree that this is really a form of democracy and not epistocracy, since the voting power is still equally distributed between voters (Ibid: 209). Thus, this system does not count as one of Brennan's forms of epistocracy, but he does consider it nonetheless. Christiano worries, along with Brennan, that voters are not sufficiently competent and knowledgeable of political science, economics etc. to vote on the means. He also worries that if voters lack this competence, they will also lack the competence needed to evaluate whether the legislators have competently chosen the policies necessary to realize the aims which the voters have chosen. Brennan compares this to the relationship between a yacht owner and the captain of the yacht. The owner tells the captain where to go, and the captain knows how to get their fast and safe. When they arrive, the owner can at least tell whether the captain has brought her to the right place. But, Brennan says, this does not hold true for the voters participating in Christiano's values-only voting (Ibid). In order for voters to evaluate whether the legislators did a good job realizing the chosen aims, they would need the social scientific knowledge Christiano claims they need (Ibid: 210). In addition, Brennan worries that if voters completely outsource the choice of means, they might become even worse at evaluating means than they already are. Whether this last worry is important under the proposed system is an open question, though.

Instead of evaluating whether Christiano succeeds in solving his own worries, Brennan pushes the worries further than Christiano does. According to Brennan, there is no reason to think that voters are more capable of voting on values, than they are of voting on facts (Ibid). The ignorance, irrationality, biases, hooliganism, lack of incentives etc. described in earlier sections apply just as precisely to normative issues as to empirical ones. In addition, it is not too clear that we can separate questions aims and questions of means entirely. In Christiano's system, political parties run on real policy platforms that can be hard to combine, for example policies about environment protection versus economic growth (Ibid: 211). In order for voters to decide which values to choose in such case, they would need to know something about the trade-offs, opportunity costs etc., which again would require tremendous amounts of knowledge and competence. Knowledge and competence which Christiano himself claims they do not have. Even though Christiano's values-only voting has a bit of an epistocratic feel to it, Brennan is very skeptical of it, and he favors 'real' epistocracies over it (Ibid: 211). One of them is the so-called 'restricted suffrage', which the next section is devoted to.

Restricted Suffrage

One possible form of epistocracy is the restricted suffrage. In one possible edition of this system, the suffrage is restricted based on a competence test. This test would be open to *all* citizens, regardless of demographics. This test would screen out citizens who are misinformed or ignorant about the particular election, or who lack the sufficient basic social scientific knowledge needed in order to live up to the competence principle (Ibid: 212). The comparison is obvious: In order to drive a car and thus potentially expose other people to harm, you have to prove that you can drive it in a responsible way. The same goes for voting. In order to vote, which potentially exposes other people to harm, you have to pass a test to prove that you can vote in a responsible way. In both driver case and the voting case, every person, regardless of demographics, takes the same test. In most countries there is a minimum age for taking the driver's test, just like there is a minimum age for voting. In most countries you have to be a certain age *and* pass a test in order to drive, while you only have to be a certain age to vote. In the restricted suffrage system Brennan suggests, the only requirement for voting is to pass the test. If you are 16 and passes the test, you can vote, and if you are 50 and fails it, you cannot vote (Ibid). One popular argument in favor of having minimum age for both driving and voting is that in general people under this minimum age is not competent enough to drive or vote, and this incompetence exposes other people to risks. But, if that is important, why not actually test this competence? If the test is good enough, there is in principle no reason to add the minimum age. Of course, there is the difference between driving and voting that a single bad driver makes a big difference, while a single bad voter makes close-to-zero difference. But in groups, bad voters matter. Maybe this is a sufficient reason to have higher standard for when people are allowed to drive, than when they are allowed to vote.

But we need to remember that the collective of bad voters can do more harm than the collective of bad drivers (Ibid: 213).

An obvious question is what such a competence test should look like. Here Brennan is not really specific. He admits that it is not straightforward to make this test, but he does not think that this is sufficient to ditch epistocracy entirely. Epistocracy with a badly designed test may perform better than democracy. Nonetheless, Brennan gives a few suggestions of what such a test could look like. The United States could use the questions of the ANES as described in an earlier section (Ibid: 212). Alternatively, the test could be entirely nonideological, and only test logical skills, geography, mathematics etc. In that case the test would of course not test political knowledge, but knowledge that might be positively correlated with it. Or we could test for objective, nonideological, but specifically relevant information about the specific election. For example; who are the candidates? What policies do the candidates say they support? It is of course disputable what counts as relevant political knowledge for a given election, but that does not mean that there is no truth to the matter. Brennan worries that if we introduced such a test that relied on positive correlation between non-political knowledge X and political knowledge Y, this alone might make the correlation disappear (Ibid: 212-213). If the US for example used the citizenship test for this purpose, we might see that people start learning only the necessary details needed to pass the exam, and thus the test might stop being a good proxy for political knowledge. Maybe it is necessary to test for basic knowledge of economics and social science too. This, however, might mean that many poor and disadvantaged people would probably not even try to take the test. So to encourage them to become good voters, governments could incentivize them to become better informed, for example by offering them a thousand-dollar tax credit, Brennan says (Ibid: 213). Alternatively, those who pass the test can be allowed to vote for free, while those who fail must pay a penalty in order to vote.

John Stuart Mill had an idea of a system with even larger differences in voting power. He preferred a system with plural voting. According to Mill, the default should be one vote, but by taking exams or holding certain academic degrees, you could acquire more votes. Brennan suggests, that instead we could set the default setting to zero votes, and then by age e.g. sixteen you acquire one vote, then five more if you graduate from high school, five more if you earn a bachelor's degree, five more if you earn a graduate degree etc. Or, we could just give everyone one vote by age sixteen, and then ten more if they pass a competence test (Ibid).

Enfranchisement Lottery

As an alternative to restricted suffrage as described in the previous section, Brennan suggests a form of epistocracy called 'enfranchisement lottery'. He borrows this idea from the political philosopher López-Guerra. In an enfranchisement lottery, a random but representative sample of citizens are chosen through an initial sortation process. López-Guerra calls this the *exclusionary sortation*, because its purpose is to tell who is *not* going to vote. But since this sample is presumed misinformed, irrational etc. like all other voters, as we have seen, there is a second component to the system. After the initial sortation, a *competence-building process* takes place before the random sample is enfranchised. In this process, the sample receives teaching about basic facts of the election and the alternatives on the ballot (López-Guerra 2014: 4). López-Guerra hopes that this competence-building process will breed more competent voters. The system is designed specifically to resist the 'Demographic Objection', which holds that under any realistic epistocratic system, people who are already advantaged are likely to acquire more power than those who are already disadvantaged (Brennan 2016: 227). Brennan worries, though, that given that voters are generally ignorant and irrational, it seems more feasible to *select* for competent voters than to *breed* them. As an alternative, the selected group in the lottery could instead function as a veto. In that system, democracy functions as usual, but an educated, randomly selected, representative group can veto decisions. This must not be a sub-category to the enfranchisement lottery, though (Ibid: 215). If Brennan is right that it is easier to select for competent voters than to breed them, a system with a veto-group who has gone through a lot of competence-tests, but no competence-building process specific for the purpose of voting, might be preferable (Ibid).

Simulated Oracle

Brennan asks us to imagine an oracle called Pynthia. She is wiser, better motivated, more knowledgeable and more rational than the rest of us combined. Should we ask her and do what she says every time we are about to make a political decision. It seems, by assumption, that the right answer is yes, at least if we accept the argument in favor of instrumentalism and rejects proceduralism. Obviously, we do not have such an oracle available in the real world. But maybe we can simulate one, Brennan says (Ibid: 221). As we have seen in previous sections, social scientists can estimate very precisely what voters would prefer if they were better informed. These scientists convey surveys which track voter's demographics, policy preferences and their objective political knowledge. With this information they can simulate what would happen if the demographics were unchanged, but the score on objective political knowledge went up. They find that they can predict very precisely what voter's want, when their knowledge level rises, while controlling for demographics. Brennan explains how this would work in a referendum:

“Every citizen is allowed to vote to express their political preferences. As citizens vote, we collect their anonymously coded demographic information. While expressing their opinions, they must also take a publicly approved exam on objective political knowledge, basic history, and social sciences. All these data will be made public, so that any news source or policy center can analyze it. We can then- on the basis of publicly available data and methods that any social scientist can check- simulate what the voting public would want if it were fully informed. Whatever the enlightened public says, goes.” (Ibid: 222).

The same method could be used in elections. Instead of listing policy preferences, the voters rank their favored candidates. Using the simulated-oracle-method we can then see how voters would rank the candidates, had the voters been better informed.

Now we have seen what forms of epistocracy, Brennan suggests. This concludes chapter (I). In the next chapter I will discuss a selected set of objections that have been raised to Brennan's argument.

(II) Objections to Brennan's Epistocracy

Considering how controversial Brennan's arguments are, it is not surprising that many people have objected to them. These objections have come from both professional political philosophers, from scholars of other professions and from laypeople (Published objections can be found in e.g. Christiano 2017, Jeffrey 2017, Moraro 2017, Smith 2016, Savidge 2017, Elliot 2017, Salter 2017, Marder 2017, Vandamme 2018, Meyer 2016 and Benson 2016). I will not go through all of these objections, but instead discuss a few of them in detail. Brennan addressed many of these objections in the book himself, but they have nonetheless been repeated by many others. I will focus on objections, raised and published by academic philosophers, that Brennan has not extensively addressed in the book. The first one is not a single objection, but rather a range of objections raised by the influential political philosopher Thomas Christiano.

Thomas Christiano's Objections

As explained in previous sections, Brennan criticized Thomas Christiano on a few occasions in 'Against Democracy'. Subsequently, Christiano has published a review of 'Against Democracy' in Notre Dame Philosophical Reviews (Christiano 2017). In this review, Christiano replies to Brennan's critique of him, but he also raises numerous new objections to Brennan's arguments. In this section I will discuss these new objections. I will present each of Christiano's objections in separate sections, and I will try to demonstrate how Brennan could escape these objections. Christiano makes many insightful comments to Brennan's arguments, but I do not think any of them are devastating. I will try to explain how Brennan covered some of the objections implicitly already, and how the rest of them can be handled without abandoning the idea of epistocracy.

The first objection is a rather broad one, which I will call 'The Micro-Theory Objection'. In this objection, Christiano claims that Brennan's arguments rest on a micro-theory which is not strong enough to carry the arguments. By 'micro-theory' Christiano means the explanations of why voters behave as they do. He thinks that the explanation of why voters are mostly Hobbits or Hooligans loses steam, if some voters are very concerned with the common good, and if some are more concerned than others. If a voter is very concerned with the common good, it becomes rational for her to vote, even though the chances of her vote being decisive are vanishingly small. Or so Christiano claims. I will argue that Brennan can escape this objection through a simple mathematical equation. In addition, he can point out that the inclination to be concerned with the common good, and the selected means to pursue the common good, may also be poorly informed and poorly selected, if the voters are as misinformed as Christiano agrees they are.

The second objection I will call the 'Intrinsic-Value-Objection'. In this objection, Christiano claims that democracy has, to some extent, intrinsic value. This value piggy-backs on democracy's instrumental value, Christiano says. First, I argue that Christiano's objection rests upon at least two empirical claims which Christiano has not backed up by any evidence. Second, I argue that his use of the term 'intrinsic value' collapses into instrumental value at the end of the day.

The third and final objection from Christiano is what I will call 'The False-Economic/Political-Dichotomy-Objection'. In this objection Christiano asks why Brennan defends his Competence Principle when it comes to political decisions and not to economic decisions. Economic decisions can also have huge influence on people's lives, so why should we not demand people to be competent when make economic transactions? To this objection, I argue, Brennan can say two things: First, in most economic situations, people have a reasonable chance of opting out, which they do not have in political decisions. Second, people have property-rights in their money and can thus spend them how they want, which is not be true of people's votes.

Let us now take a closer look at the first of Christiano's objections: 'The Micro-Theory Objection'.

The Micro-Theory Objection

In his review, Christiano starts by saying that Brennan "... is inclined to proceed from a poorly understood micro-theory of democracy to conclusions about how well democracy works", and that this micro-theory is not strong enough to hold his argument (Christiano 2017). According to this micro-theory, voter's behavior makes a positive or negative difference on the election outcome, although the difference is very small for each voter. What Christiano means by micro-theory here also includes Brennan's accounts of how and why voters acquire knowledge, the theories of rational ignorance, rational irrationality etc. (See previous sections). Brennan's micro-theory aims to explain why each voter is more likely to be either a Hobbit or a Hooligan, rather than a Vulcan. The theory of rational ignorance is supposed to explain the Hobbits, and the theory of rational irrationality is supposed to explain the Hooligans. But, as Christiano says, Brennan himself is well aware that there are limitations to this reasoning, since people nonetheless tend to pursue the common good when they vote. This introduces vagueness to Brennan's argument, according to Christiano. He writes:

"... though the chance of having an impact is very small, the size of the impact could be enormous to me if I am seriously interested in the common good and think that one alternative has a significant advantage with respect to the common good. How strong is the inclination to be concerned with the common good? If it is pretty strong, then the purported explanation of

hobbits and hooligans loses steam. If it is strong with some people and not with others, then we have a lot of uncertain effects. (Ibid)

What Christiano points at here, is that it is not only the *chance* of my vote being decisive in an election that matters for whether or not it is rational to vote, but also the degree of my *concern* with the common good. This means that the very low chances of one's vote being decisive in an election, can be 'outweighed' by a large concern for the common good, and in the end cancel out the explanation of rational ignorance and rational irrationality. This would mean that if the inclination to be concerned with the common good exceeds the admittedly very small chances of one vote being decisive, then Brennan's micro-theory is not a good explanation. Even if the inclination is strong for some people, and weak for others, the theory still does not account for these uncertain effects. Or so Christiano says (Ibid).

This strikes me as a somewhat puzzling objection. First, Brennan's micro-theory seems to be uncontroversial. If we could make all voters even more misinformed and irrational than they already are, by snapping our fingers, it seems that we should restrain ourselves from doing so, simply because everyone would get worse policy outcomes as a result. Conversely, if we could make all voters better informed and more rational than they are, by snapping our fingers, it seems that we should do so, simply because everyone would get better policy outcomes as a result¹². Brennan does not need anything stronger than this rendition of the micro-theory, since his normative argument relies on the fact that most voters *are* uninformed and irrational, not *why* they are.

Second, it is puzzling why Christiano thinks the degrees of being concerned with the common good can be sufficiently strong to outweigh the close-to-zero chances of a single vote being decisive, when it comes to the rationality of voting. In most elections in democracies as we know them, the options on the ballot are not so different that it makes sense to say that the degree to which one of them is more likely to promote the common good than the alternative, outweighs the low chances of your particular vote being decisive. To see why, consider the following calculation¹³:

Call the voting-situation Christiano is describing X. Let the voter participating in X be called α . Let the voting-action which α is performing be called 'a'. Let the candidates available for α in X be called D

¹² I owe this point to Brennan. He and Christiano has continued the discussion at the online forum 'PEA Soup'. I will not dig into this discussion here, but concentrate on Brennan's and Christiano's published work. The online discussion can be found here: <http://peasoup.us/2017/06/ndpr-discussion-forum-jason-brennans-democracy/> (Accessed: November 22, 2017)

¹³ Here, I assume that the main reason people have for voting is to change the outcome, and not e.g. to signal that one is the kind of person who votes.

and R respectively. Let the following criteria be satisfied (these are just semi-formalizations of Christiano's criteria as described above in conjunction with some basic statistic facts about realistic elections):

1. α is very concerned with the common good.
2. α believes that D is much more likely to promote the common good than R is.
3. By performing 'a', α only has a tiny causal influence on whether D or R wins the election in X. (Roughly 1 in 10 million, if X is a US presidential election. But only if α lives in a swing state, and only if D and R are the major-party candidates) (See Edlin, Gelman, and Kaplan 2007)
4. In order to perform 'a', α must pay a small prize O (equal to the modal opportunity costs¹⁴ associated with voting). An opportunity costs is a benefit or value of something that must be given up to acquire or achieve something else (See Buchanan 1969).

Now, in order to determine whether it is rational for α to vote, when she believes that D will promote the common good to a much larger extent than R will, we can use this formula¹⁵:

$$Uv\alpha = p[V(D) - V(R)] - O$$

Here, $Uv\alpha$ is the expected value of α 's vote, p is the probability that α 's vote is decisive, and $[V(D) - V(R)]$ is the difference in expected value for the common good between the two candidates D and R (as judged by α), and O is α 's opportunity cost of voting. The formula is to be understood like this: It is rational for any voter α to vote, if the expected value of her vote is greater than zero. To find out if it is, we need to take the value of the difference between the two candidates winning, discounted by the chance of α 's vote being decisive, minus α 's opportunity costs of voting. As I will explain below, in any realistic scenario, the expected value of α 's vote is not greater than zero. That is, it is not rational for α to vote.

It is debated among economists what the best way to calculate the probability that a given vote will be decisive is (See Gelman, Silver and Edlin 2012 and Fischer 1999). However, they agree that the expected benefit of a modal vote¹⁶ for the good candidate (in this case D), $p[V(D) - V(R)]$, is worth far less than a millionth of a penny (Brennan and Lomasky 1993: 56–7, 119). In order for it to be rational for α to vote in this

¹⁴ The modal opportunity costs of voting are the opportunity costs that occurs most often in a given set of voting opportunity costs. If for example we have a set of five voters with the voting opportunity costs of 3\$, 4\$, 4\$, 5\$ and 6\$ respectively, the modal opportunity cost would be 4\$, because it is the value that occurs most often.

¹⁵ The following is based on the formulas from Brennan 2016b and Brennan and Lomasky 1993. I only include what is needed to establish my point.

¹⁶ The expected benefit of the modal vote is the expected benefit that occurs most often, in a given set of benefits of votes. See the footnote about modal opportunity costs above.

situation, the benefits need to outweigh the opportunity-costs, that is $p[V(D)-V(R)]>0$. Since the opportunity-costs are much bigger than the benefits, it is not rational for α to vote. In other words, the expected value of α 's vote, $Uv\alpha$, will be negative. No matter if α walks, cycles, drives or takes the bus to the voting booth, the opportunity-costs associated with transport alone are enough to make it irrational for her to vote (And the actual costs of transportation must be added. For example, α might need to buy a bus ticket). This shows that no matter how much 'better' one candidate is than the alternative, it is still not rational to vote (in any realistic scenario). It could be objected that it is not only the expected value for the common good (as judged by α), but the emotional *concern* with the common good that matters (I presume this is what Christiano suggests). But, that is already included in the calculation, if we grant that such a concern can in a meaningful way be translated into monetary terms (or any measurable and comparable unit)¹⁷. If α complains that for her, the value of candidate D winning is much higher, because she is really emotionally concerned with the common good, we could just raise $V(D)$ (or lower $V(R)$) according to her wishes, and it would probably still not outweigh the opportunity costs, because the probability of α 's vote being decisive is still close-to-zero. Or, at least this is true in any realistic scenario where α does not estimate that one candidate will promote the common good *infinitely* more than the alternative (whatever that means). At any rate, if α thinks that it is rational for her to vote in any realistic voting scenario, it is because she has a very *unrealistic* judgment of the value of the respective candidates winning, that is, of $V(D)$ (or $V(R)$). Given that this unrealistic judgement of the value $V(D)$ (or $V(R)$) is itself most likely formed on irrational grounds¹⁸, it is hard to see why acting on this judgement can be said to be rational. So, in the voting situation X, α votes irrationally for either of the following reasons, or both: 1) because the benefits do not outweigh the costs, that is, $p[V(D)-V(R)] \not>0$. Or, 2) because α 's judgment of the respective values of the two candidates winning, that is, of $V(D)$ and $V(R)$, is itself based on irrational grounds. Thus, even if voters are as concerned with the common good as Christiano suggests they could be, it is still irrational for them to vote, for at least one of the two reasons explained above. In addition, even if Christiano was right about this, it would only mean that the theories of rational ignorance and rational irrationality were wrong. This would only

¹⁷ If we did not grant this, it would have the *pro tanto* implausible implication that α always gets to veto whether her own actions are rational or not, simply because she is the only one who has access to her emotional concerns. This would not sit well with what we normally take rationality to mean. However, if it is not possible to translate emotional concerns into monetary terms and vice versa, it would perhaps also be impossible to meaningfully compare them. In that case, α 's veto right would vanish.

¹⁸ The fact that α chooses who to vote for based on an emotional concern for the common good, suggests that she is more likely than not to be a Hooligan who forms her judgment based on e.g. in-group/out-group biases.

undermine the *reasons* for why voters are ignorant or irrational, not the fact that they *are* indeed ignorant or irrational. After all, Brennan only needs the latter.

Even though it is strictly speaking irrational to vote, it does not mean that Brennan's Competence Principle is redundant. Although it may not be *rational* to vote under most circumstances, it may still be true that *if* you choose to vote under these circumstances, you should do so competently. After all, many people tend to vote, even though it is not rational to do so. This leads to what I will call 'The Voting-Incentive Paradox':

The Voting-Incentive Paradox:

When it comes to being informed and rational, voters follow the incentives; They remain ignorant and irrational. But when it comes to voting itself, voters do not follow the incentives; They go to the voting booth, even though it is not rational for them to do so.

By understanding this paradox, we also understand what the competence-problem of democracy is: Voters remain ignorant and irrational, but they go and vote anyway. Given how bad the implications of The Voting-Incentive Paradox are, maybe it would be better if the opposite had been true: If the voters had been informed and rational but abstained from voting.

In the end, Brennan could give up on his micro-theory of why most people are Hobbits and Hooligans, and use Christiano's objection *in favor* of epistocracy. He could say that *because* the stakes for protecting the common good are so high, we cannot afford to be wrong in our political decisions, and thus only those who are sufficiently well informed and sufficiently rational should vote, regardless of *why* some people are ignorant and irrational. What matters is that in fact *they are*. Further, it seems that in the review Christiano himself presupposes at least a part of a micro-theory close to Brennan's, where voter behavior makes a positive or negative difference on voting outcomes (Christiano 2017). If he did not presuppose this, why would he care whether people who are inclined to be concerned with the common good vote or not? Maybe he just wants to say that for these particular people, it might be rational to vote. Why is that important, though, if it is not because he thinks it would be a good thing, if these people voted?

Christiano seems to presuppose some of Brennan's micro-theory himself, but he also adds an extension to it. This addition has to do with economics of information. Christiano says that it is true that voters economize on information gathering. It is also true, as Brennan agrees, that voters do not know a lot about the political world or the economic activities they participate in. However, we all rely on a very complex division of cognitive labor in many situations of our lives. The same is true of voting, Christiano says. Almost all our actions depend in some way on information held by others. Going to the doctor is a substitute for

knowing tremendous amounts of medical information, and going to the mechanic is a substitute for knowing tremendous amounts of technical information. This idea of relying on other people's information when making a decision is often called 'information shortcuts'. Christiano is quite confident that these shortcuts work:

"It is well known that people are strikingly ignorant of what is in their toothpaste, their cars, their financial arrangements, and their bodies, just to start an endless list. Does this mean that they act on the basis of no information? No. It implies that they act on the basis of other people's beliefs and statements about these matters while not knowing or even understanding the bases of those beliefs. If they really had to figure those things out on their own, they would not have the time to do their jobs or take care of their families." (Ibid)

Let us assume that Christiano is right that the particular information shortcuts he describes work. Does that show that information shortcuts in voting also work? Not really. There is a good reason why the shortcuts Christiano describes work, and the shortcuts in voting do not work. The reason is this¹⁹: If you, for example, do not use a dental information shortcut, it is *your* teeth that may end up rotten. Similarly, if you do not use an auto mechanic information shortcut, it is *your* car that may end up broken. And if you do not use a financial information shortcut, it is *your* retirement savings that may be lost. In other words, the costs of not using these shortcuts are *internalized*, meaning that the person who chooses not to use the shortcut suffers from the consequences of her action²⁰. This explains why the shortcuts Christiano describes work. When it comes to information shortcuts in voting, however, the costs of not using shortcuts are *externalized*, meaning that the voter who does not use the shortcut, does not necessarily suffer from any consequences of her actions herself. This explains why this sort of shortcut does not work. So, even if Christiano is right that many information shortcuts work, it does not follow that information shortcuts in voting work.

Christiano says that even if some shortcuts do not work, other voters who are well-informed can function as 'alarm bells' for these shortcuts. If a shortcut is corrupt, an alarm bell may call her out, and thus uninformed voters can still know which shortcuts to use (Ibid). An obvious problem with this is that it just pushes the problem a step further back, because the voters would still lack the information needed to know which alarm bells to trust. Being able to choose a good alarm bell suffers from the same problem as choosing a good shortcut in the first place; it requires the knowledge that Christiano agrees many voters lack.

¹⁹ I owe credit for this point to my supervisor Jørn Sønderholm, who let me onto it in one of many useful conversations.

²⁰ This is not to say that other people cannot also suffer from the consequences. If e.g. your car malfunctions, other people can indeed suffer from the consequences. What matters for whether the shortcuts work, though, is whether *you* suffer from any consequences.

Christiano says that the empirical literature on the effects of shortcuts is not as settled as Brennan thinks it is, and the political scientists who Brennan cites have much more nuanced views on this matter than Brennan does (Ibid). This might indeed be true, and maybe even embarrassing for Brennan. As long as Christiano agrees that the voters lack most relevant political knowledge, it is not clear why we should prefer his micro-theory over Brennan's, nor why we should abandon the idea of epistocracy all together for this reason.

The Intrinsic Value Objection

Christiano makes other important objections to Brennan in his review. One of them touches upon Brennan's clear rejection of the intrinsic value of democracy²¹. Christiano thinks that Brennan does not put enough emphasis on the fact that democracies tend to perform surprisingly well. Christiano holds that democracies tend to work well in part because low income minority-groups have a certain amount of power. He thinks that Brennan's theory entails that these groups are not treated well enough in democracies, *because* they are not informed and rational enough (Ibid). Christiano admits, following Anthony Downs, that at a micro-level this seems to be the case. But, Christiano says, "... *the macro-level evidence rather strongly suggests that the less well off and minorities are benefitted at least by reasonably high quality democracies*" (Ibid). Christiano finds this to be important for any justification of democracy, regardless of whether the justification is instrumental or intrinsic. Christiano even thinks that instrumental and intrinsic justifications must be connected in an important way:

"Democracy has intrinsic value to the extent that it distributes power widely to all the sectors of society. The intrinsic value is the value of the equal distribution of the instrumentally valuable political power." (Ibid)

Christiano believes that Brennan made a strawman on his and Rawls' argument in favor of the intrinsic value of democracy. Christiano and Rawls did not say that democracy has intrinsic value merely because of laws expressing that people are equal, and that the effect democracy has on people's lives do not matter. Instead, Christiano and Rawls think that the intrinsic value piggy-backs on instrumental value (Ibid). It is, however, not clear whether Christiano and Rawls think that 1) instrumental value is a necessary but not sufficient part of a justification for democracy, and, presumably, that the same holds for intrinsic value, or 2) that they think instrumental value is normatively ranked above intrinsic value, or 3) that there is some sort of causal relationship between the two, or 4) any combination of 1), 2) and 3). Unaffected whether they are committed to 1), 2), 3) or 4), it seems that their use of the term 'intrinsic' is a bit puzzling. To say that democracy has intrinsic value to the extent that it distributes power widely to all the sectors of society, is like saying that running has intrinsic value to the extent that it helps prevent cardiovascular diseases: It simply becomes an

²¹ Or 'semiotic' value, as Brennan calls it. See the previous section 'Against Semiotic Arguments'.

instrumental value. Recall Moore's isolation method in which we can test whether something has intrinsic value by imagining away all outcomes of the proposed scenario. In this case, we would have to imagine away all the instrumental value, and thus imagining away everything Rawls and Christiano think intrinsic value piggy-backs on. This is troubling regardless of whether 1), 2), 3) or 4) is the right interpretation of their position²². In 1), for example, if we imagine away all the instrumental value, we have removed a necessary part of the justification for democracy. To be fair, Christiano and Rawls can say that they did not mean intrinsic in the literal meaning, but rather something like 'expressive', 'symbolic' or 'semiotic', which is indeed what Brennan himself criticizes in the book. Note, that this only escapes my worry while Brennan's argument for why democracy has *merely* instrumental value still stands. In other words, Brennan can admit that he made a strawman on Christiano and Rawls' view, while his initial argument still stands. Christiano has not demonstrated why an equal distribution of *this particular* instrumental value is needed. Brennan's point that we can symbolize equality in many other ways than by voting, and that there are other ways to perform a presumed civic duty, than by voting, still stands.

Christiano insists that the intrinsic²³ value adds something important:

"They add something because there is a great deal of indeterminacy in determining how much people's legitimate interests are being advanced, even though it is clear that political power does advance interests. The egalitarian intrinsic value presupposes the instrumental value but cannot be entirely replaced by it." (Ibid)

Christiano thinks that it is hard to determine whether people are treated as free and equal in a given policy. The only way to settle the indeterminacy is, according to Christiano, to distribute voting power equally. He writes:

"As a consequence there is not enough society-wide agreement to determine when people are being treated as equals or not. The way to resolve the society-wide disagreement is by giving people an equal amount of political power, which is known to help people advance their interests." (Ibid)

I take this to mean that giving people an equal amount of political power is both a necessary and sufficient condition for making sure that people are treated as equals²⁴. I do not think that is true. Imagine a fully

²² The correct interpretation may of course be something else entirely, and in that case their use of 'intrinsic' may be less puzzling.

²³ Charitably, read 'expressive', 'symbolic', or 'semiotic'.

²⁴ Note that if Christiano only means that this amounts to *either* a necessary or sufficient condition, but not both, my point still stands since it demonstrates that it amounts to neither.

egalitarian society called Equality Land. In Equality Land everyone is being payed the same, all property is collectively owned, there is no racism, sexism, xenophobia, there is complete gender equality etc. But, there is an epistocratic enfranchisement lottery in place (See the section 'Enfranchisement Lottery'). Would we say that people are not being treated as equals in Equality Land? No, we would not. So, equal political power does not seem to be a necessary condition for treating people as equals. Similarly, imagine a society called Inequality Land. In Inequality Land a small elite gets payed way more than the rest, the elite owns all the property, racism, sexism, and xenophobia is widespread, and women have no say in any daily matters. But, Inequality Land has a democratic system in place, where every citizen over the age of eighteen gets to vote. Would we still say that people are being treated as equals in Inequality Land? No, we would not. So, equal political power does not seem to be a sufficient condition for treating people as equals either.

Christiano worries that people's self-serving biases will become more evident, if they hold political power while others do not. Brennan cites a bunch of empirical studies showing that voters in fact do not have ubiquitous self-serving intensions when they vote (Chong 2013; Funk 2000; Miller 1999; Brennan and Lomasky 1993: 108-14; Sears, Hensler and Speer 1979)²⁵. However, voters' conception of the common good will always be biased in a way that is self-serving, Christiano objects²⁶. He writes:

"We can all agree on this and that people have duties to advance the common good, but we can still recognize the ubiquitous facts of persons' biases towards conceptions of the common good that are connected with their own interests and distinctive experiences in society." (Ibid)

If we distribute voting power unequally, these biases will be more distinct, and those who are already well-off will be better off at the expense of the less fortunate. Or so Christiano says.

There are at least two problems with this. First, Christiano makes two empirical claims; the first is about voters being self-serving even when they think they are not, and the second is that this effect is more distinct if voting power is distributed unequally. The first claim is clearly contradicted by the empirical studies by Chong, Funk, Miller etc. The second claim may be true, though. But, Christiano does not back it up with any empirical studies, so the burden of proof is still on his shoulders. This question cannot be settled from the armchair.

Second, one of the points of Brennan's epistocracy is precisely to assuage the problem that some voter's interests are not advanced sufficiently in a democracy. Brennan has mentioned plenty of

²⁵ Although they, *de facto*, may vote selfishly unconsciously.

²⁶ This makes it even more puzzling why Christiano thinks that it may be rational to vote for people who are very concerned with the common good.

reasons for thinking that increasing the level of knowledge in the suffrage is likely to lead to policies more responsive to the less well-off (for example are those who are informed more likely to support anti-racist policies). In democracies there are persistent minorities who *never* 'get it their way'. If we really cared about fairness and egalitarian intrinsic value, would it not be fairer to simply draw weighted lots or flipping a coin, and thus actually give everyone a chance of having their interests advanced, instead of merely giving the less well-off the *feeling* of being heard? To put it a little bluntly: It seems that if we care mostly about *actually* advancing people's interests, epistocracy is preferable to democracy. If we care mostly about giving people a *feeling* of being included, we should probably stick to democracy.

The False Economic/Political-Dichotomy Objection

Christiano raises a third major objection in his review of Brennan's book. I will call this objection the False Economic/Political-Dichotomy Objection. Christiano accuses Brennan of making a false dichotomy by not applying 'the argument from impact over others' to the economic sphere. Christiano puts it like this:

"This is the argument that political power involves having an impact on other people while economic activities are primarily self-regarding. So even if people are ignorant in economic life as much as they are in political life, economic ignorance only affects the person who is ignorant (p. 238). But this is profoundly implausible." (Ibid)

Brennan makes the argument that there are fundamental differences between political decisions and market decisions. In the market, you often have the option of opting out, which you do not have in politics. If we put the market choice of what to eat or what music to listen to, to the vote, it would probably be Domino's versus Pizza Hut and Justin Bieber versus Sia, while Brennan's favorites Pizzeria Orso and the metal band Opeth would be out. Luckily, these decisions are not put to the vote, so if one has the same preferences as Brennan, one can simply stop going to Pizza Hut and Domino's, and stop listening to Justin Bieber and Sia, because these are not decisions forced upon everyone (Brennan 2016: 238-239). In a presidential election in the United States, your choice comes down to two options. The problem is not necessarily that there are only two, but rather that those two are bad options (Ibid). When one of them wins, we all have to live with the consequences. Most market decisions do not have significant impact on others; they can simply stop consuming the goods in question, or don't start consuming it in the first place. In normal circumstances, economic exchanges are done by voluntary and willing parties. If I make a bad and poorly informed market decision, I suffer the consequences in a significant way. When the collective makes a bad and poorly informed decision in the voting booth, many people suffer from it in a significant way.

Perhaps Christiano will say that there is more to the story than this, namely that individual market decisions have significant impacts on others further down the road. Maybe he will say that denying

this fact is what he deemed 'profoundly implausible' in the quote above. Consider this common story about negative externalities: I make an investment in someone else's start-up company. The company chooses to scale up its production rapidly due to my generous investment. Unfortunately, my investment was based on a poorly informed hunch, and there never was a demand for the companies' products. As a consequence, the company goes bankrupt, the founders' spouses leave them and they now have a debt of a million dollars and have to live on food stamps. In a case like this, it would indeed be implausible to say that my poorly informed economic transaction did not have an impact on others. However, the now bankrupt founders should have been better informed when they accepted my investment. Now what about their kids? It seems that my poorly informed economic decision had a very real and significant negative impact on these kids, in a way in which they had no real chance of opting out. Christiano may have a point here. In fact many economic decisions have larger impacts on others, than the tiny impact individual votes have on election outcomes. So, it seems that collateral damage can be present in both economic decisions and political decisions. However, this is not enough to show that the Competence Principle should also apply to economic decisions. The crucial difference is that political decisions are implemented and enforced by violence or threats of violence, while economic decisions are not. As Brennan writes:

"The problem with political decisions isn't merely that most of us don't get our own way. It's also that these decisions are usually imposed on us, against our will, by threats of violence. Governments do not merely advise us to follow their rules, hoping that we'll comply out of the goodness of our hearts. They enforce their laws and rules with violence, or threats of violence."
(Ibid: 240)

Christiano may be right that there is no clear dichotomy between political decisions and economic decisions when it comes to having impact on other people's lives. It is true that all causally influenced parties in economic transactions cannot just opt out, as Brennan's initial examples otherwise suggested. Brennan anticipated this by making clear that the problem with political decisions is not just that some people are negatively influenced by them, but that the political decisions are forced upon everyone by violence or threats of violence, while economic decisions are not. Christiano seems to suggest that Brennan's argument entails the implausible view of being in favor of insisting on a certain level of competence in the economic sphere. As Christiano probably agrees, this would be an extremely demanding view. Alternatively, Christiano would probably suggest that Brennan's drops his demand for a certain level of competence in the political sphere instead. But, this would be to ignore the evident difference that political decisions are imposed upon

everyone be violence or threats of violence. This speaks very strongly in favor of applying the Competence Principle to political decisions and not to economic decisions²⁷.

Christiano makes an analogy which is probably meant as an attempt of *reduction ad absurdum* on Brennan's argument. He writes:

"And the cumulative effects of many other people's actions in a market on my well-being is enormous. If they act stupidly or corruptly, as in the last economic crisis, this has a great impact on everyone's lives. I suppose the leaders of the Communist Party in the Soviet Union thought that this was adequate reason to try to have experts run the economic system. But the experience of epistocracy in the case of markets was as bad as the case of epistocracy with regard to public goods." (Christiano 2017)

Christiano compares the Communist Party's 'epistocracy in the case of markets' to Brennan's proposed forms of epistocracy. Christiano is right that it was a bad idea to have experts run the economic system in the Soviet Union. But this does not in any way entail that it is a bad idea to *not* have uninformed and irrational voters make political decisions on everyone's behalf. Christiano's attempt of *reductio* using 'economic examples' does not have much bite to it. In fact, I can make a '*meta-reductio*' on his *reductio*. That is, I can demonstrate the inadequacy of his attempt of *reductio* by paraphrasing it in an obviously flawed manner. Consider this *reductio* using 'personal examples':

And the cumulative effects of many of your decisions in your personal relationships, such as cheating on your wife, lying to your best friend or disowning your parents for no reason at all is enormous. If you act stupidly or corruptly, as in these cases, this has a great impact on people's lives. But the idea of epistocracy in the case of personal relationships is as bad as the case of epistocracy with regard to public goods.

This *reductio* follows the structure and style of Christiano's *reductio*. The line of reasoning is clearly flawed, since cheating on your wife, lying to your best friend and disowning your parents for no reason are, though wrongful actions indeed, not sufficiently comparable to the wrongfulness of implementing and enforcing wrongful laws by violence or threats of violence. If my *reductio* using personal examples fails, so does Christiano's ditto using economic examples. Neither economic transactions with collateral damage or

²⁷ Christiano could also make the left-liberal objection that the very idea of property-rights is enforced by violence or threats of violence too. I will not dig into this objection here, partly because Christiano did not insinuate anything like it, and partly because it is a different branch of objection indeed.

personal wrongdoing is relevantly comparable to the implementation and enforcement of political decisions by violence or threats of violence.

This is not to say that the forcing of a decision by violence or threat of violence is both a necessary and sufficient condition for the Competence Principle to apply by law. Normally, we will say that e.g. stockbrokers and juries have obligations to be competent. The difference between these two groups is relevantly similar to the difference between economic decisions and political decisions, so maybe we can find something useful by exploring this similarity. The jury's decisions are forced upon people (although not all citizens) by violence or threats of violence, while the stockbroker's decisions are not. So, why do we still demand competence from a stockbroker? One possible answer to this is that a stockbroker's job is to safeguard other people's interests, not just her own. If I pay a stockbroker to invest my money wisely, she is obligated to safeguard my interests. She is obligated to safeguard *my* interests, and not, say, my enemy's interest. Although she has an obligation to safeguard my interests, I am the one who suffers (mostly) if she makes bad investments with my money. Likewise, I am the one who benefits (mostly) if she makes good investments with my money. The fact that I engage in these economic decisions voluntarily is crucial. If on the other hand a jury finds me guilty while I am actually innocent, there is no voluntariness involved on my end.

In addition to the asymmetry of voluntariness in the two cases, part of the reason for why we should demand competence in voting and not in economic transactions, is that people do *not* have property rights in their votes, while people *do* have property rights in their money²⁸. When you pay a stockbroker to invest your money, you give her property rights over some of your money, in exchange for investing your money wisely. When you vote, you do not give the party or politician you vote for property rights over your vote, in exchange for them behaving the way you want them to²⁹. It should be noted that in some sense, many countries already demand competence both in voting and in making economic transactions. To be allowed to vote, you have to be of legal age and be over a certain threshold of mental capacity. The same goes for making, at least some legally binding, economic transactions³⁰. In order to enter a contract, you have

²⁸ It can of course be objected that voters actually do have property rights in their votes. Some people who advocate markets in votes would probably make that claim. I think, however, that it is *pro tanto* more plausible to view votes as an abstract 'ticket' to take part in a collective action (See Lippert-Rasmussen 2018, forthcoming). Note, that this is still compatible with favoring markets in votes, since to buy a vote means to pay someone to perform a certain action, namely to use the ticket, not to obtain a property right in that given vote.

²⁹ It is disputed whether elected politicians have duties to simply be mouthpieces of their voters, or rather have duties to make their own judgement calls, or even whether they have obligations to keep their promises to their voters in the first place. Either way, if any of these duties or obligations exist, it is not because the politicians have obtained property rights in their voters' votes.

³⁰ For example, in order to buy a house in Denmark, you have to be of legal age and beyond a certain threshold of mental capacity (or have a guardian sign for you).

to be of legal age and over a certain threshold of mental capacity (or have a guardian sign for you). So, when Christiano speaks of competence in making economic transactions, I suppose he means competence *beyond* the existing threshold. In Brennan's proposed forms of epistocracy, being of age and above a certain threshold of mental capacity is not sufficient to satisfy the Competence Principle. So, what I suppose Christiano means is the following, in paraphrased terms: "If you, Jason Brennan, does not think that the normal level of competence for voting is sufficient to satisfy the Competence Principle, then why do you think that the same level of competence *is* sufficient for making economic transactions?". To this, I suppose Brennan will answer: "Well, because people normally engage in economic transactions voluntarily. They have property rights in their money, and they may spend them how they wish. People are forced to live with the political decisions whether they do so voluntarily or not. They do not have property rights in their votes, and they may not spend them how they wish."³¹

Anne Jeffrey's Limited Epistocracy

Let us now consider an entirely different critique of Brennan's epistocracy. A critique that is not completely hostile to the idea of an epistocracy altogether. Anne Jeffrey has recently suggested a form of epistocracy which she terms 'limited epistocracy' (Jeffrey 2017). In a limited epistocracy, a great amount of decision power is handed over to certain institutions which are specialized in important non-political issues. Although she does not frame this suggestion as an explicit critique of Brennan, she does seem to think that there are certain problems with his arguments, and that her suggestion will remedy these problems. However, when she explains the benefits of limited epistocracy, she compares it to democracy and not to Brennan's forms of epistocracy. In this section, I will go through five of her points and explain why her edition of epistocracy may fare better than democracy, but not better than Brennan's most promising forms of epistocracy.

First, Jeffrey writes about political authority and political legitimacy in a way that makes it hard to figure out whether she uses these terms interchangeably, or whether she confuses them. If she does not use them interchangeably, it seems that she has not demonstrated political authority for her proposed system of limited epistocracy, at least on a standard interpretation of what political authority means. Since it is unclear what she is committed to, I end up giving her the benefit of doubt.

Second, in Jeffrey's limited epistocracy, she wants to rely on the expertise of certain specialized institutions picked by certain officials. I worry that the problem of information shortcuts, as

³¹ Note that this position is compatible with Brennan's 'bleeding-heart libertarian' position. He thinks that you can spend your money how you wish, but that the collection of some taxes are justifiable for social justice reasons, and that property rights are therefore not ultimate in a hard-libertarian sense. The fact that the state may take away some of your money for social justice reasons, is not the same as the state may force you *not* to spend your money in certain ways, as long as your spending lives up to the principle which says that "if you may do X for free, you may do X for money" (See Brennan and Jaworski 2015).

described in the section about Christiano's objections above, will remain true when selecting these officials and institutions.

Third, Jeffrey wants to hand over a tremendous amount of power to certain specialized institutions, who are specialized in essentially non-political issues. I worry that handing over such amounts of power to these institutions may turn the non-political issues into political issues, and thus the benefits of limited epistocracy seem to vanish. In addition to this, I find her confidence in how well these institutions work wildly exaggerated.

Fourth, Jeffrey worries that the Demographic Objection about political inclusion would be a problem for wholesale epistocracy, as described by Brennan. I will argue that Brennan has already published a convincing counterargument to that claim. Further, I will argue that if the objection is problematic for wholesale epistocracy, it is an even bigger problem for limited epistocracy.

Fifth, throughout her paper, Jeffrey compared limited epistocracy to democracy. I will argue that if she wanted to show why limited epistocracy is superior to wholesale epistocracy (it is not clear that this is her goal), she should have compared those systems directly.

Political Legitimacy or Authority?

Jeffrey defines limited epistocracy this way:

"Limited epistocracy, as I'll define it, is qualified rule by expert institutions, where the institutions get their political authority in virtue of their specialized knowledge and their ability to generate optimal solutions in the way of, for instance, health, environmental sustainability, technological security, and border regulation." (Jeffrey 2017: 2)

As examples of such institutions, she mentions what she calls *specialized institutions* like the World Health Organization (WHO), the Intergovernmental Panel of Climate Change (IPCC) and the Migration Policy Institute (MPI). These institutions are specialized because they have a "... *unique relationship to a body of information*" (Ibid: 5). This relationship is unique, Jeffrey says, because the knowledge of this body of information is *not common* and *optimal*. The knowledge is *not common* because "... *it's neither acquirable nor surveyable by non-experts*", and the information is *optimal* because "... *given the available research and methods for processing data, that knowledge is the most accurate we can currently hope to have.*" (Ibid).

Jeffrey's idea is that in a limited epistocracy these specialized institutions would have the authority to make final decisions about what policies to implement in situations where their respective expertise is relevant. These institutions will gain the authority from democratically elected officials, and will

only gain this authority in virtue of their expertise. The institutions would not only have *de facto* but also *de jure* authority (Ibid: 8). Jeffrey writes:

"That is, the institution's dictates would be binding even if the elected officials didn't sign off on them. If a specialized institution has de jure authority in virtue of its expertise, then the state in which it operates with authority is genuinely epistocratic in this limited way." (Ibid: 9)

Presumably, Jeffrey makes this move in order to dodge the objection that limited epistocracy would not be legitimate. But, given that she writes about *authority* in this paragraph there is a fair chance that she either confuses legitimacy with authority or just uses them interchangeably. There is of course no definition of these terms written in stone, but it is very common in political philosophy to follow something close to the following distinction:

Political legitimacy is: The permission to create and enforce rules over certain people within a geographic area.

Political authority is: The power to create on others a *moral obligation* to obey these rules (Fabienne 2017)³².

Jeffrey seems to think that the fact that the specialized institutions have non-common, optimal knowledge gives them political legitimacy to create and enforce rules within a certain geographic area³³. I think that she is right in this, for the same reasons that Brennan is right when he claims that his forms of epistocracy would be legitimate. This does not mean that limited epistocracy would be authoritative, at least not in the often-used sense of the word, as cited above. After all, she has provided no reasons for thinking that non-experts would have a moral obligation to follow the rules inferred by the specialized institutions *because the institutions say so*. Brennan does not provide any reasons for thinking that *his* forms of epistocracy would be authoritative either (although he does mention authority in his Competence Principle), but the difference is that he does not claim them to be authoritative in the first place. Rather, he seems to endorse Mike Huemer's

³² This borrows most of the famous distinction from Huemer 2013, although Huemer claims that authority *contains* legitimacy and political obligation, where political obligation means what I describe here as authority. Both Huemer and Fabienne roughly follows the distinction from Buchanan 2002. Some philosophers follow rather different distinctions, though. See e.g. Simmons 2001, Edmundson 1998 and Estlund 2008.

³³ However, she does not address the question of the scope of this area. Given that some of the specialized institutions she mentions are intergovernmental in nature, one might wonder which democratically elected officials would have the legitimacy to pass on the legitimacy to these institutions. And, one might also wonder which enforcement agencies would have the legitimacy to enforce the decisions made by the institutions.

skepticism about political authority as described in Huemer's book *The Problem of Political Authority* (Huemer 2013). In this book Huemer argues roughly that governments do not have authority in the sense that citizens are morally obligated to obey the laws. Charitably, it is likely that Jeffrey just uses the terms legitimacy and authority interchangeably, and that she is fully aware that she has not demonstrated that limited epistocracy would be authority in the sense that is commonly used in political philosophy. But, if she actually means that the specialized institutions in a limited epistocracy would be authoritative in the often-used sense of the word, then she has not succeeded.

Specialized Institutions and Information Shortcuts

There are other and more troubling worries about Jeffrey's limited epistocracy. For one, I worry that the entire idea of a limited epistocracy suffers from the same problem, as we saw that Christiano's idea of information shortcuts and alarm bells suffered from in a previous section. In fact, the idea of trusting the specialized institutions could be meaningfully compared to the idea of trusting information shortcuts, and thus the problems we saw with information shortcuts in a previous section also holds for specialized institutions. For that reason, we might worry that the following argument is sound:

The Argument from Wrong Specialized Institutions

1. If voters are uninformed and irrational, they tend to select uninformed and irrational politicians.
2. If politicians are uninformed and irrational, they tend to select the wrong specialized institutions.
3. If the wrong specialized institutions are selected, we all end up with the results of bad policies.
4. Voters are uninformed and irrational.
5. Therefore, we all end up with the results of bad policies.

Throughout this thesis, I have provided reasons for thinking that premise 1 and 4 are true. Whether premise 2 and 3 are true remains speculation, but they do not seem too farfetched, especially if the analogy to information shortcuts holds true. Recall that the problem with information shortcuts is that if voters are uninformed and irrational, they lack the skills needed to assess which shortcuts to be trusted. So, if premise 1 is true, it seems reasonable to assume that the uninformed and irrational politicians would lack the skills needed to assess which specialized institutions to pick *ad hoc*, which would make premise 2 true. Now, if Jeffrey replies that either some officials or other specialized institutions might call the bad institutions out, we find ourselves in the same situation as with the alarm bells: It only pushes the problem a step further back, since the politicians would lack the ability to assess which officials or specialized institutions to trust.

Now, it could be argued that if I am right about this, then it is also true that politicians cannot be trusted to design the competence test needed in some of Brennan's systems of wholesale epistocracy. I

think this is true. So, in chapter (III) I will discuss whether the design of the test should perhaps be trusted to the voters and not the politicians.

Turning Non-Political Issues into Political Issues

Jeffrey claims that the specialized institutions must be specialized in issues that are primarily non-political (Ibid: 23). This is important in order to avoid handing power over to institutions specialized in potentially ideologically biased political issues. The specialized institutions have epistemic authority because their knowledge about scientific facts are non-common and optimal, and not because they have the correct evaluation of which ends to pursue. The specialized institutions are not moral experts, and thus they need to somehow respect that people have differing answers to moral questions, want to autonomously pursue different ends, value things differently etc. For this reason, she ends up suggesting that the specialized institutions need to take people's values on board in the decision process, in a certain way. Jeffrey explains:

"I suggest the directives of specialized institutions should create duties that take the form, "ought (if p, then phi) or ought (if q, then psi)" where p and q represent evaluative beliefs outside the specialized institution's area of expertise and phi and psi are courses of action."
(Ibid: 27)

Jeffrey calls this 'The Conditional Form Thesis*', and it ends up looking like this:

Conditional Form Thesis*

A directive of a specialized institution adequately respects autonomy iff it is conditional in form, generating a wide scope requirement that S (if p then Φ) or (if q then ψ), and both Φ and ψ are actions S can do willingly without foregoing her reasonable fundamental commitments.
(Jeffrey 2017: 30-31)

In less technical terms this means that the specialized institution must set out alternative possible actions, dependent on which ends S wants to pursue (where S is whoever should have a say in the matter). Jeffrey takes this to be a way for limited epistocracy to escape the Demographic Objection (see next section), since it gives people a say in which goals the specialized institutions pursue. The Conditional Form Thesis* seems like a reasonable way to incorporate respect for people's autonomy into limited epistocracy. I think that there is a more efficient way to escape the Demographic Objection, as will be clear in the next section.

There are several other worries with the Conditional Form Thesis*, though.

First, it is not clear on Jeffrey's account who S ought to be, and whether this should change on a case to case basis. It seems naïve to think that there will always be a set of possible actions that *everyone* can willingly do

without 'foregoing their reasonable fundamental commitments'. If that was not the case, it is unclear why we are looking for alternatives to democracy in the first place³⁴. So, while it might be a good idea to let the specialized institutions come up with possible actions for each end we might want to pursue, Jeffrey still needs some sort of sortition to select these ends. Second, if this is true, it is not clear how limited epistocracy *de facto* deviates from Christiano's preferred 'values-only voting', and how it could avoid the best objections to that system³⁵.

I have an even more serious worry about this. If we hand over *de jure* legitimacy to specialized institutions every time there is a dispute over empirical matters in politics, a lot of power will be centered around these institutions. If they function the way Jeffrey hopes they do, this may be a good thing. But, what if centering such large amounts of power on relatively few people would increase the likelihood of corruption or abuse of power? As Brennan describes, one of the good things about democracy is that it distributes power widely in a way that makes people vote less selfishly. So maybe centering power around a few specialized institutions would make them biased towards certain policies, given that they now hold tremendous power that cannot be withdrawn once they have it³⁶. Remember, on Jeffrey's account, "... *the institution's dictates would be binding even if the elected officials didn't sign off on them.*" (Jeffrey 2017: 9).

Even if handing power over to specialized institution would not make the institutions biased, it does not seem unreasonable to worry that handing over great amounts of power to a few institutions would at least turn the primarily non-political issues into highly political issues. However, it is not clear whether Jeffrey thinks the institutions should receive power every time their expertise is called for, or just in cases of emergency. If it is the latter, which I suspect it is given that she spends a great deal of time discussing emergencies, my worry needs not be a big problem for Jeffrey.

Jeffrey thinks that the specialized institutions cannot rationally compel citizens to prioritize one policy over another. She writes:

³⁴ Although the problem is perhaps not to determine who S ought to be, but rather that whoever S is, it may be that S's fundamental commitments are not *reasonable*. After all, we have seen the evidence of how widespread political ignorance and irrationality is.

³⁵ Recall Brennan's objection to Christiano's values-only voting: In order for voters to evaluate whether the legislators did a good job realizing the chosen aims, they would need the social scientific knowledge Christiano claims they do not have (Brennan 2016: 210).

³⁶ Granted, the same could be true of a wholesale epistocracy with e.g. restricted suffrage, if the sortition process lets too few people vote. If for example, only 1% passes a competence test, one might worry that this 1% would start voting selfishly. This might be less evident, though, if the 1% did not know that they were the only ones who passed the test. That is, if we maintained the secret ballot in the restricted suffrage system.

"In a wholesale epistocracy, the expertise claimed by governmental institutions is political and maybe even moral. The wise don't just know how to achieve goals that citizens decide on together or agree to; they also know which goals the state ought to have. (Ibid: 22)

In a wholesale epistocracy, Jeffrey thinks, the expertise claimed by the governmental institutions are not only empirical, but ultimately political or even moral. According to Brennan, this is legitimate given that we ought to judge a form of government merely on its outcomes, that is, on its instrumental value. The reason why Brennan, in e.g. a plural voting system, trusts those who are demonstrably well informed and rational, is that letting them rule would tend to produce better outcomes. Jeffrey seems to get Brennan's point the wrong way around: She thinks that a wholesale epistocracy would let certain people rule *because* they know which goals the state ought to have. But really, Brennan only says that these people just seem to have correct moral views, *because* they are better informed and more rational. According to Brennan, we can judge moral actions independently of the democratic procedure, and independently of people's testable empirical knowledge³⁷. It just happens to be so that those who are well informed are more inclined to hold what seem to be the most plausible moral views. Maybe because these people in general are good at reaching correct conclusions based on sound reasoning and good information, or maybe because increased knowledge really *makes* you form certain moral beliefs. Either way, Brennan does not favor testing people's moral views in a sortition process.

The Demographic Objection Revisited

Recall the Demographic Objection which says that something along these lines is unjust: An epistocracy would tend to favor people who are already advantaged, or, disfavor those who are already disadvantaged. Jeffrey worries that the Demographic Objection is a problem for limited epistocracy, since for example, higher education in science and engineering seems to be necessary to gain access to the specialized institutions. And, black and Hispanic women are very underrepresented in these fields (Ibid: 29). As described in the previous section, Jeffrey thinks that the Conditional Form Thesis* helps limited epistocracy escape the objection. I tried to show a few problems with the Conditional Form Thesis*. Even if Jeffrey can avoid these problems, I think there is a more effective strategy for escaping the Demographic Objection. In a recent paper, Brennan has made a compelling case against the Demographic Objection. One of Brennan's main replies to the Demographic Objection is a *tu quoque* reply. He writes:

³⁷ See the section 'Instrumentalism vs Proceduralism'.

"After all, in modern democracies, including even democracies with compulsory voting, the voting electorate—the people who actually vote—are not demographically identical to the eligible electorate or the citizenry of the whole. Instead, advantaged voters—such as ethnic majorities, higher income voters, men, the employed, the middle aged, etc.—generally vote at higher rates than disadvantaged voters, even in compulsory voting regimes (Delli-Carpini and Keeter 1996; Hill 2002; Somin 2013; Brennan and Hill 2014). De jure, a rich white person in the UK or Australia and a poor black person have the same voting power, but de facto, rich white people have more influence and power than poor blacks. Thus, if we were genuinely bothered by the Demographic Objection, we would not just dismiss epistocracy tout court and simply assume that democracy does not also suffer from it. Instead, we would carefully compare different systems. If epistocracies are inherently unfair on the grounds that the voting electorate does not perfectly match the demographics of the population as a whole, then so are all democracies. Indeed, this is one reason why some political theorists advocate sortition—decisions via lottery—rather than democratic voting (Guerrero 2014)." (Brennan 2017: 12)

This seems rather convincing to me. Even if Brennan is wrong about the weakness of the Demographic Objection, it seems that at least some of his forms of epistocracy can resist it better than limited epistocracy can. For example, in the forms of epistocracy involving an empirical test of political knowledge, access to high levels of education is not a necessary, nor sufficient, condition for passing the test (Although this is what Mill preferred, and what happened in England). When it comes to the specialized institutions, it seems that access to high levels of education is at least a necessary condition, though probably not a sufficient one, for getting a job in one of these institutions in the first place. So, even if the Demographic Objection applies to wholesale epistocracy, because it does not take political inclusion seriously enough, it applies even harder to limited epistocracy³⁸. Obviously, if Brennan's defense against the Demographic Objection is successful, Jeffrey does not need to worry about it either.

Jeffrey does seem to think that political inclusion is really important. Consider this quote:

"In the scientific context it doesn't matter to us that the students' hands are tied, because we don't see an obvious scientific value in giving non-experts a voice in what projects to pursue

³⁸ I compare limited epistocracy to Brennan's restricted suffrage system here because the latter seems to be the form of wholesale epistocracy most vulnerable to the Demographic Objection. If the Demographic Objection applies harder to limited epistocracy than to the restricted suffrage system, then it applies harder to limited epistocracy than to *any* form of wholesale epistocracy.

(especially when projects are costly and resources are limited). But in the political context, it does matter.” (Jeffrey 2017: 17)

It seems that the goal of political inclusion is at least as easy to fulfill in wholesale epistocracy as in limited epistocracy, since people actually stand a greater chance of gaining more influence by e.g. taking a competence test, compared to getting a job in one of Jeffrey's favored specialized institutions, or be elected as one of the politicians or officials who get to choose which specialized institutions are to be empowered in which situations.

The Proper Comparison

As explained, limited epistocracy does not necessarily amount to a comprehensive objection to Brennan's arguments. However, at some point Jeffrey explicitly writes what she (and the democrats) takes to be an advantage of limited epistocracy over full epistocracy. Jeffrey writes:

“Additionally, this kind of limited epistocracy incorporates an insight of Aristotle's offered by democrats as a reason to resist full epistocracy. The insight is that rule by a group of fairly wise individuals could outperform rule by the wisest individual, since deliberation with the group could produce better results than unchecked judgments of an individual even when the average competence is slightly lower in the group” (Jeffrey 2017: 4)

This is an odd statement. First, Jeffrey basically claims that the Condorcet Jury Theorem is correct. But, as we saw in chapter (I), it is not. The problem is that voters are systematically mistaken, and thus what the theorem predicts does not occur. Second, no one has claimed that a full epistocracy would include 'rule by the wisest individual', so this is not really a critique of full epistocracy as it has been defended by anyone, but rather a critique of certain types of dictatorship. It is not a defense of limited epistocracy in particular either. Throughout the paper Jeffrey tries to show that a group of fairly wise individuals (the specialized institutions) would do better than a much larger group of ignorant individuals (the demos). But that is not, even on Jeffrey's own account, what 'Aristotle's insight' says. If this was to have more bite to it, she should have tried to show how limited epistocracy would outperform full epistocracy, not how it would outperform democracy. Jeffrey writes:

“In a specialized institution, the experts are equipped to decide and act quickly in emergencies. Unlike a group of people who happen to be experts in some area but have no experience collaborating with each other, a specialized institution has established procedures for joint problem solving. They would handily outperform a purely democratic regime or even a regime

where democratically elected officials were advised by experts but held ultimate decision-making power. So, if any form of epistocracy stands a chance of appealing even to those democrats who have raised epistemic worries about epistocracy, limited epistocracy does."

(Ibid)

Maybe Jeffrey's aim is not to show that limited epistocracy would outperform full epistocracy after all. However, since she is aware of Brennan's work and defends an alternative to it, one should think that she was interested in demonstrating that limited epistocracy would perform at least as good as full epistocracy. Otherwise, if she believes that full epistocracy would probably perform better than limited epistocracy, while they both perform better than democracy, why does she endorse limited epistocracy in the first place? She sets out to demonstrate that limited epistocracy would outperform democracy, *and* be more appealing to the democrats than wholesale epistocracy is. Although it is interesting to find a form of epistocracy which a democrat would find appealing, it would be more interesting to find a form of epistocracy which the democrat would find appealing, and *simultaneously* perform at least as good as the other forms of epistocracy. That said, I do think that the point about specialized institutions having established procedures for joint problem solving is relevant, though not entirely true. Except perhaps from the enfranchisement lottery with competence building and deliberation, none of Brennan's forms of epistocracy contain the feature of coordinated problem solving. However, it is highly questionable whether the specialized institutions work as well as Jeffrey thinks they do. The UN's failures to prevent genocides in Rwanda, Srebrenica and Dafur (Grünfeld and Vermeulen 2009)³⁹, or the exposure of the World Health Organization's (WHO) use of advisers with financial second agendas (Cohen and Carter 2010) may work as counterexamples to Jeffrey's somewhat naïve picture of how well the specialized institutions work.

As I have tried to demonstrate, Jeffrey has not made a convincing case that limited epistocracy would do better than full epistocracy. Maybe that was not her goal after all. In either case, I do not think that Jeffrey has succeeded in making her case for limited epistocracy. In the next and final chapter, I will discuss a few worries I have about epistocracy.

³⁹ If Jeffrey takes the UN to count as a specialized institution.

(III) Four Further Issues and Final Remarks

So far, I have presented Brennan's argument in favor of epistocracy, and a number of published objections to the arguments. I have defended Brennan's arguments, and tried to respond to the critique on his behalf. In this chapter I will discuss four further issues and make some final remarks about epistocracy.

Four Further Issues

Burkean Conservatism and Cost/Benefit Effects

Brennan's argument is ultimately comparative. If we can find a better voting system than the one we have now, we should try it out in a small scale, and if it works, we could scale it up. This new voting system needs not be perfect, as long as it is *better* than status quo. Brennan does not need to show that epistocracy would be flawless. In fact, he can get away with showing that it would be awful, as long as it is less awful than democracy. However, throughout the book Brennan does not point out any real weaknesses of epistocracy. Every time he comes across a potential weakness, he explains it away with the 'epistocracy-is-the-least-ugly-pig-explanation'. I think that Brennan is right that this approach is the correct one, and that epistocracy is in fact the less ugly pig. It might have been in Brennan's own interest, however, if he had pointed out all the weak points of epistocracy explicitly, and demonstrated that these weak points, *ceteris paribus*, do not add up to a more ugly pig than democracy. He does a really good job presenting the arguments in favor of democracy as strong as possible, but he could maybe have done more to demonstrate the weaknesses of epistocracy. Brennan states in the final chapter of the book that "*In the end, then, the best argument for democracy is Burkean conservatism. Democracy is not a fully just social system, but it's too risky and dangerous to attempt to replace it with something else.*" (Brennan 2016: 230). Brennan has his own objection to this conservatism. He writes:

"Burkean conservatism tells us to be careful, but we also have to be careful with Burkean conservatism. Burkean conservatism warns us that attempts to make things better might make things worse. It's true that the world is complicated and our experiments may blow up in our faces. But we can repeat this line of reasoning for any proposed change." (Ibid)

I think that Burkean conservatism has yet another flaw in this context than the one Brennan points out; Burkean conservatism might suffer from a status quo inertia. Normally, Burkean conservatism would recommend holding your horses when the costs of deviating from status quo does not exceed the presumed benefit of sticking to status quo, or at least when it is *uncertain* whether they do. It is evidently well-established in the literature on decision-making that status quo biases also occur when there is no obvious

cost/benefit framing of the given problem. This insight has been attributed to William Samuelson and Richard Zeckhauser in their 1988 study. They concluded:

“Our results show the presence of status quo bias even when there are no explicit gain/loss framing effects. Such framing is entirely absent in the budget problem, the car color choice, and the airline leasing decision.” (Samuelson and Zeckhauser 1988: 36)

Brennan says that there are indeed cost/benefit effects at play in voting, at least when it comes to the rationality of voting itself. The very explanation of why most people tend to be Hobbits or Hooligans relies on such an effect. However, it has not been demonstrated clearly in the literature that there is such an effect at play when weighing *entire* voting systems against each other. Maybe there is no such effect, and maybe so because most people do not think about alternatives to democracy on a regular basis, or maybe most people think that the sentence ‘democracy is just’ is tautologically true. Either way, this is actually an advantage for Brennan. He can say that if there is *no* such cost/benefit effect at play when weighing entire voting systems against each other, people *should* make the non-ideal honest comparison between democracy and epistocracy. And if there *is* such an effect, his epistocracy would probably be preferred to democracy. In other words, the reason why voters might favor democracy over epistocracy, *needs* not be that voters are ignorant and irrational. It could also be that they only fail at comparing democracy and epistocracy honestly (which of course might be explained by the fact that voters are irrational). This would lend support to Brennan’s hope that people may one day want to experiment with epistocracy in a small scale.

The Feasibility of Epistocracy

Although I think many of Brennan’s opponents make the mistake of not comparing alternatives honestly, it would have been interesting to hear from Brennan, what he takes to be the real pitfalls of epistocracy, *if* we grant that it is the least ugly pig compared to democracy. If we want to seriously consider experimenting with epistocracy, we must give the realistic feasibility of its implementation a real thought too. Given that Brennan in general is very concerned with non-ideal theory rather than ideal theory, it strikes me as surprising that he does not address the question of feasibility more than he does. My worry is that it might be a bad idea to trust governments in the real world to implement any of the proposed forms of epistocracy. Given how desperately many politicians hang on to their power when they finally gain it, it seems plausible that some might attempt to design the competence test or the enfranchisement lottery in a way that favors their own

views⁴⁰. Brennan recognizes this. This is not to say that the idea of having such a test or lottery is a bad idea *per se*. Actually, I think it is likely that even an epistocracy with a badly designed test or lottery would still outperform democracy given how ignorant and irrational many voters are.

Whether real world governments at the moment are able to construct an unbiased test or lottery is another question, and this is what my worry is pushing at. One way to solve this problem might be to let it be up to democracy to design such a test or lottery. Alas, it seems *prima facie* contra intuitive that democracy would be competent to decide how to make the transition to epistocracy. If we do not think that many voters are competent enough to vote, why would we think that they are competent enough to make the transition to epistocracy? One answer could be that voters would be competent enough to decide what *in the abstract* constitutes a competent voter. It may well be that most voters can tell you what a good voter is, but that they do not themselves live up to their own criteria⁴¹. Ola Svenson has demonstrated that 80% of drivers think they are above average drivers (Svenson 1981; See also Kahnemann 2013). This has been coined 'the over average effect', and has also been found in other realms, such as ethics (Baumhart 1968), health (Larwood 1978; Weinstein 1980), and teaching and research abilities (Cross 1977). If we ask people what constitutes a competent driver, they would probably be able to say that they need to know the traffic rules, how to control the car, how to navigate, how to orientate etc. But since more than 50% think they are more competent drivers than average, as a group they are obviously bad at judging how competent they are as drivers themselves. Perhaps the same is true of voters. Perhaps most voters can describe what constitutes a competent voter in the abstract, even though they are not good at judging how competent they are themselves as voters. Some have speculated whether this is true of all voters. It may be that only Hobbits and Vulcans are good at evaluating their own competence⁴². The Hobbits are ignorant, but they might know they are ignorant while not being ashamed of it. Vulcans are informed and rational, and therefore know they are informed and rational. Hooligans on the other hand are informed, but irrational. So, they tend to see

⁴⁰ Admittedly, this concern may be irrelevant, if the epistocracy works the way Brennan hopes, since the most informed and rational voters will do a better job at not voting for people who tend to behave selfishly and corruptly. Nonetheless, see Huemer 2013: 202-208 for great game-theoretical and empirical explanations of why concentrated power tends to breed abuse.

⁴¹ This is in contrast to what seems to be the consensus in the literature of democratic theory. The consensus seems to be centered on Robert Goodin's claim that letting the electorate decide what the future scope of the electorate should be is illogical: "It is logically incoherent to let the composition of the initial demos be decided by a vote of the demos, because that demos cannot be constituted until after the demos votes." (Goodin 2007) There is nothing inherently illogical about this. We are not making a demos from scratch, but making a transition from one demos to another. Just because the initial demos tend to make *many* unjust outcomes, it does not follow that *all* outcomes must be unjust, when it is chosen by this demos. In comparison, a direct democracy only for property owning males would be making progress if they chose to enlarge the initial demos to a representative democracy like the one we have now.

⁴² See for example Scott Aikin and Robert Talisse's (non-peer-reviewed) discussion here: <http://www.3quarksdaily.com/3quarksdaily/2017/12/political-hooligans.html> (Accessed: December 5, 2017)

themselves as Vulcans, although they are not. Or maybe voters behave according to the famous Dunning-Kruger effect. According to this effect, the competent individuals think they are incompetent, because they know what their limitations are. Conversely, the incompetent individuals think they are competent, because they do not know what their limitations are (Dunning and Kruger 1999). Although this seems *prima facie* plausible and may be backed by empirical psychological studies, it is speculation upon anecdotal evidence when it comes to voters, and should be evaluated as such. Before we have more solid knowledge about this issue, my worry will thus remain.

Furthermore, if it is true that Hooligans tend to think they are Vulcans, then the Hooligans will probably be likely to support the idea of epistocracy⁴³. If the Hooligans are going to lead the way for testing epistocracy (presuming there are no real Vulcans, and presuming the Hobbits will have no interest in this), it is hard to see how they will be able to do so competently. For example, they may turn their backs on epistocracy once they find out that an epistocracy would not produce their favored policies. Thus, this backs my worry about the feasibility of implementing epistocracy in real-life societies described earlier.

The Wrong Medicine Objection

There is yet another worry, which is *pro tanto* more pressing than the previous one. This worry is concerned with the fact that epistocracy may not, by analogy, be the best medicine for the disease after all. We can call this 'The Wrong Medicine Objection'.

The Wrong Medicine Objection:

In their book Bartel and Achen describe what they call the 'folk theory of democracy'. This theory claims that voters have policy preferences, and whatever preferences are held by most voters will be enforced. This theory is false, Bartel and Achen tell us. In fact, preferences play a much smaller role than most people realize. Instead, what really makes a difference is voters' party loyalties, social identities etc. Or, in Brennan's terminology, tribalism and Hooliganism. More often than not, the voters do not teach the political parties what policies to pursue, rather, the political parties, which voters already subscribe to, teach the voters which policies to prefer. In a two-party system like the American one, this often means that a few uninformed and undecided voters will make the difference. If all this is true, then it is not clear why a

⁴³ If there are no Vulcans, and if Hobbits are not interested in politics, everyone who reads Brennan's arguments for epistocracy must be a Hooligan. But if Hooligans think they are Vulcans, they will often endorse the arguments in favor of epistocracy. So how come many people disagree with them? I think the answer is that the Hooligans (who think they are Vulcans) who read the book and find troubles with it, often conclude that Brennan must be a Hooligan and not a Vulcan, and thus not perfectly rational (They are of course right about this, even though they are wrong about themselves being a Vulcan).

qualification of voters' preferences will have any effect. Thus, it is not clear why an epistocracy would be the right medicine for the disease⁴⁴.

So, if voters' policy preferences make a little difference in political outcomes, then epistocracy cannot fix the problem of creating unjust outcomes, just by emphasizing knowledge in the electorate. Brennan puts many of his eggs into the basket of the social scientists Larry Bartels and Christopher Achen and their book 'Democracy for Realists' (Bartels and Achen 2016). He borrows their accounts of political ignorance, their critique of the use of information shortcuts, their critique of retrospective voting etc. But in one instance, their book seems to work against him. They demonstrate that political preferences do not matter much for the outcomes of elections after all. What really matters is tribalist party affiliation and random choices. They write:

"The result is that, from the viewpoint of governmental representativeness and accountability, election outcomes are essentially random choices among the available parties ... [T]he policy views of elected officials tend to be only roughly similar to the views of the people who elected them." (Bartel and Achen 2016: 312-313)

Epistocracies emphasize knowledge, but at the end of the day voters still vote based on preferences. The sad thing is that even the competent voters' preferences only have little effect on political outcomes. If we implement restricted suffrage or plural voting and weed out incompetent voters, the worry is that the competent voters' preferences would still not make a significant difference. The good thing is that competent voters tend to base their preferences on knowledge. This gives a hope that in an epistocracy, competent voters would at least make a positive difference to the degree that preferences matter, and that epistocracy would thus, *ceteris paribus*, still outperform democracy. It should also be noted that if policy preferences do not have a significant effect on election outcomes, then it is not just a problem for epistocracy, but also a problem for democracy. So, it is still not a good objection to make for someone who is pro-democracy.

In order to rescue Brennan's idea of epistocracy from Bartel and Achen's insight, one might suggest to simply weed out the tribalists⁴⁵. But, I suspect, not even that will solve the problem. If tribalism is as widespread as Bartels and Achen say it is, we might worry that this argument is sound:

⁴⁴ I owe this idea to Brennan, who led me onto it in a personal email correspondence. He agreed that something along this objection is the most promising objection to his position.

⁴⁵ Whether this conception of tribalists contains both the Hobbits and the Hooligans is uncertain. If it does, it only fuels the argument below further, since there are no, or very few, real Vulcans.

The Argument from Disenfranchised Tribalists:

1. If the franchise is smaller than X voters, those voters tend to be motivated by self-interest. (Premise)
2. Excluding the tribalists from the franchise would lead to a franchise smaller than X voters. (Premise)
3. The remaining voters would tend to be motivated by self-interest. (From 1 & 2)
4. If voters tend to be motivated by self-interest, it is more likely that we will see more unjust policies. (Premise)
5. Therefore: It is likely that we will see more unjust policies. (From 3 and 4)

We have already seen that premises 1 and 4 are true. It is presumed to be one of the positive features of democracy that it distributes power widely, and that this leads to people voting like altruistic sociotropes. If Bartels and Achen are right, it may suggest that premise 2 is also true. So, their insight seems to spell real trouble for at least certain types of epistocracy, namely those that are meant to exclude some people from the franchise.

Perhaps the solution to this problem is to reject those specific types of epistocracy which seek to exclude some people from the franchise. Consider this solution: If we limit the idea of epistocracy to the simulated oracle, and only use the oracle to pick policies and not candidates, we might resolve most of the worry. Recall that with the simulated oracle we can predict what voters would prefer, if only they knew more, while still controlling for demographic circumstances. With the oracle, knowledge would do even more of the heavy lifting, while initial preferences would play a smaller role compared to what it would in e.g. a restricted suffrage system. The oracle needs to pick final policies, however, and not just a set of candidates to choose from. If it only picked candidates to choose from, my worry would still remain, since the voters would still have to choose based on their preferences. I think this is a good reason to prefer a simulated oracle over Brennan's other alternatives, although any of the alternatives might still outperform democracy⁴⁶. The simulated oracle is a very technical and perhaps bureaucratically heavy system. The feasibility of this system is therefore perhaps questionable, despite the good theoretical arguments in favor of it. In addition, many voters may find it troubling for the legitimacy of epistocracy by simulated oracle that it would not select policies based on what voters *actually* think, but what they *would* think, if only they knew more. It is even possible that the oracle would choose policies that *no* voters actually prefer. I will not discuss

⁴⁶ When it comes to producing just outcomes, this may also be a sufficient reason to prefer the simulated oracle over what I take to be the second-best form of epistocracy, namely the enfranchisement lottery with competence building. Although the lottery can escape the Demographic Objection completely, and maybe even be able to increase voters' competence, it still cannot effectively escape the insight of Bartels and Achen (unless the competence building can somehow make voters less tribalish). When it comes to feasibility, though, I think the enfranchisement lottery would be the winner.

whether this is a good objection here, but I suspect that it amounts to no more than a semiotic objection, which we have already seen good reasons to reject.

The Objection from Misuse

Another reason why we may not see anything like an epistocracy in the near future is that many people seem to worry that the arguments and rhetoric needed to install such a system, would be misused by dictators, authoritarians, the elite etc. to justify their behavior⁴⁷. Some may say that this alone makes it wrong to even discuss the arguments, wrong for Brennan to publish the book, wrong for me to write this thesis etc. Call this 'The Objection from Misuse'. This objection can be summarized in the following way:

The Objection from Misuse:

1. Empirical premise: Bad people will use your rhetoric to justify their bad behavior.
2. Normative premise: If bad people will misuse your rhetoric to justify their bad behavior, then it's wrong to write what you wrote.
3. Normative conclusion: Therefore, it's wrong to write what you wrote⁴⁸.

It seems likely that premise 1 is true, although we obviously cannot know for sure. Premise 2, however, is false, and the conclusion is false too. It seems implausible that just because other people misuse your sound argument in various ways, you have a duty not to make the argument. By analogy, just because bad people may misuse your research on nuclear science to create nuclear weapons and use them on civilians, it does not follow that you have a duty not to carry out or publish your research. *They* are doing something wrong, not *you*. Maybe you would be doing something wrong if the *only* possible application of the research was to make nuclear bombs, and if the bad people had told you that they would make the weapons. Or in the case of epistocracy, if the only application of the arguments in favor of epistocracy was to legitimize dictators' behavior, and that several dictators had told you they would hijack your arguments. I do not think we should be convinced by this objection, since it would have the implausible consequence that those who misuse the arguments will get to veto what we may say or write, *because* they choose to misbehave⁴⁹. Even if we, for the sake of argument, accept that publishing research with *only* harmful applications is wrong, it is not what is at stake when Brennan defends the argument in favor of epistocracy. He suggests plenty of ways in which

⁴⁷ For instance, Jeff Isaac raised this objection at the Ostrom Workshop at Indiana University Bloomington December 1st 2017.

⁴⁸ I owe this summary of the objection to Brennan, who described it in a blog post on bleedingheartlibertarians.com. The blog post can be found here: <http://bleedingheartlibertarians.com/2017/12/tu-quoque-dictators-might-misuse-objection-democracy/>

⁴⁹ This point was originally offered by Brennan in the blog post.

epistocracy may bring about good consequences. In addition, the objection does not assume that the arguments in favor of epistocracy actually can legitimize dictatorship. Rather, it only says that dictators may *misuse* the arguments to try to justify their behavior.

There is an even more devastating critique of The Objection from Misuse, namely a *tu quoque* critique⁵⁰. Dictators, totalitarians, oligarchs etc. have already misused the arguments and rhetoric of *democracy* to justify their behavior. They name their regimes 'The Democratic People's Republic' of this and that, they hold pro forma elections, they quote famous democratic theorists when justifying their views etc. So, whoever holds The Objection from Misuse against *epistocracy* to be true is also committed to making the exact same objection to the arguments and rhetoric in favor of *democracy*. It may be that the objection is true, but if it is, we must stop defending democracy too, and I doubt that advocates of democracy are willing to bite that bullet.

Final Remarks

This thesis has been separated into three chapters. In chapter (I) I described Jason Brennan's arguments in favor of epistocracy as presented in his book 'Against Democracy'. I followed Brennan's arguments almost chronologically, although I only included the parts which would be relevant for the subsequent discussions.

In chapter (II) I discussed a series of objections that have been raised against Brennan's arguments. Although there have been many such objections, I only included the best of those from prominent political philosophers published in peer-reviewed journals. I ended up discussing the objections from Thomas Christiano and Anne Jeffrey. I have tried to represent their arguments as strongly and precisely as possible, in order to avoid making strawmen and in order to give them a fair treat against Brennan's arguments. They both raise very interesting and very insightful objections. Some of the objections had already been raised and criticized by Brennan in his book, but these authors had presumably not found his treatment of them convincing. At some points I tried to show why Brennan's initial criticism of these objections in fact was successful. At other points, I tried to show how Brennan could have replied to these objections instead. Some of the objections raised by Christiano and Jeffrey were not anticipated by Brennan already. In those cases, I tried to show how Brennan could respond. Whether my replies on behalf of Brennan were successful will be up to the reader to judge.

Before closing this thesis, I will like to make a final and broad point. As said in the introduction, the topic of epistocracy is a very small one within political philosophy. In fact, it is a very small subfield within the small subfield of democratic theory. In spite of this, Brennan's book has attracted relatively much

⁵⁰ Again, see Brennan's post on bleedingheartlibertarians.com, where he writes about the *tu quoque* critique.

attention, both within and outside of academia. This may suggest that something really important and interesting is going on in this book. It is simply a great piece of contemporary, analytical, normative political philosophy. It is well-written, provocative, controversial, well-argued and funny. For good reasons, we cannot know whether it can stand the test of time. But at this point, I hope to have demonstrated that it has so far been able to stand the test of scrutiny from two prominent figures in political philosophy.

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