

Everybody Wants to Rule the World: Comparing Democracy and Epistocracy on the Problem of
Incompetence

by

Alexander Zhang

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Graduate Supervisory Committee:

Elizabeth Brake, Chair
Cheshire Calhoun
Douglas Portmore

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ABSTRACT

This paper examines the strength of a recent argument made against democracy. The notion of epistocracy, a system of government where the wise or the knowers rule, has garnered some attention of late. These theories of epistocracy have traditionally struggled with questions of political legitimacy and authority. In *Against Democracy*, Jason Brennan articulates an alternative theory for epistocracy which may prove more promising. Brennan argues instead that democracy faces objections of political legitimacy which epistocracy avoids because democracy either violates rights or harms as a result of granting political power to the incompetent. This negative argument against democracy hopes to make epistocracy the preferable option in comparison. I will argue, however, that if we take this comparative approach then we ought to prefer democracy—or, rather, democratic reform—over epistocracy as the best solution in addressing the concerns which Brennan raises. It is not enough to merely point to flaws in democracy. For this argument to be successful, it must also be shown that epistocracy avoids those flaws at an acceptable cost. I claim that, upon examination, epistocratic theories fail to make this case. Rather, it is evident from this examination that there are various institutional mechanisms available with which democracy may manage the risks and harms which might arise from imbuing the incompetent with political power. This in turn suggests ways by which we might reform democracy to achieve similar results hoped for by epistocrats without the effort, risk, and cost of tearing down and rebuilding our fundamental political institutions.

DEDICATION

Dedicated to my cat.

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Chapter 1

INTRODUCTION

1.1 Between Democracy and Epistocracy

There has recently been talk about whether or not we would be better off replacing democracy with something called epistocracy. While this new term has become somewhat in vogue, it is only a contemporary articulation of a rather old idea. Epistocracy is simply a form of government which is ruled by those who are identified as the knowers or the wise. This new interest in epistocracy, then, is a renewal of the long debate over what form of government is best.

This revival of epistocracy is interesting in that it is a revival of an old argument. Many advocate epistocracy as the superior alternative on the basis of similar arguments levied against democracy prior to its increasing success at the turn of the 19th century. They objected that the common man was too ignorant and unwise to be given power over government. To do so would result in the rule of the mob. Evidently, democracy has been shown to be capable of overcoming such concerns. It should be noted that this objection was perceived to be serious enough that, in the Federalist Papers, James Madison went to some lengths to distinguish how the proposed “republic” would avoid these concerns about “democracy”.^{1,2} Contemporary arguments for epistocracy are made on recognizably similar grounds.

This renewed of interest in epistocracy has been inspired by new empirical research which shows that their premise is not based on mere assumption or intuition.³ There is now evidence that most people are, in fact, shockingly ignorant, irrational, and misinformed about politics.⁴ Given the sort

¹James Madison, “The Federalist,” chap. No. 10 (New York: Barnes / Noble Books, 2006).

²It is telling that Madison’s preciously distinct republic is now commonly referred to and understood to be simply democracy by all except pundits.

³New, here, meaning the development of political science in the last century.

⁴For further reference, see the following: Bennet, ““Know-Nothings” Revisited”: The Meaning of Political Ignorance

of problems concerning modern democracies like deepening polarization and with one of their fundamental premises backed by empirical research, skeptics of democracy have now begun offering a refreshed, more moderate argument for epistocracy.⁵ It is argued that while democracy may not be doomed to failure epistocracy may still yet lead to better results. If we are interested in achieving the best results, we should at least be open to considering epistocracy which could, it is suggested, curb the deleterious effects which arise when a majority of the public is irrational, ignorant, and misinformed. The argument is a comparative one: it is not that democracy cannot work but that epistocracy may perform better. It is this comparison that this paper is concerned with.

It may be helpful to further clarify just what is meant when we say epistocracy. Thankfully, this task is fairly straightforward. Epistocracy is a form of government which is characterized by the way political power is distributed. There are various forms of government which are categorized by the way political power is distributed to create rulers: an autocracy is ruled by one person, a theocracy is ruled by religious officials, a democracy is ruled by the people, and so on. Under an epistocracy, it is the class of people identified as the knowers or the wise who are given rule.

The notion that the wise ought to rule, or should at least have considerably more say in ruling, is not a new one. There are two classic examples which we might retroactively describe as epistocracies. Moreover, these examples are, respectively, prototypical of what we could think of as radical and moderate forms of epistocracies. These examples may provide useful context for understanding the particular sort of epistocracy which is the focus of this paper.

The first is Plato's *Republic*. In the *Republic*, Plato describes a good and virtuous city in order to arrive at an elaboration of the concept of justice.⁶ Plato describes an idealized city comprised of

Today"; Berelson, Lazarsfeld, and McPhee, *Voting: A Study of Opinion Formation in a Presidential Campaign*; Converse, "The nature of belief systems in mass publics (1964)," Converse, "Attitudes and Nonattitudes: Continuation of a Dialogue"; Carpini and Keeter, "Stability and Change in the U.S. Public's Knowledge of Politics"; Neuman, *The Paradox of Mass Politics: Knowledge and Opinion in the American Electorate*; Page and Shapiro, *The Rational Public: Fifty Years of Trends in Americans' Policy Preferences*; Popkin and Dimock, "Political Knowledge and Civic Competence"; Price, "Political Information"; Smith, *The Unchanging American Voter*.

⁵There seems to be an assumption that the present ills like polarization and factionalism are a result of this endemic ignorance, irrationality, and misinformation.

⁶The *Republic* is, then, first and foremost concerned with ethics rather than politics. Regardless of whether we should take Plato's political account in the *Republic* as earnest or metaphorical, it remains both ubiquitous and influential.

three castes. Relevant for our discussion, the ruling class is that of the philosopher-kings, who are given absolute power. These philosopher-kings are cultivated from a young age through a strictly regimented and lengthy education such that they would be finally ready to lead by age fifty.⁷ The intended result is a city ruled by its wisdom-loving elements; the rulers rule because they are the most knowledgeable and wise. This conception of epistocracy is prototypical of what I will call radical epistocracy because of its authoritarian nature. This is to say, I will describe whatever formulation of epistocracy as being more radical proportionally to how it concentrates more power into the class of knowers or the wise.

The second example, which I take to be prototypical of moderate forms of epistocracy, was proposed by John Stuart Mill. In *Considerations on Representative Government*, Mill defends a principle that it should be “professed by the state” and “embodied in the national institutions” that the “better and wiser” are entitle to more influence over governing than others.⁸ This is held in tension with a commitment to a principle of extensive participation in government by citizens.⁹ Mill believed that political institutions ought to recognize that some people’s opinions are worth more than others as a result of their greater knowledge or wisdom. As such, a plural voting systems was entertained where citizens would be allowed more votes according to their education.¹⁰ By targeting education, it was hoped that such a system would consequently empower the wise since, presumably, good education would have promoted wisdom. I take this sort of conception to be prototypical of moderate epistocracy. While political power is distributed such that it is concentrated in the hands of the knowers or the wise, it is not exclusively possessed by that class. This is often taken to be less offensive or objectionable compared to radical, authoritarian models like Plato’s Republic. Epistocracy, then, will be described as moderate inversely to how extreme it is so long as it remains essentially epistocratic.

⁷Plato, *Republic* (New York: Barnes / Noble Books, 2004), Book V.

⁸John Stuart Mill, *Considerations on Representative Government* (Auckland: The Floating Press, 2009), p. 210.

⁹Ibid., Chapter 3.

¹⁰Ibid., p. 208.

David Estlund reintroduced the topic of epistocracy, and coined the term, into contemporary discussion. Initially, in “Why Not Epistocracy?”, Estlund is primarily concerned with objecting to the Millian view which he saw as the strongest or most plausible form of epistocracy.^{11,12} More significantly, Estlund later gives a general argument against epistocracy in *Democratic Authority*. Jason Brennan’s *Against Democracy*, which this paper is primarily concerned with for reasons described below, appears to be at least in part a response to Estlund’s general argument. It will be useful for appreciating some of Brennan’s arguments to spend a brief time on this general argument against epistocracy.¹³

Estlund asserts that epistocratic theories must all be founded upon three tenets. These tenets are necessary to motivate “a natural association between the ideas of *truth* and *knowledge*, on the one hand, and, on the other hand, the ideas of *expertise* and *authority*.”¹⁴ The three tenets are as follows:

- “1. *The Truth Tenet*: there are some true (at least in the minimal sense) procedure-independent normative standards by which political decisions ought to be judged
2. *The Knowledge Tenet*: some (relatively few) people know those normative standards better than others.
3. *The Authority Tenet*: The normative political knowledge of those who know better is a warrant for their having political authority over others.”¹⁵

¹¹David Estlund, “Desire, Identity and Existence: Essays in honor of T. M. Penner,” chap. Why Not Epistocracy?, ed. Naomi Reshotko (Academic Printing / Publishing, 2003), p.68.

¹² Estlund puts forward a demographic objection that rule by the educated would not meet a general acceptability condition for legitimate government. While Brennan makes some arguments regarding the demographic objection in *Against Democracy*, it is outside the scope of this paper.

¹³ In *Democratic Authority*, Estlund makes the case for his epistemic proceduralism account of democratic authority. It should be made clear that while I will object to Brennan’s reaction to Estlund, I will not be defending any of Estlund’s views though they may be compatible.

¹⁴David M Estlund, *Democratic authority : a philosophical framework* (Princeton, N.J.: Princeton University Press, 2008), p. 30.

¹⁵Ibid.

Should these three tenets all be true, then there is justification for the wise to have a special claim to rule. Hence, it is supposed, that would be reason to hold epistocracy superior to democracy.

Estlund denies that these tenets are all true. He argues that the truth tenet and the knowledge tenet ought to be granted.¹⁶ His argument is that even if they were true, and Estlund gives some brief reasons why they are plausible, he rejects the authority tenet. As Estlund puts it, “To state a rough version: no one has authority or legitimate coercive power over another without a justification that could be accepted by all qualified points of view.”¹⁷ Two sorts of arguments are given. First, that no invidious comparison among citizens over their political wisdom would pass an appropriate general acceptability standard.¹⁸ Secondly, he asserts there is an “expert/bias fallacy” when inferring that someone has a greater claim to authority from the fact that they know better.¹⁹ Thus, it would appear that the usual grounds for defending epistocracy are unavailable. I take this to be one of the more persuasive conceptual arguments against epistocracy.

There is, however, a new argument for epistocracy which seemingly avoids Estlund’s general objection. In *Against Democracy*, Brennan summarily accepts these reasons.²⁰ For the sake of argument, let us also grant that Estlund’s and Brennan’s rejection of the authority tenet is true. As we will examine later in this paper, Brennan embarks on a novel approach to make the case for epistocracy. Unlike the traditional arguments which are motivated by the intuition that the wise ought to rule, Brennan attempts to motivate the argument for epistocracy on a weaker claim. As he proposes, “Epistocrats need only suggest that incompetent or unreasonable people should not be imposed on others as bosses.”²¹ In other words, this argument for epistocracy is instead inextricably intertwined with an argument against democracy. This new approach seems to be a promising defense of epistocracy. As such, this

¹⁶Estlund, *Democratic authority : a philosophical framework*, p. 33.

¹⁷Ibid., p. 32.

¹⁸Ibid., p. 36.

¹⁹Ibid., p. 40.

²⁰Jason Brennan, *Against Democracy* (Princeton: Princeton University Press, 2016), p. 17.

²¹Ibid.

paper will be focused on how Brennan's arguments should effect our evaluation between democracy and epistocracy.

First, we ought to establish what makes epistocracy essentially an epistocracy. Estlund characterizes epistocracy as "not metaphorically but literally authoritarian."²² He holds that advocates of democracy, which I will refer to as democrats within this paper, will want to disagree with advocates of epistocracy, which I will refer to as epistocrats within this paper.²³ However, there are some epistocrats, like Catherine Holst, who argue that there is some spectrum between democracy and epistocracy.²⁴ It is suggested that there are various dimensions which might display epistocratic features of varying degrees of formality or institutionalization. Thus, it is suggested that we can have democratic epistocracy or epistocratic democracy "depending on the amount and quality of democratic [or epistocratic] mechanisms."²⁵ This sort of approach, however, is unhelpfully vague if we are engaged in a serious evaluation between democracy and epistocracy—especially when the involved arguments for epistocracy intrinsically rest upon arguments against democracy. While it may be useful to characterize things as being democratic or epistocratic in the sense that they are democratic-like or epistocratic-like, there must be some clear categorical distinction between actual democracy and actual epistocracy. Brennan proposes that "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*, not merely *de facto*."²⁶ In which case, the essential feature of democracy will be the institutionalization of universal suffrage by law. This will be the basic distinction which I will be using in this paper.

Next, some background assumptions of the following discussion should also be clarified. First, for the sake of argument, I will assume that democracy is not justified on any proceduralist grounds or is

²²Estlund, *Democratic authority : a philosophical framework*, p. 31.

²³Ibid.

²⁴Catherine Holst, "What is epistocracy?," in *Sacred Science?*, ed. Lund-Olsen Øyen S.A. and Vaage N.S. T. (Wageningen: Wageningen Academic Publishers, 2012), p. 43.

²⁵Ibid., p. 45.

²⁶Brennan, *Against Democracy*, p. 208.

intrinsically just. Brennan makes a number of arguments to this end. He argues that, for example, that democracy does not actually empower most individuals nor should we be concerned with “semiotic” arguments for democracy. However, it is unclear that this is entirely necessary; he specifies that his comparison between the two systems is made solely in instrumental terms. That is to say, “It ultimately comes down to which system would perform better in the real world.”²⁷ I will adopt these same terms in my analysis of the comparison between democracy and epistocracy. As such, I will focus on the evaluation on the instrumental justifications of either systems. This is not say that I am entirely sympathetic to the arguments which Brennan makes towards this end. However, if after my analysis of how democracy compares to epistocracy on purely instrumental grounds there are also other non-instrumental reasons to prefer democracy, then so much the better.

Second, I will take it as an assumption that the majority of people are deeply ignorant, irrational, or misinformed when it comes to politics. The body of empirical research regarding the matter arrives at a consensus that overall levels of knowledge is worryingly low. Philip Converse offers the maxim “the two simplest truths I know about the distribution of political information in modern electorates are that the mean is low and the variance high”.²⁸ It might be hoped that epistocrats exaggerate the degree of how ignorant, irrational, or misinformed the majority of the public are. To exhaustively survey all of the studies on the topic and to make a conclusive analysis, however, could be a whole book unto itself. As such, for the sake of argument, I will simply just assume that the epistocrats are correct when they claim, within reason, that the level of ignorance, irrationality, and misinformation is worrying enough to motivate an evaluation between democracy and epistocracy. As I will argue later, the mere fact of the matter is not enough to demonstrate some irreparable flaw in democracy which only epistocracy can resolve. It should be also noted that Brennan takes this somewhat fatalistically. He has a rather pessimistic view of the chances for most people to improve in this regard.

Finally, it is worth clarifying Brennan’s project in *Against Democracy*. It is clear that he favors epistocracy over democracy. Brennan introduces his book by stating, “Here I’ll contend that if the

²⁷Brennan, *Against Democracy*, p. 16.

²⁸Philip E. Converse, “Popular Representation and the Distribution of Information,” in *Information and Democratic Processes*, ed. J. Ferejohn and J. Kuklinski (Urbana: University of Illinois Press, 1990).

facts turn out the right way, some people ought not have the right to vote, or ought to have weaker voting rights than others.”²⁹ However, his approach to arriving at this conclusion is somewhat unusual. *Against Democracy* has very little elaboration on the benefits of epistocracy or how, precisely, it would be better-functioning than democracy. Rather, as Brennan says later in the introduction, “In this book, I won’t try to convince you there is for sure a better alternative. I will argue for a conditional claim, however: *if* there turns out to be better [sic] a better-functioning alternative, *then* we ought to take it.”³⁰ That is to say, that Brennan seems to be clarifying that the arguments in *Against Democracy* should be considered conclusive arguments for epistocracy. The point appears to be that these are preliminary arguments which ought to motivate a more thorough consideration of epistocracy. In other words, Brennan attempts to lay out the groundwork for a grander evaluation between democracy and epistocracy.

This groundwork for the evaluation between democracy and epistocracy is made explicit later:

My goal here is not to argue for the strong claim that epistocracy is superior to democracy. I am instead advocating for weaker claims. For one, if any form of epistocracy, with whatever realistic flaws it has, turns out to perform better than democracy, we ought to implement epistocracy instead of democracy. There are also good grounds to presume that some feasible form of epistocracy would in fact outperform democracy. Finally, if democracy and epistocracy perform equally well, then we may justly instantiate either system.³¹

I take the first claim to be presumed if we are going to engage in this discussion at all. Certainly, it would be strange to try to motivate consideration of epistocracy by arguing we ought to implement it because it performs worse than democracy. The claims of note, then, are the second and third: that there is good grounds to presume that epistocracy would outperform democracy and that if they

²⁹Brennan, *Against Democracy*, p. viii.

³⁰Ibid., p. 8.

³¹Ibid., p. 16.

did equally well we may instantiate either. These claims, however, go beyond merely insisting that we ought to be willing to entertain the idea of epistocracy. It is to contend that, if the initial considerations turn out the right way, epistocracy would be either better or as good as democracy. As Brennan would have it, the initial survey should tip in favor of epistocracy.

In this paper, I will examine these two claims are meant to lead us to believe that epistocracy is likely to be superior to or just as good as democracy. Since these are not conclusive arguments for epistocracy, I do not take myself to be making conclusive arguments against epistocracy. I contend that Brennan's arguments are not sufficient to motivate his novel approach to justifying epistocracy as a more promising alternative to the traditional approach. Brennan's arguments that epistocracy is likely to perform better than democracy depend on the strategy of showing the flaws of democracy and presuming that epistocracy is likely to do better in those regards. In assessing the weight of these arguments, however, it is unclear why we ought to conclude that these arguments against democracy are not also arguments against epistocracy. Moreover, given that we are evaluating democracy and epistocracy in a non-ideal framework, it does not seem to be the case that if epistocracy merely performed equally as well that we ought to be indifferent between the two. We must, after all, consider what sort of costs are entailed in implementing each. While these observations might not be a refutation of epistocracy, they are instructive of what a persuasive argument for epistocracy ought to look like. As such, I will show that even in our initial consideration of epistocracy it will not be enough to merely argue against democracy. In pursuing this, it will also be shown that even if we grant Brennan's basic arguments, the initial consideration should favor democracy instead.

Chapter 2

DEMOCRACY, STULTIFICATION, AND CORRUPTION

2.1 The Kinds of Arguments Against Democracy

For Brennan, it is not enough to show merely that democracy does not make good on the lofty promises and ideals surrounding it. He argues further. Brennan raises a number of considerations which he takes to represent the negative costs of democracy. The most significant of these is the assertion that democracy tends to corrupt and stultify most people. That is to say, the sort of political participation which occurs in a democracy is likely to negatively affect the epistemic and moral characters of most people given the way they are. As such, this presumably presents a negative cost of democracy which is meant to be counted as a consideration against democracy in our evaluation between democracy and epistocracy.

In what follows, I will argue that even if we accept that these harms arise from the sort of political participation which occurs in a democracy, it is entirely unclear how we are to arrive at the conclusion that these are weighty considerations against democracy. To put it differently, there is not sufficient reason to attribute the harms which Brennan identifies as being specifically or exclusively democratic. As such, Brennan's identification of stultification and corruption occurring in democracy should not be counted as a consideration against democracy particularly.

I take this to be an important instructive point about how we ought to assess such arguments in our project of evaluating between democracy and epistocracy. The primary value in the following analysis, then, is not in refuting Brennan's argument but in informing how we should go about assessing how negative arguments should factor into our consideration. That is to say, the corruption and stultification argument shows us through its refutation what a proper argument in the debate between democracy and epistocracy ought to look like.

First, some comments on the structure of Brennan's stultification and corruption argument will provide some useful context. In *Against Democracy*, Brennan gives two kinds of objections against

democracy. The first kind are arguments that in actual nonideal implementations, democracy does not generate the benefits which ideal theories claim ought to occur. The second kind are arguments that democracy generates certain kinds of harm. These two objections are meant to entrap democrats: to demonstrate that democracy comes at additional costs compared to epistocracy which cannot be justified by additional benefit over epistocracy.

Given we are trying to evaluate whether democracy or epistocracy is preferable with consideration to Brennan's arguments, we are more interested in the second kind of argument. The first kind of argument largely targets what Brennan called democratic triumphalism. He identifies three possible ways in which democracy might be valuable:

Epistemic/instrumental: Perhaps democracy and widespread political participation are good because they tend to lead to just, efficient, or stable outcomes (at least compared to the alternatives).

Aretaic: Perhaps democracy and widespread political participation are good because they tend to educate, enlighten, and ennoble citizens.

Intrinsic: Perhaps democracy and widespread political participation are good as ends in themselves.³²

Democratic triumphalism, as Brennan defines it, holds that democracy and widespread political participation are valuable, justified, and required by justice for all three reasons.³³

It is not clear why we should consider arguments targeted at democratic triumphalism as particularly weighty when we are not necessarily democratic triumphalists. Certainly, I do not take myself to be defending democratic triumphalism. For one thing, given that Brennan sets out in the beginning of *Against Democracy* that he takes is only interested in evaluating between democracy and epistocracy on instrumental grounds anyway, this rules out a defense of democracy from what he calls intrinsic reasons. For another thing, democrats need not be democratic triumphalists and advocate democracy for all three reasons. The arguments which Brennan makes against democratic triumphalism

³²Brennan, *Against Democracy*, p. 7.

³³Ibid.

deny that democrats can justify democracy on aretaic and intrinsic grounds. However, I only aim to defend democracy, in this paper, on the grounds that it tends to lead to just, efficient, or stable outcomes compared to the alternatives. In which case, arguments against democratic triumphalism which deny aretaic or intrinsic reasons are not particularly bothersome for an epistemic defense of democracy.

Further, given that Brennan makes little effort in *Against Democracy* to make any positive argument for epistocracy beyond the claim that it avoids the costs of democracy, we are methodologically constrained to focus only on the second kind of argument. When deciding between options, we evaluate the comparative merits and demerits of each and weigh them against each other. So, if we are deciding between democracy and epistocracy, we have three tasks. First, we must evaluate the comparative merits and demerits of democracy. Second, we must evaluate the comparative merits and demerits of epistocracy. And finally, we must weight the two against each other to see which is the preferable option.

However, Jason Brennan's account in *Against Democracy* is, as the title would suggest, largely concerned with a negative argument against democracy. Very little time is spent on evaluating the case for epistocracy. The positive argument for epistocracy is not explored to any great length. Instead, he attempts to persuade that epistocracy is likely a better-functioning alternative by demonstrating how poorly democracy functions. As a result, there are no merits of epistocracy to compare against the merits of democracy. Therefore, our assessment of democracy will be methodologically constrained to evaluating the harms which Brennan attributes to democracy and whether or not epistocracy would likely avoid them. If it seems that epistocracy does not, then Brennan's attempt to persuade us towards epistocracy by arguing against democracy fails.

This is significant given the particular argument against democracy which we are examining in this chapter. Brennan's stultification and corruption argument is couched in an objection against the education argument. That is to say, he begins by arguing that actual, present democracy does not result in the kind of aretaic benefits which ideal theories claim should occur. For the reasons explained above, this argument is not of interest for evaluation: not all democrats endorse the education argument and, even if we do, involving it in our evaluation creates methodological difficulties. The corruption

and stultification argument claims that democracy generates a kind of harm. It is this particular argument that we are interested in. However, this argument is couched in the prior argument against democratic triumphalism in way that is difficult to disentangle the two. Given this, I will reproduce both of Brennan's arguments below. I will emphasize again, however, that the objection against the education is not particularly relevant: even if Brennan is correct in arguing that democracy does not produce this aretaic benefit, it is another thing entirely to argue that democracy harms the majority of its participants.

2.2 The Education Argument

Brennan begins with the education argument. The education argument is, in a sense, one of the first counterarguments to epistocracy. Recall that Mill raises the suggestion of an epistocratic plural voting scheme where additional votes are awarded upon demonstration of superior knowledge or wisdom. Although he introduces this epistocratic scheme, Mill makes the case that universal suffrage should be adopted at least at first. Mill states that the only choice for representative government will be between a plural voting scheme based upon knowledge or equal universal suffrage.³⁴ Although Mill believes universal suffrage is, firstly, not intrinsically good but only relatively good compared to inequality and, secondly, a wrong and hurtful standard that does not recognize that knowledge and wisdom ought to be more entitled to political power than ignorance, he provides a defense of universal suffrage against the second concern. Mill argues that universal suffrage

is nevertheless, conducive to progress, because the appeals constantly made to less instructed classes, the exercise given to their mental powers, and the exertions which the more instructed are obliged to make for enlightening their judgment and ridding them of errors and prejudices, are powerful stimulants to their advance in intelligence.³⁵

³⁴Mill, *Considerations on Representative Government*, p. 206.

³⁵Ibid., p. 211.

The defense of universal suffrage, then, holds that by allowing even the incompetent to be engaged in political participation, citizens would become more wise and virtuous.³⁶ This effect could be interpreted as compensating for not recognizing a principle that knowledge and wisdom should be given more influence since universal suffrage results in greater knowledge and wisdom.

This argument that political participation would improve citizens' character and make them more knowledgeable and intelligent is what Brennan calls the education argument. He traces the education argument back to Mill and gives it a generic form:

1. Civic 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.³⁷

Significantly, Brennan argues that the education argument is not a philosophical argument but a social scientific one.³⁸ As he says, "The education argument sounds plausible. But whether the argument is sound or not depends on what people are like."³⁹ Ideal theorists, then, cannot defend democracy appealing to the intuition that the education argument is plausible. Instead, democrats who endorse the education argument have to observe the nonideal and determine empirically if it is accurate.

Brennan argues that empirical studies show that the education argument does occur. He implicitly takes it that voting would constitute the "mere" participation which would instantiate the education argument. What is more, some democracies force citizens to vote while others allow citizens to not

³⁶Mill also observes that plural voting may not be practical at was his present. There is the suggestion that universal suffrage might be immediately preferable if only as an instrumental step to a plural voting scheme.

³⁷Brennan, *Against Democracy*, p. 54.

³⁸Ibid., p. 55.

³⁹Ibid.

participate. In which case, Brennan observes that if the education argument were true we ought to be able to test it by observing whether or not citizens under democracies with compulsory voting have greater levels of knowledge compared to citizens under democracies without.⁴⁰ Citing the work of Sarah Birch and Annabelle Lever, he concludes that the evidence reveals that compulsory voting has no significant effect on political knowledge or engagement in politics.⁴¹ As a result, democracy fails this test. The education argument, then, is purely ideal since nonideal democracy fails to produce the desired aretaic benefit.

2.3 Deliberative Democracy

Brennan anticipates a possible counterargument in defense of the education argument. Democrats could object that the aretaic benefits claimed by the education argument do not arise out of the mere act of voting. No one claims that the simple act of casting a ballot in of itself is a reliable method of promoting virtue or knowledge. Rather, the education argument identifies the various kinds of political participation which culminates in a vote as the mechanism which promotes virtue or knowledge. Mill, after all, identifies the relevant mechanisms as the appeals to the less instructed and the opportunities for the less instructed to exercise their mental faculties as the stimulants which advances intelligence, not the exercise of political power.⁴² Brennan's test, then, is misleading: it is not universal voting which would have an affect but universal engagement in politics.

Brennan takes the notion of deliberative democracy to be making such a defense of the education argument: it is not enough to merely vote, citizens must also deliberate properly for political participation to have any aretaic or educative benefit. Deliberative democracy is a theory which emphasizes the ideal where citizens engage in inclusive deliberation in a dispassionate, scientific way in order to reach a consensus about what ought to be done. It should be stressed that deliberation is being used

⁴⁰Brennan, *Against Democracy*, p. 58.

⁴¹See Birch, *Full Participation; A Comparative Study of Compulsory Voting* and Lever, "A Liberal Defence of Compulsory Voting: Some Reasons for Scepticism"

⁴²Mill, *Considerations on Representative Government*, Chapter 3.

to refer to a particular sense. As Brennan notes, “Deliberative democrats don’t just want people to talk about politics; they want them to deliberate. Deliberation connotes an orderly, reason-guided process. Deliberative democrats tend to endorse a demanding ideal of how political deliberation ought to go.”⁴³ He cites the rules for proper deliberation which are given by Habermas and Joshua Cohen.⁴⁴ Suffice it to say for our purposes that deliberative democrats hold that only a high standard of deliberation can be expected to instantiate the education argument.

Brennan responds by, again, observing that nonideal democracy lacks this idealized mechanism of deliberation and, therefore, fails to secure any aretaic or educative benefit. For one thing, Brennan points out that deliberation in real democracy does not resemble the proposed ideal forms.⁴⁵ For another, Brennan argues that whatever deliberation looks like in real democracy, various biases are likely to turn deliberation into a corrupting and stultifying process.⁴⁶ This appears to be a sort of probabilistic argument; given the nature of how people are, they are unlikely to approach deliberation with the requisite attitude or in a rational and objective way and are more likely to be partisan and subjective. Lastly, Brennan surveys a number of studies and concludes that the evidence is conclusive: actual deliberation fails.⁴⁷ What is more, he claims that it conclusively shows that actual deliberation produces negative results. For the sake of argument, I will let Brennan’s interpretation of the evidence stand although it should be noted that his interpretation could be reasonably contested.⁴⁸

⁴³Brennan, *Against Democracy*, p. 59.

⁴⁴See Habermas, *Moral Consciousness and Communicative Action* and Cohen, “Deliberation and Democratic Legitimacy”

⁴⁵Brennan, *Against Democracy*, p. 58.

⁴⁶*Ibid.*, p. 62.

⁴⁷*Ibid.*, p. 66.

⁴⁸It is, at least, open to question. Christiano puts it well in a review of *Against Democracy*:

Brennan tends systematically to overplay the negative evidence and underplay the more positive evidence. The researchers that he refers to in support of his claims tend to take much more nuanced positions than Brennan does. The evidence on deliberation is usually described as “mixed”, not as all or even mostly negative. It is negative relative to the hopes of some deliberative theorists perhaps. But the researchers seem to see a fair amount of positive effects of deliberation and they emphasize the sensitivity of the quality of

These are, however, merely observations of real, present democracy. While both relevant and suggestive, they do not serve as sufficient refutation of what might be possible—even nonideally. Indeed, Brennan admits “Deliberative democrats can rightly assert that the research hasn’t falsified their views, because people aren’t deliberating properly.”⁴⁹ However, he attempts to resist this by trivializing the deliberative democrats’ defense with a self-admitted parody defense of college fraternities: “that [it is] not much different from stating, ‘Sure, actual fraternities mess men up, but proper fraternities would improve their character and scholarship.’”⁵⁰ This is not an entirely satisfactory response.

Deliberative democrats can hold that they are not defending present democracy but a possible democracy which does practice proper deliberation. To some degree, Brennan admits this response: “Now perhaps in the future a political scientist will discover a form of participation that in fact tends to ennoble most people, and could be implemented without abuse on a large scale.”⁵¹ He responds only with the charge “That day hasn’t yet come.”⁵² It is clear that he perceives the kind of proper deliberation suggested by deliberative democrats to be an objection kind of ideal theory reliant upon ideal-as-idealized-models. That is to say, the ideal of proper deliberation is too unfeasible given our nonideal circumstance that deliberative democracy’s defense of the education argument is insufficient.

While I broadly agree with this response to this defense of the education argument, it should be remembered that our project is not defending the education argument but assessing how the corruption and stultification argument should impact our evaluation between democracy and epistocracy. Brennan presents the corruption and stultification argument as a kind of extension of his counter-

deliberation to context and recommend that the design of deliberative institutions take this into account.
(Christiano, *Against Democracy*)

My own reading of the studies which Brennan cites leads me to lend more credence to Christiano than to Brennan. I will leave it at that, however, since it is not central to the corruption and stultification argument which we are primarily interested in here.

⁴⁹Brennan, *Against Democracy*, p. 70.

⁵⁰*Ibid.*, p. 73.

⁵¹*Ibid.*

⁵²*Ibid.*

argument to deliberative democracy and the education argument. Given the brief amount of time he spends on the corruption and stultification argument relative to the education argument, it might seem as though the importance of the corruption and stultification argument is being exaggerated were it not for the fact that he refers to its conclusion through *Against Democracy*. As such, hopefully the brief summary of the debate over the education argument will provide useful context for understanding the corruption and stultification argument.

2.4 The Stultification and Corruption Argument

Brennan introduces the stultification and corruption argument as another reason to object to the defense of the education argument made by deliberative democracy. He supposes that even if it were the case that deliberation fails to produce any benefit, we might suppose that it is at least not harmful.⁵³ Deliberation, or at least the sort of deliberation we see out in the world, produces neutral results.⁵⁴ Brennan contends that “a neutral result is usually a negative one. If people deliberate together, but this fails to educate or enlighten them, then this means they are actually *worse off* as a result of deliberation.”⁵⁵ In which case, the corruption and stultification argument is a distinct kind of argument from his objection to the education argument. The claim that democracy actually harms is not a mere extension of the objection that democracy does not produce the benefits theorists claim it does.

As such, the prior observations of present democracy are not explanatory of Brennan’s complaint against democracy. They show that deliberation in present democracy fails to achieve what some democrats hope for. They do not show or explain how it is that deliberation results in the stultification or moral corruption of most citizens. Thankfully, Brennan also provides a philosophical, although

⁵³Brennan, *Against Democracy*, p. 67.

⁵⁴Interestingly, he notes that researchers often present their findings in this way. This seems to contradict his conclusive interpretation of the evidence.

⁵⁵Brennan, *Against Democracy*, p. 67.

fairly brief, argument which illuminates how his interpretation of these empirical studies results in this strong claim.

The explanation of the corruption and stultification argument begins with an epistemological argument. Brennan's argument is made from the following example:

Imagine a child has led a sheltered life, with no exposure to history, geology, biology, physics, or cosmology. They believe on the basis of their young Earth creationist parents' testimony, that the universe is six thousand years old and that all animals were created six thousand years ago. But suppose this child then takes sixteen years of classes in history, geology, biology, physics, and cosmology. Along the way, they get to sequence DNA, recreate Gregor Mendel's pea experiment, handle fossils, and the like. After sixteen years of intense study, though, suppose they continue to believe the world is six thousand years old and that all animals were created as they currently are.⁵⁶

Brennan argues that in this case the person has become worse off from an epistemological standpoint. From the premise that what it is rational to believe depends upon all the available evidence, rationality required that this person changes their mind. As he points out, after sixteen years of study, their beliefs are now much less justified. Since this person did not change their mind, they have violated their epistemic duties. Moreover, Brennan charges that they have added further wrongdoing to their "epistemic tally sheet" and that they are now more epistemically delinquent.⁵⁷ Brennan claims is that their epistemological character or status as an epistemic agent is tarnished as a result of their failure to adjust their belief accordingly to new evidence.⁵⁸

⁵⁶Brennan, *Against Democracy*, p. 68.

⁵⁷Ibid.

⁵⁸The supposition of an epistemic tally sheet makes this claim somewhat dubious. It is a peculiar picture of what is presumably virtue. We might well wonder if it is simply the nature of the burdens of judgments and the process of education that mistakes are inevitably made. On the other hand, it should be noted that this argument bears a striking resemblance to an argument in Nomi Arpaly's *Unprincipled virtue: an inquiry into moral agency* which argues that, after evidence to the contrary, continuing to endorse a sexist belief is no longer excusable. We might suppose that an argument more akin to Arpaly's which does not suggest some tally sheet of virtue might be more plausible.

Brennan argues that this example parallels what happens during deliberation. He observes that in most deliberation, most citizens encounter new information. He also supposes that they are likely to learn that other, well-informed people disagree with them. In either case, he presumes that they should revise their beliefs as a result of deliberation. Brennan asserts that “citizens should weigh other citizens’ testimony on the basis of how expert, reasonable, and reliable these citizens are likely to be, and revise their own beliefs accordingly.”⁵⁹ Again, in parallel to the creationist example, Brennan takes it that when citizens fail to behave according to these rules, they are not acting rationally and they are made worse from an epistemic point of view. This so far accounts for the stultifying effects of deliberation.

It is clear that Brennan believes that this epistemological argument applies to deliberation in democracy; that people are not following their epistemic duties and are not rationally changing their beliefs in light of new testimony or evidence.⁶⁰ After all, Brennan repeatedly insists that democracy is likely to result in stultification and corruption. However, Brennan does not continue this line of argument any further. He does not clarify to what extent he believes deliberation results in this stultification.

After all, proof that most citizens fail to carry out their epistemic duties cannot merely be that they are not changing their minds. While there are structural parallels between Brennan’s creationist example and deliberation, it should be apparent that the creationist example is far more extreme and exaggerated. Unless some instance or even set of instances of deliberation convey the same amount of information sixteen years of what Brennan describes as intense study does, we cannot expect such similarly dramatic results. What is more, different epistemic standpoints modulate the way information is processed that is not immediately obvious to others. It may be that credences ought to be adjusted, but not necessarily to the degree in which someone transitions from belief to non-belief.

⁵⁹Brennan, *Against Democracy*, p. 68.

⁶⁰It is worth considering whether most people are even aware of their epistemic duties in the first place. It is likely that these duties must be taught rather than intuited. Consider that most people are taught to form certain beliefs in contradiction to most articulations of epistemic norms. After all, many are raised within a religion and, as a result, impressed upon with the religious duty to have faith. Faith seems to conflict with typical epistemic norms. This may suggest that education of epistemic duties and when they should be adhered to may help.

Furthermore, it cannot merely be the assertion that most are not responsive to deliberation. The empirical literature which Brennan cites notes that people do modify their credences in response to deliberation; there are, in fact, a variety of different responses observed.⁶¹ For example, one of the observed responses which Brennan takes as a failure of deliberation is the observation that “deliberation frequently causes deliberators to doubt there is a correct position at all. This leads to moral or political skepticism or nihilism.”^{62,63} This is a response to deliberation. What is more, this sort of response should be unsurprising. Earlier, Brennan cites the literature on epistemic disagreement when he argues that we ought to adjust our credences in response to testimony from experts. But this very same literature is interested in what happens in disagreement between epistemic peers. Often, it is argued that rationality required that in such cases, one ought to suspend judgment or exercise a kind of skepticism about whether or not either belief is correct.⁶⁴ In which case, if the majority of deliberation occurs between epistemic peers and not between obvious epistemic inferiors and superiors, then this observed reaction of doubt in response is quite in accordance with rationality. Which is to say, that at least this observed behavior which Brennan takes as detrimental to the deliberative democrats’ position does not necessarily entail that rationality is ignored or epistemic duties are ignored. Thus, this empirical observation is not necessarily an observation of epistemic harm or stultification.

To whatever extent this stultification which Brennan describes occurs, he argues that there is also an associated corruption: a corruption of citizens’ moral status. This harm is parallel to that of his

⁶¹Brennan, *Against Democracy*, p. 63–66.

⁶²*Ibid.*, p. 65.

⁶³This is apparently what is reported by David Ryfe who merely states that “Other studies have shown that deliberation can cause participants to doubt that a ‘correct’ decision is available at all.” (David Ryfe, “Does Deliberative Democracy Work?,” *Annual Review of Political Science* 8 (2005): p. 54) This claim is in turn informed by two studies which say nothing about moral or political skepticism or nihilism at all (Armor and Taylor, “The effects of mindset on behavior: self-regulation in deliberative and implementational frames of mind”; Iyengar and Lepper, “When Choice is demotivating: can one desire too much of a good thing?”). It is unclear, to me at least, how the empirical evidence demonstrates that deliberation leads to moral or political skepticism or nihilism if the cited empirical evidence doesn’t track the presence of those beliefs or make mention of observing it at all. This is one example which leads me, like Christiano, to question Brennan’s interpretation of the empirical evidence.

⁶⁴See the equal weight arguments on the topic of peer disagreement: Bogardus, “A Vindication of the Equal-Weight View”; Christensen, “Epistemology of Disagreement: The Good News”; Elga, “Reflection and Disagreement”; Feldman, “Epistemological Puzzles About Disagreement”; Matheson, “Disagreement and the Ethics of Belief”

account of stultification. Brennan asserts that “deliberative democrats usually hold that the rules of proper deliberation are moral.”⁶⁵ That is to say, that there is a moral duty to conform to proper deliberative procedure. As he says, “The citizen has added further moral wrongdoings to their lifetime moral tally sheet.”⁶⁶ In which case, Brennan argues that when citizens are not deliberating properly, like what he describes as occurring in his account of stultification, they have become more defective morally.

Out of these two arguments, Brennan concludes that it would be better if citizens were never engaged in deliberation at all, that “they remain ignorant and apathetic.”⁶⁷ There are various avenues of resistance to Brennan’s arguments and conclusions made here. This is a strange account of virtue which seems to argue too much; it is like claiming that a child should remain child-like rather than risk committing the mistakes which are inevitable in the process of maturing into an adult. His moral corruption argument, this harm against the moral character of most citizens, rests upon the contingent belief that the rules of deliberation are moral. It is unclear how many are committed to this belief; while he takes it that this is an argument against democracy generally, he also notes that this belief is associated with deliberative democrats specifically. At any rate, it is unclear why deliberation must be morally normative rather than normative in some other non-moral dimension. Further, it is unclear why bias and irrationality should be construed as the degradation of epistemic status. Unless we hold a rose-tinted and naive view of human beings, people are not fully rational all the time. It is unclear why this irrationality is a fault of democracy rather than an observation of just how people are. Indeed, if one of the arguments against democracy turns upon the claim that it is simply a fact that people are irrational, it seems circular to then argue that this displayed irrationality is also a result of democracy. However, I will not pursue these arguments here. Instead, I will argue that even if we suppose that Brennan is correct in identifying these harms and the mechanisms from which they arise, there is no reason why we should treat them as being particularly weighty against democracy.

⁶⁵Brennan, *Against Democracy*, p. 69.

⁶⁶*Ibid.*

⁶⁷*Ibid.*, p. 73.

2.5 Is This a Democratic Harm?

Indeed, it is not clear why Brennan's arguments should be understood as being about democracy specifically in the first place. The harms which Brennan identifies, that most people become stultified and morally corrupted, arise from a specific mechanism which Brennan has also identified. That is, since most people are ignorant, irrational, and misinformed, most people will not engage in forms of political participation like deliberation in the proper ways. As a result of this improper engagement, they instead engage in the sort of behavior which supposedly detracts from their epistemic and moral status. In other words, Brennan's harms arise out of the interaction of two factors: the way people are and political participation.

If these arguments are meant to be particularly weighty against democracy, we might expect that the kind of harms which democracy generates arise out of factors unique to democracy itself. In such a case, it would be clear why democracy is not only problematic but problematic in a way in which other forms of government are not. Since such factors are unique to democracy, other forms of government would not share those factors and, hence, not share the mechanism by which these harms are generated. Therefore, the identification of such harms would in fact be weighty considerations against democracy particularly.

However the factors which generate Brennan's harms are not unique to democracy. The two factors in question—the way that people are and political participation—are not by their nature specific to democracy. The universality of the first factor should be plain. The fact that people are generally ignorant, irrational, and misinformed is something which Brennan takes to be, presumably, a fact of the world. It is not the case that democracies are somehow uniquely comprised of more ignorant, irrational, and misinformed people. It must be the case that in, for example, an epistocracy that people are also generally ignorant, irrational, and misinformed or there would be no reason for epistocracy. As such, if we take it that it is a fact for democracies that people are generally ignorant, irrational, and misinformed then this ought to be a universal fact for all forms of government. Simply put, the way that people are is not a unique feature of democracy.

In which case, we might then wonder about the uniqueness, or lack thereof, of the second factor.

If the definition of political participation is understood to be more or less the ways by which a public attempts to express its opinions and to influence decision-making about political affairs, then there are innumerable activities which would be taken to be political participation. The gamut of such activities would have to include conventional actions such as voting, demonstrating, contacting public officials, boycotting, attending political rallies, posting blogs, volunteering, signing petitions, buying fair-trade products to the unconventional like guerrilla gardening, joining flash mobs, or even suicide protests.

While we like to think of democracy as expanding the scope of political participation, political participation itself is hardly unique to democracy. Certainly, some forms of political participation are characteristically associated with democracy like voting. Democracy as a form of government is defined by certain forms of political participation. The state authorizes, and is legitimized, by political participation. However, even when states attempt to constrain political participation, there remain various forms of political participation left available. Not all forms, after all, must be authorized or seen as legitimate by the state. Dissident forms of political participation like protest, strikes, or revolt are available regardless the form of state government. Furthermore, some forms of political participation may be, by their nature, difficult to eliminate. Deliberation, for example, requires nothing more than conversation. Unless a state installs telescreens everywhere and maintains a constant surveillance of every citizens private life, deliberation will be impossible to track much less regulate. There remains the possibility for at least some level of political participation in all forms of government, then.

Granted, it might be argued that this is an uncharitable reading. We ought to not consider any and all forms of political participation but only uniquely democratic forms of political participation: for example, voting. If it were the case that uniquely democratic forms of political participation were necessary factors in generating the sort of harms identified by Brennan, then there may be some considerations against democracy in particular. Alternatively, it might suggested that democracy simply promotes forms of political participation such that they become routine, pervasive, or even institutionalized where they otherwise would not be.

However, the particularly democratic form of political participation which Brennan identifies—voting—does not sustain this line of argument. While Brennan does discuss this form of political

participation, it is only in his response to the education argument. His argument that voting itself fails to affect political knowledge may be a weighty consideration against the sort of theories put forward by democratic triumphalists. However, demonstrating that democracy does not generate a hoped for benefit is not the same as demonstrating that democracies generates a harm. Brennan never argues that voting itself results in corruption and stultification. The only specifically democratic form of political participation, then, is not even suggested to be a factor in generating harm.

Rather, the form of political participation which Brennan identifies in his corruption and stultification argument is deliberation. Brennan discusses deliberation as if it were somehow particularly democratic. While he is initially concerned with the specific sense of deliberation which deliberative democrats refer to when discussing what deliberation is, the kind of deliberation which is discussed in the corruption and stultification argument is hardly this ideal deliberation. The subject of Brennan argument is simply common, everyday deliberation. It is unclear, however, how common deliberation can be construed as uniquely democratic. Deliberation is one of those universal forms of political participation. Even if we perceive it as being characteristically associated with democracy, it is not unique to democracy.

As such, it does not appear that the second factor—political participation—provides a more solid grounding for identifying these harms as being particular to democracy. We might then also consider the possible response that while epistocracy might suffer from the same sort of harms as democracy, it somehow does so less egregiously. That is to say, while epistocracy might share the same factors, and therefore the same mechanism, behind the sort of harms which Brennan identifies in democracy, perhaps it generates those harms to a lesser degree. It might be hoped that by distributing political power away from the sort of people most vulnerable to stultification and corruption would consequently reduce their engagement in political participation. This is to suggest, however, that people are less willing to talk about the various political decisions which affect their everyday lives to their peers in common conversation when they have less political power. This seems unlikely. Deliberation is typically a preliminary step to further escalation of political participation. Unless the long history of protests, uprisings, and rebellions which plague non-democratic states are in fact the coinciden-

tal confluence of fate which brought large numbers of independent actors to do the same thing at the same time in the same place, then presumably people deliberated about politics without democracy.⁶⁸

This presents a dilemma for epistocrats. I imagine that there are two sorts of epistocratic responses along these lines each associated with the two kinds of epistocracy which I discussed in Chapter 1. First we can examine a radical epistocratic response which attempts to eliminate the forms of political participation from which these supposedly democratic harms arise. Obviously, this would entail stripping the right to vote from those determined to be unwise, irrational, or incompetent. This and this alone, however, is not enough to address the harms identified by Brennan. Given that stultification and corruption arise out of forms of political participation other than voting, then a radical, epistocratic response would be moved to also constrain those apparently problematic focus of political participation in question.

This is all to say that an epistocracy which would be advantaged over democracy in this regard would have to restrict far more than just voting. The form of political participation which Brennan identifies at work in generating the harms in questions is democratic deliberation. Moreover, it is unclear how deliberation can be distinguished as democratic in a substantive way relevant to the mechanism behind this problem. Rather, deliberation is ultimately just deliberation regardless of how it is contextualized, conducted, or encouraged by or within a democracy. Indeed, it is a crucial point for Brennan's account of stultification and corruption that most people fail to deliberate in a way which deliberative democrats deem to be proper. Which is to say, they merely deliberate.

It might be hoped that by distributing political power away from the sort of people most vulnerable to stultification and corruption would consequently reduce their engagement in the other forms of political participation like deliberation. But the sort of people who are the most vulnerable—the most unwise, most irrational, or most incompetent—are the sort of people least likely to exercise their political power in the first place.⁶⁹ As such, it seems that there are two likely results from this line of argument. It could be that when people are not exercising their political power they are less likely to

⁶⁸It might be suggested that such drastic actions occur relatively rarely and, hence, deliberation was not pervasive. However, such dramatic action is just the tip of the iceberg: for less costly action like deliberation will be more common.

⁶⁹Brennan, *Against Democracy*, FIND.

engage in other forms of political participation like deliberation. In which case, it seems that stultification and corruption are to some degree self-regulating or self-mitigating in a democracy anyway since the unwise, irrational, or incompetent tend not to vote. If the majority of people abstained from voting, then introducing constraints by the state may be an unnecessary overreach. Alternatively, it is likely that even when they do not exercise political power, most people remain engaged in other, more banal, forms of political participation like deliberation. People maintain an interest and investment in political decisions which affect them even if they cannot shape them; enough, anyway, to keep them talking about it. In that case, in order for an epistocracy to not share these harms, the state must restrict more forms of political participation from the majority of its citizens beyond just voting.

Moreover, constraining the scope of deliberation or other similar forms of political participation in such a way which would avoid these harms would require an extremely invasive state. By avoiding the kind of costs incurred by democracy which are identified by Brennan, it is likely that a radical epistocracy would incur a more egregious kind of cost. The subject is, unfortunately, never broached. As such we are left to speculate just how it is a state might be able to prevent the majority of its population like mere deliberation. In this light, it is hard to see how this is a more palatable alternative (if we even think Brennan identifies real costs to begin with). An attempt by the state to constrain apparently problematic deliberation about politics by most of its private citizens would likely come at a price in a variety of personal liberties.

Unsurprisingly, and as Brennan would probably be quick to point out, the epistocracies which he proposes are not the sort described above. They offer a moderate epistocratic response. Unlike the radical epistocratic responses, which looked for solutions in the further constraint of political participation, moderate epistocratic responses ostensibly address the problem of stultification and corruption without severely limiting other forms of political participation besides voting, if at all. Furthermore, that they do so in a way which is also ostensibly epistocratic and not democratic.⁷⁰ As such, a moderate epistocratic response would avoid the objections associated with the solution offered by a radical epistocratic response.

⁷⁰As I will discuss in further detail later on, a number of the forms of government which Brennan propose blur the line between democracy and epistocracy (besides the one he outright admits does so). In fact, given Brennan's clear and simple definition of epistocracy, a number of them appear to me to be democracies.

However, merely avoiding the objections that the sort of solutions offered by a radical epistocratic response is not enough. An epistocratic response must be able to address the issues raised by Brennan in the first place. After all, we are presently engaged in determining how Brennan's identification of the two hours of stultification and corruption should weigh in our evaluation. If the sort of epistocracies proposed by Brennan are also vulnerable to the same sort of objection which are raised about democracy, then these objections cannot enter into our evaluation between the two as being particularly weighty against one or the other, even if they were valid. Having said this, while Brennan gives some detail about what we can expect from the sort of epistocracy he's interested in, it is not clear how a moderate epistocratic response can address these problems more satisfactorily than democracy.

We can start with Brennan's first suggestion. What Brennan calls a restricted suffrage epistocracy or elite electoral system is classically epistocratic. A restricted suffrage epistocracy would restrict political power to only those citizens who have demonstrated whatever is determined to be a "basic level of knowledge".⁷¹ Various options are given as to how this might be done. One suggests that potential voters would have to pass a voter qualification exam. Another grants the vote to everyone but imposes a fairly substantial monetary penalty on votes cast by those who have yet to qualify. Lastly, a plural voting scheme is discussed where additional votes are granted to the default one if some further qualification is demonstrated.⁷² Significant to our present inquiry is Brennan's characterization of a restricted suffrage epistocracy:⁷³ "Everyone begins as as an equal in this system. By default, no one is entitled or permitted to exercise any degree of political power. They have extensive civil liberties to exercise political speech, publish political ideas, protest, and so on, but not to vote."⁷⁴ Political participation, so long as it is not voting, is preserved even under a restricted suffrage epistocracy.

As we might expect of a moderate epistocratic response, a restricted suffrage epistocracy does not attempt to address these problems by further constraining other forms of political participation. As

⁷¹Brennan, *Against Democracy*, p. 211.

⁷²*Ibid.*, p. 211-213.

⁷³Brennan speaks as if it were the first type but presumably the basic shape of it is true for all.

⁷⁴Brennan, *Against Democracy*, p. 211.

Brennan notes, it allows for extensive civil liberties. Notably, this includes the freedom to exercise political speech and to publish political ideas. While this avoids potential concerns about the cost to civil liberties, it also does little to address the harms identified by Brennan. There is no reason why we ought to expect less stultification or corruption to occur in a restricted epistocracy than in a democracy.

As described above, stultification and corruption are generated by the interaction of two factors: the way that people are and their engagement in forms of political participation like deliberation about political subjects. Given that Brennan founds his entire account upon the first factor, it seems that he treats this as a kind of constant. He takes a dim view about on what can be done about it. Thus, in order to address this problem, we have to disrupt the mechanism by managing the second factor. But in this form of epistocracy, various civil liberties are permitted. More significantly, the ability to exercise political speech and publish political ideas are specified. From these it seems that, short of some complicated contortions, deliberation about politics must also be permitted. This is all to say, that citizens, most of whom Brennan argues are incompetent, are just as free to deliberate over politics in a restricted suffrage epistocracy as they are in a democracy. It would follow, then, that a restricted suffrage epistocracy would stultify and corrupt the character of most of its citizens in the same way democracy apparently does.⁷⁵

We can then examine the second of Brennan's proposed epistocracies. He offers, with some reservations, Claudio López-Guerra's enfranchisement lottery.⁷⁶ Under this system, votes go through two processes. There is a lottery by which all but a random sample of the population are disenfranchised. This small sample of the pre-voters are then put through a competence-building process in order to optimize their knowledge about the options on the ballot. Only after this process are the selected then able to vote. The point of this system is to "breed" the most competent voters rather than merely

⁷⁵It might be suggested that a restricted suffrage epistocracy merely permits its citizens to stultify and corrupt themselves unlike a democracy which causes it as an effect of encouraging deliberation. Briefly, this is unpersuasive for a couple of reasons. If, as Brennan says, we are examining this from a purely instrumental perspective, then the end result are functionally identical. Additionally, Brennan does suggest that a restricted suffrage epistocracy ought to encourage the poor and disadvantaged to become good voters. This will, ultimately, result in encouraging deliberation to some degree as well.

⁷⁶see López-Guerra, "The Enfranchisement Lottery"

screening them out.⁷⁷ Relevant for our present purposes is the competence-building process. In this process, the pre-voters gather into relatively small groups and, as Brennan describes it, “engage in various deliberative forums with one another, and are asked to study party platforms and the like.”⁷⁸

Again, we are presented with a form of epistocracy which does not address the issues Brennan has raised. Indeed, it could be worse depending upon how likely we think the competence-building process is to work. If we are particularly pessimistic about the chances of most people to ever deliberate about politics in a proper way, then it seems this system would forcibly put a portion of its population at an increased risk of stultification and corruption. While Brennan admits he takes a dim view about its chances, it is unclear whether or not it is sufficient for what is described above.

At any rate, the enfranchisement lottery is likely permissive of deliberation about politics among both the pre-voters and those excluded by the sortition. As such, this form of epistocracy is as vulnerable to concerns about stultification and corruption as democracy for the reasons detailed earlier. If the intention to breed competent voters is taken seriously, then deliberation may even be encouraged in the same way deliberative democrats do. We might expect children to engage in mock competence-building process in the classroom much like they do with mock trials or Model UN. Furthermore, by being as permissive and as encouraging as democracy about deliberation but by also organizing it in what could be called centralized control, the enfranchisement lottery mitigates none of the harms associated with deliberation but also introduces an increased risk of manipulation and agenda control. Along this line of concern, then, this form of epistocracy is as bad, if not worse, than democracy.

Finally, we can discuss the last two kinds of epistocracy Brennan proposes since the analysis will be the same. First, Brennan proposes what he initially calls a “hybrid political system”. This system, termed universal suffrage with epistocratic veto, would have “the same political bodies and institutions we find in contemporary democracies. It has unrestricted, equal, universal suffrage. All citizens

⁷⁷It is this point which Brennan has certain reservations. Given his pessimism on the prospect of improving the way that people are, it is unsurprising that he doubts that competence can be bred in a reasonably short period of time. I am inclined to agree with the latter if not the former. At any rate, the enfranchisement lottery appears to contradict one of the premises of this discussion. As a result, I will not spend much time on it.

⁷⁸Brennan, *Against Democracy*, p. 213.

have equal rights to run for office and vote. The fair value of these political liberties is guaranteed.”⁷⁹ In addition, Brennan supposes that there is an epistocratic council. This council would be a formally epistocratic deliberative body comprised of citizens who have demonstrated their competence. Furthermore, this council would have no power to make law but could exercise veto power over political decisions made by the general electorate or representation which are deemed to be malicious, incompetent, or unreasonable. This system, then, might be briefly summarized as a democracy with the epistocratic equivalent of judicial review.

Next, Brennan proposes a system he describes as government by simulated oracle. Under this system, the political decision-making process is an estimation of what the electorate would have preferred had they all been competent. Citizens are allowed to vote as they would under a democracy. However, as they vote they also give their demographic information and demonstrate their competence on objective political knowledge, basic history, and social sciences. Given this data, some statistical calculation is made whereby we simulate what the enlightened public would have said. Notably, no other institutional changes are suggested. Like universal suffrage with epistocratic veto, this appears to be compatible with the kinds of democratic institutions we already have. Given that no further institutions are detailed, I presume that like universal suffrage with epistocratic veto, government by simulated oracle is also an epistocratic modification of present democracy.

Our analysis of how these two ostensibly epistocracies compare with democracy regarding Brennan’s issue of stultification and corruption should at this point be obvious. Given that these systems are essentially a democracy with a veneer of epistocracy pasted on top, it is hard to see how an ostensibly epistocratic response can be formulated. The various forms of political participation which were held to be harmful in a democracy are untouched in these epistocracies. Merely adding epistocratic-like features does nothing to disrupt the mechanism which Brennan has described that generates these harms. While offering forms of “epistocracy” which strongly resemble present democracy and ask very little may be rhetorically useful in avoiding the sort of objections raised against more radical epistocratic forms, it undermines arguments like Brennan’s stultification and corruption argument which are meant to motivate our attraction to epistocracy in the first place. If the considerations raised

⁷⁹Brennan, *Against Democracy*, p. 215.

against democracy are to be taken seriously, then those same considerations ought to hold against these epistocracies as well.

All in all, Brennan's complaint should not enter into our evaluation as being particularly weighty against democracy. He is faced with a dilemma. Either, the sort of moderate epistocracies which he proposes are just as vulnerable to those same objections he raises against democracy. Or, epistocrats must turn to radical epistocracy which comes at a greater, objectionable cost in civil liberties which potentially outweighs the alleged harms which Brennan is concerned with. The result is that in our evaluation we should either count Brennan's argument as being neutral given that it applies to both democracy and epistocracy more or less equally or as possibly negative against epistocracy if we adopt a radical epistocracy. Even if Brennan is correct in identifying that democracy generates these harms, which, having made our argument, is doubtful, merely making an argument against democracy is not enough to argue for epistocracy.

2.6 The Methodology of Judging the Prettiest Pig

It is interesting that Brennan gives the following metaphor.

Political scientist Michael Munger has a thought experiment that exposes a common mistake people make when reasoning about institutions. Imagine the state fair decides to hold a "Big Pretty Pig" contest. There end up being only two entries. While there are lots of big pigs and plenty of pretty pigs, few pigs are both big and pretty. The judge takes a long look at the first pig and exclaims, "My God, that's one ugly pig! you know what, let's just give the prize to the second one."

The judge's mistake is clear. The second pig might be even uglier.⁸⁰

As Brennan recognizes, even if democracy is uglier than we thought, we still must examine how ugly epistocracy is before drawing a conclusion as to which is the prettiest pig. In terms of this metaphor,

⁸⁰Brennan, *Against Democracy*, p. 205.

then, Brennan declares that all he argues is that “If epistocracy, warts and all, performs at all better than democracy, warts and all, then we should have epistocracy. I’m not arguing, and need not argue, that epistocracy will be wart free.”⁸¹ In other words, we are tasked with evaluating the cumulative weight of all the arguments for and against democracy against the cumulative weight of all the arguments for and against epistocracy in order to arrive at an assessment of which is better. The corruption and stultification argument is just one of those arguments which Brennan submits to be assessed against democracy.

The problem is that Brennan fails to consider whether or not epistocracy has the same kind of warts as democracy. Since epistocracy is vulnerable to the same complaint Brennan levies against democracy, it is not a weighty objection against democracy in our consideration. We can see, then, that when evaluating between two competing options, it is not enough to argue that one has flaws. For a comparison to conclude that one option is better than the other, it must be shown further that one has flaws that the other does not. In such a case then an assessment that one is preferable can be made. If both options demonstrate the same flaw, then both options are equally as bad and, at least in regard to the flaw in question, there is no reason to view one option as superior to the other.

As such, in the deliberation between democracy and epistocracy, arguments made in favor or against one must also be applied to the other in order to make any assessment. Brennan’s failure to do so instructs us on how this debate ought to be conducted. The problem with the corruption and stultification argument is a methodological one. In evaluating between democracy and epistocracy, we must evaluate holistically how positive and negative arguments apply to both options. Failure to do so obfuscates our inquiry.

⁸¹Brennan, *Against Democracy*, p. 223.

Chapter 3

DEMOCRACY AND CIVIC ENEMIES

3.1 Against Politics

In *Against Democracy*, Brennan devotes the last chapter to an account of how politics makes us enemies with one another. The extent to which this account is intended to be against democracy per-se is a question of interpretation. Even so, I believe it will be best to spend a brief time on how Brennan's account against politics might factor into our evaluation between democracy and epistocracy. It will, again, emphasize how arguments submitted into our comparison ought to be assessed. As such, I will sketch out how this account against politics might be taken to be an argument against democracy. After which, I will argue why, at the minimum, Brennan's account here is likely inclusive as well as suggesting how, at the most, it may count against epistocracy should we allow that there are epistemic injustices beyond prejudice.

Before that, it may be worth discussing the context in which Brennan's account against politics takes place in *Against Democracy*. There is a possible interpretation which reads this account as being independent to the rest of the book. In some places it seems to be merely ancillary; as he summarizes in the first chapter, it "is a short postscript".⁸² Indeed, Brennan is, mostly, good at specifying throughout the chapter that he is talking about *politics*. At first glance, then, the subject of the account is something else entirely different from everything preceding it. It might seem reasonable to interpret all this as evidence that the account against politics is separate from the account against democracy.

Nonetheless, I suggest it is worth spending time on a possible digression for two reasons. First, Brennan makes it clear that he regards this account as integral to *Against Democracy*. In the preface, he states that "what became one of the major themes of this book [is that] politics is bad for us, and most of us should, for the sake of our characters, minimize our involvement."⁸³ This suggests that

⁸²Brennan, *Against Democracy*, p. 22.

⁸³*Ibid.*, p. viii.

the chapter is not intended to be an ancillary postscript if it is one of the major themes of the book. Moreover, he mentions briefly that the working title of the book was *Against Politics*. This account, even if it is a separate but major theme of the book, illuminates Brennan's account against democracy by further contextualizing it.

Notice, it is evident that Brennan conceptualizes his account against politics closely related to his account against democracy.⁸⁴ The following quotation is revealing: "I see politics as doing the opposite: it pulls us apart, stultifies and corrupts us, and makes us civic enemies."⁸⁵ In the chapter which takes politics as its subject matter, Brennan makes the argument that it makes us civic enemies. The claims about stultification and corruption, however, are not argued for in an account against politics specifically. Although, it is certainly familiar.

Which brings us to the second reason; it also seems reasonable for Brennan's account against politics to be read as part of his account against democracy at a first glance or for his account against politics to immediately inspire an account against democracy. As we have seen above, Brennan discusses the two in such a way that it is confusing to see how Brennan distinguishes between the two. Further, it could be interpreted that the subject remains democracy. Take for instance how the claim that politics makes us genuine enemies is introduced: "The structure of democratic politics actually give me reason to despise most of my politically active fellow citizens—even, I'll argue, most of the citizens who *share* my political beliefs." Alternatively, consider the way which Brennan presents a critical part of his demonstration that politics makes us civic enemies: "In the next few sections, I argue that the following features of the democratic political decision-making process tend to make us situational enemies..."⁸⁶ Given the way he characterizes these features when he introduces them, one might be led to believe that these are particular features to democracy. At the very least, the way

⁸⁴Brennan is somewhat vague as to what he means by politics specifically. It seems to be the broad understanding of being involved, even peripherally, with the process of making decisions that apply to members of a group. That is to say, whatever takes as its subject the affairs of governance.

⁸⁵Brennan, *Against Democracy*, p. vii.

⁸⁶*Ibid.*, p. 237.

Brennan discusses politics emphasizes the nature of politics in democracies rather than the nature of politics in general.

Given that the two accounts are so adjacent, it is by no means a stretch to suppose that the account against politics is a part of the account against democracy even if Brennan does not explicitly make the case. However, my point here is not simply that the reader may be confused. Rather, it is easy to see how this account against politics can inspire an argument against democracy. If Brennan's account of the nature of politics is taken to be persuasive, then we might be moved to, as he puts it, "argue that for this reason, all things considered, we should wait to expand the scope of civil society and reduce the sphere of politics."⁸⁷ If, further, democracy is seen as somehow being especially political or burdened with politics—a point which I am skeptical of—then it may be reasoned that democracy exacerbates the harms of politics. Moving from a democracy to an epistocracy, then, could be seen as a way of managing this harm; that is to say, a way of reducing the sphere of politics and expanding the scope of civil society. Thus, an argument against politics could be subsumed into an argument against democracy.

Again, the claim here is not that Brennan makes this argument. Merely that this line of argument, or something close to it, is readily inferred from the way which Brennan presents his arguments in *Against Democracy*. Of course, I have only offered a rough sketch of what such an argument might look like. While I have not touched upon whatever sophistication or subtlety which lends this line of inquiry more credence, this basic picture is enough to see how Brennan's account against politics is relevant to our evaluation between democracy and epistocracy. As such, I will spend some time offering some considerations which I believe makes this line of argument less appealing.

3.2 Won't You Be My Neighbor?

Brennan's account begins with an assumption about politics. The ideal of politics, he claims, is to establish a "sphere of cooperative friendship"⁸⁸ What this entails is never defined with any precision.

⁸⁷Brennan, *Against Democracy*, p. 22.

⁸⁸*Ibid.*, p. 231.

It is characterized somewhat more descriptively in various ways throughout the chapter: as an ideal of mutual respect and regard,⁸⁹ as an ideal of civic friends all part of a great cooperative scheme,⁹⁰ and as an ideal of fellow citizens engaged in a cooperative venture for mutual gain as friends.⁹¹ It is from this premise that politics is meant to somehow secure this ideal that Brennan builds his account against politics. After all, as he is quick to note, real world politics bears little resemblance to this sphere of cooperative friendship.

Clarity on just what this ideal is would be helpful in analyzing Brennan's account. Although he notes that political philosophers sometimes describe politics this way, it is not clear why we should accept this assumption in the first place.⁹² Certainly, what is described is idyllic and, everything else being equal, preferable if possible. It would be nice if that was the way things were. But it is another thing entirely to claim that such a state is an ideal of politics; which is to say that there is an intended goal or the purpose of politics to realize this sphere of cooperative friendship.⁹³ It would be lovely if, on my way to the shops, I stumbled across a leprechaun's pot of gold. The actual ideal of my shopping expedition, however, is to buy whatever groceries I happen to need at reasonably low prices. It is determined by my practical goals no matter how enticing the fantasy of treasure and proving the existence of small Irish fairies might be.

It is surprising, then, that Brennan takes these to be real ideals of politics when what is described are fairly lofty hopes. An ideal is sometimes described as a standard of perfection but usually any ideal which is meant to be taken seriously as a useful way of understanding a project is constrained by feasibility. If an proposed ideal is unfeasible, then we should treat it as symptomatic of a different

⁸⁹Brennan, *Against Democracy*, p. 231.

⁹⁰*Ibid.*, p. 245.

⁹¹*Ibid.*, p. 235.

⁹²The two citations he gives are Schwarzenbach, "On Civic Friendship" and Cooper, "Political Animals and Civic Friendship." It should be noted that both accounts are drawn strongly upon Aristotle's notion of *philia* which is not necessarily taken to be the essential feature of politics in the mainstream.

⁹³Notably, social contract theorists like Hobbes, Locke, and Rawls portray politics as a way of organizing individuals with competing interests.

problem. A failure to achieve an unfeasible ideal is not a failure of the project but a failure of the conceptualizing the project from the start. It should be apparent, at this point, that I am skeptical that politics is meant to arrive at some sphere of cooperative friendship. The stipulation of friendship is, in my view, either so strong that it is obviously unfeasible or so weak that using the word 'friendship' as a description is misleading. As such, I suggest that it will be best that we grant, for the sake of argument, that the weakest of these characterizations is a feasible ideal of politics. That is to say, that a minimally sufficient level of mutual regard and respect shared between citizens is a feasible ideal of politics.⁹⁴

With that being clarified, Brennan asserts that actual politics is rather different. His assertion goes so far as to say that "Politics tends to makes us hate each other, even when it shouldn't."⁹⁵ In order to reinforce this claim, Brennan refers to a few empirical studies.

One of such studies which Brennan refers to is the research conducted by Shanto Iyengar and Sean Westwood.⁹⁶ In one study Brennan refers to, Iyengar and Westwood conducted an experiment to measure how political bias might affect the evaluation of job candidates.⁹⁷ This was done by having a thousand subjects evaluate pairs of resumes. There were two basic resumes, one of which clearly

⁹⁴A brief aside; it may also be worth noting that Brennan *prima facie* takes civil society and the market economy to secure something very similar if not identical to this sphere of cooperative friendship. As he claims with no justification, "In civil society, most of my fellow citizens are my civic friends, part of a great cooperative scheme." Brennan, *Against Democracy*, p. 245 The only expansion on this subject which he offers is that "which I reflect on the role they play in civil society or the market economy, I realize that I am made better off because of them. The typical person worldwide, in their role in civil society or the market, has a small effect on my life, but that effect is positive." *ibid.*, p. 231 This seems to indicate that there is either a very low bar for friendship or, as before, that we are entertaining more unfeasible daydreams. It is certainly peculiar to describe civil society or market economy as if there is some grand cohesive scheme where everyone are friends and cooperating. The Ku Klux Klan and the Black Lives Matter movement, for example, are presumably both parts of civil society. The tribalistic and mutual disdain fans of rival sports teams have of each other on the mere grounds that the other identifies as a fan of the rival team is also, presumably, part of civil society.

⁹⁵*Ibid.*

⁹⁶Shanto Iyengar and Sean J. Westwood, "Fear and Loathing across Party Lines: New Evidence on Group Polarization," *American Journal of Political Science* 59, no. 3, 690–707, eprint: <https://onlinelibrary.wiley.com/doi/pdf/10.1111/ajps.12152>, <https://onlinelibrary.wiley.com/doi/abs/10.1111/ajps.12152>.

⁹⁷Brennan also makes reference to another experiment discussed in Iyengar and Westwood's paper. However, Brennan only refers to this experiment as being conducted as a trust game. Iyengar and Westwood discuss two different experiments which employed similar trust games to determine two different things: whether partisan biases would enter into consequential decisions and an attempt to distinguish between the effects of in-group favoritism and out-group animosity. It seems that he refers to the former rather than the latter, which is an interesting choice. At any rate, for our purposes, these experiments show similar results to this one and so I will not spend more time on them for the sake of brevity.

stronger than the other, which were randomly labeled as Republican or Democrat. The political affiliation of the subjects were also determined. Brennan highlights that they found that “candidate qualification had no significant effect on winner selection.”⁹⁸ This, he observes, is irresponsible and corrupt behavior.⁹⁹ Significantly, Brennan draws a causal relation out of just this; as he says “Politics *makes* [emphasis added] us worse.”¹⁰⁰.

Interestingly, Iyengar and Westwood makes some other observations which Brennan neglects to present. First, that the first mentioned study was also done with racial cues and found that African Americans also displayed an in-group bias comparable to that shown by Democrats and Republicans. Given that Brennan happily draws a simple causal story out of the prior study, a similar causal story might be drawn here. This, however, suggests that the blame is misplaced: it is not race that makes us worse but how we handle race. Similarly, it is not politics itself that makes us work but how we handle politics that makes us worse. The problem might be better diagnosed as our behavior towards politics and race. Secondly, that the subject Iyengar and Westwood are interested is partisanship rather than simply politics wholesale. As they state, “Our underlying research questions are (1) how does partisan affect compare with affect based on other social divides, and (2) to what extent are partisans willing to discriminate against opposing partisans in nonpolitical decisions?”¹⁰¹ While partisanship is certainly a significant part of understanding the nature of politics today, it is a gross simplification to suppose that politics today can be reduced down only to partisanship. To put it another way, while observing the effects of partisanship also reveals something telling about the nature of politics, it is a distinct step further to then argue that this observation demonstrates that the nature of politics is causally responsible for those effects rather than partisanship and whatever is inducing partisanship. At the very least, Brennan is somewhat hasty.¹⁰² Finally, that throughout Iyengar and Westwood note that the

⁹⁸Iyengar and Westwood, “Fear and Loathing across Party Lines: New Evidence on Group Polarization,” p. 699.

⁹⁹Brennan, *Against Democracy*, p. 233.

¹⁰⁰Ibid.

¹⁰¹Iyengar and Westwood, “Fear and Loathing across Party Lines: New Evidence on Group Polarization,” p. 692.

¹⁰²Brennan also refers to Cass Sunstein’s opinion piece which comments on the research done in this area. (Sunstein,

presence of social norms regarding race and discrimination generated a mitigating effect on behavior. The absence of social norms regarding party membership and discrimination, however, allowed for more extreme behaviors.¹⁰³

Given these observations, Brennan asserts that politics has failed to achieve its ideal. While I have argued that some characterizations of this ideal of a sphere of cooperative friendship are probably too lofty for any illuminating discussion, a reasonably sufficient level of mutual regard and respect seems to be a plausible goal of politics. The empirical research which Brennan cites does suggest that, at least, modern American politics falls short of this ideal of mutual regard and respect in no small part due to polarized partisanship. Whether or not these observations is enough to establish that we hate each other, as he occasionally claims politics makes us do, is unclear to me. For Brennan, this is just the start. His task is not merely to argue that politics has failed to achieve this ideal, but that it has failed because of the nature of politics.

3.3 Civil Enemies

Brennan argues that politics makes us into enemies. The way by which he arrives at this conclusion does not rest upon any contingent or extrinsic factor like, for example, the content of politics or the manner by which politics is communicated. Rather, the cause is argued to be intrinsic to the nature of politics itself. As Brennan emphasizes, “It’s not merely that politics makes us see each other as genuine enemies when it shouldn’t. Rather, politics tends to put us in genuinely adversarial relationships. It

“‘Partyism’ Now Trumps Racism”) Referring specifically to that of Iyengar, Sood, and Lelkes (2012), it is noted that that in 1960, only 4–5% of Republicans and Democrats would be displeased if their children married members of the opposite party compared to today where 49% of Republicans and 33% of Democrats admit that they would be displeased. Sunstein takes this to indicate that explicit “partyism” is now more prevalent than before. Brennan leverages this to try to show that politics is something to be avoided as much as possible. This is peculiar, in combination with Iyengar and Westwood’s expressed conclusions, since this seems to indicate that the problem is not simply politics wholesale but the rise of polarized partisanship within American politics. In fact, the change which Sunstein references demonstrates that politics does not necessarily entail the sort of animosity and mistrust which Brennan bemoans.

¹⁰³This suggests if social norms regarding party membership and discrimination were present, the problems raised by Brennan would be mitigated. This is a possible avenue for dealing with the problem besides epistocracy.

makes us genuine enemies with one another”¹⁰⁴ It is not merely that politics fails to bring about a sphere of cooperative friendship, then, but that it works against that ideal. This is, clearly, a strong claim.¹⁰⁵

However, Brennan is quick to clarify that he means a specific and non-standard sense when he says “enemy”. He does not mean, as he puts it, “one common definition” where an enemy is just “a person who hates me, who consciously wishes me ill and consciously works towards my harm.”¹⁰⁶ While Brennan supposes that a minority of people qualify in this sense, it is clear that this common definition is not one of the intended meanings when he claims that politics makes us enemies. Indeed, this cannot be the case given that Brennan claims earlier in *Against Democracy* that most voters vote for what they perceive to be the national interest.¹⁰⁷ As such, he is committed to a conception of the average voter who “genuinely want to help, and sincerely believe they’re voting in ways that make things better, not worse, for their fellow citizens” and whose “motives seem pure and good.”¹⁰⁸ This picture of the average voter is obviously incompatible with the common definition of an enemy.¹⁰⁹

¹⁰⁴Brennan, *Against Democracy*, p. 235.

¹⁰⁵It also contradicts Hume’s influential argument that competition due to scarcity is a pre-existing circumstance which necessitates justice and, thus, politics. It is only in a state of abundance where there are no adversarial relationships.

¹⁰⁶Brennan, *Against Democracy*, p. 235.

¹⁰⁷Brennan bases this on the following body of work: Chong, “Degrees of Rationality in Politics”; Funk, “The Dual Influence of Self-Interest and Societal Interest in Public Opinion”; Funk and Garcia-Monet, “The Relationship between Personal and National Concerns in Public Perceptions of the Economy”; Miller, “The Norm of Self-Interest”; Mutz and Mondak, “Dimensions of Sociotropic Behavior: Group-Based Judgments of Fairness and Well-Being”; Feddersen, Gailmard, and Sandroni, “A Bias toward Unselfishness in Large Elections: Theory and Experimental Evidence”; Brennan and Lomasky, *Democracy and Decision: The Pure Theory of Electoral Preference*; Green and Shapiro, *Pathologies of Rational Choice Theory: A Critique of Applications in Political Science*; Markus, “The Impact of Personal and National Economic Conditions on the Presidential Vote: A Pooled Cross-Sectional Analysis”; Conover, Feldman, and Knight, “The Personal and Political Underpinnings of Economic Forecasts”; Kinder and Kiewiet, “Economic Discontent and Political Behavior: The Role of Personal Grievances and Collective Economic Judgments in Congressional Voting”; Huddy, Sears, and Levy, “The Oxford Handbook of Political Psychology”; Rhodebeck, “The Politics of Greed? Political Preferences among the Elderly”; Rhodebeck, “The Politics of Greed? Political Preferences among the Elderly”; Sears and Funk, “Self-Interest in Americans’ Political Opinions”; Holbrook and Garand, “Homo Economist? Economic Information and Economic Voting”; Mutz, “Mass Media and the Depoliticization of Personal Experience”; Mutz, “Direct and Indirect Routes to Politicizing Personal Experience: Does Knowledge Make a Difference”; Mansbridge, “Self-Interest and Political Transformation”

¹⁰⁸Brennan, *Against Democracy*, p. 235.

¹⁰⁹It is debatable if this is also incompatible with the assertion that politics makes us hate each other. While, in this

That being the case, when Brennan accuses politics of turning us into enemies, he does not mean this common sense of the word.

Subsequently, the senses which Brennan is concerned with are clarified. He claims that there are two senses by which politics makes fellow citizens into each other's enemies. In the first sense, politics makes us into what Brennan calls *situational enemies*. As he explains, "Politics is a zero-sum game with winners and losers. It creates adversarial relationships in which we have grounds to oppose one another and undermine each other's interests."¹¹⁰ Brennan does not give a name to the second sense. This sense of "enemies" is that "sense in which most of my fellow citizens do want to hurt me, even if they wouldn't describe themselves as having that desire. They want to do things that will in fact harm my children and me, even though they want to help."¹¹¹ Politics, then, makes us into each others' enemies in these two ways. This, then, is the philosophical substance of Brennan's argument. As such, I will examine each of these sense of "enemy" in turn.

3.4 Situational Enemies

Given that Brennan is committed to a belief that voters are generally good natured enough to not intend harm by the exercise of what little political power they have, there must be a sense of "enemy" which applies in the absence of the sort of will and emotions which are conventionally associated. To this end, Brennan asserts that "There are scenarios in which we become each other's enemies, even though we have no intrinsic reason to dislike one another."¹¹² He refers to this sense of enemy as situational enemies. The necessary features of such scenarios for creating situational enemies are identified as involuntary, high-stakes, zero-sum games.¹¹³ That is to say, when people are forced to

passage, Brennan affirms that voters might dislike each other, it is not clear to me that mere dislike and this picture of good will to all is sufficient to qualify as hate.

¹¹⁰Brennan, *Against Democracy*, p. 235.

¹¹¹Ibid.

¹¹²Ibid., p. 236.

¹¹³Ibid., po. 236.

compete such that a person can only gain when someone else loses then they become, as Brennan calls them, situational enemies.

Politics is in Brennan's view the sort of involuntary, high-stakes, zero-sum game which creates situational enemies.¹¹⁴ He offers these three reasons as to why politics bears the relevant features:

“Political decisions involve a *constrained set of options*. In politics, there are usually only a handful of viable choices.

Political decisions are *monopolistic*: everyone has to accept the same decision.

Political decisions are imposed *involuntarily* through violence.”¹¹⁵

It should be noted, as above, that although he uses this as an argument against politics generally, he specifically states, “the following features of the democratic political decision-making process tend to makes us situational enemies.”¹¹⁶ However, as I will argue later, the features which Brennan identifies here are present in any form of government except, maybe, non-syndicalist strains of anarchism.

First, it is unclear why Brennan claims that the claim that political decisions involve a constrained set of options is relevant. For one thing, he does not provide any detailed elaboration of the claim. He simply insists that, when compared to the set of options in market decisions, political decisions feel like their set of options are constrained. Regardless of whether there is a dubious justification or not, if we are interested in determining whether or not politics is the sort of context which generates situational enemies and that determination rests on identifying politics as a kind of involuntary, high-stakes, zero-sum game, then whether or not there is a constrained set of options seems to be irrelevant to our inquiry. It instantiates none of the relevant features of politics which makes us situational enemies.

Second, Brennan claims that political decisions are monopolistic. That is to say, when a political decision is collectively made, every individual in that collective is committed to that decision regard-

¹¹⁴I suppose there is another interpretation which reads Brennan as simply arguing that politics tends to be a system of conflict and, thus, generates situational enemies. On the other hand, however briefly, Brennan does specify some requirements of what makes situational enemies which, if taken seriously, are stronger standards than mere conflict.

¹¹⁵Brennan, *Against Democracy*, p. 237.

¹¹⁶*Ibid.*

less of how they might decide independently. I take this to be an obvious and self-evident observation. Certainly, Brennan seems to think so as well since he elaborates upon this claim even less than the prior. Interestingly, he describes this as if it is also obvious, that “For you to get your way is for you to stop me from getting mine.”¹¹⁷ Which is to say, Brennan concludes with little explanation that because politics is monopolistic, it satisfies the zero-sum game requirement for generating situational enemies.¹¹⁸ This raises some concerns. While some political decisions are such that there are winners in losers in a way that resembles zero-sum games, there is no reason which requires that they are all necessarily this way. Uncontroversial political decisions and political compromises where everyone at least benefits as much as they lose are open possibilities. Whether or not the fact that politics sometimes resembles as zero-sum game is sufficient is unclear. For the sake of argument, let us suppose that being monopolistic satisfies this requirement for situational enemies.

Third, Brennan claims that political decisions are imposed involuntarily through violence. That is to say, “Governments do not merely advise us to follow their rules, hoping that we will comply out of the goodness of our hearts. They enforce their laws and rules with violence, or threats of violence.”¹¹⁹ I take it that this feature of politics is readily apparent. The law, when properly functioning, applies to everyone and is enforced with some form of coercion or another. Significantly, Brennan seems to treat this feature of politics as satisfying the last two requirements for making situational enemies. First, the involuntary imposition of monopolistic political decision satisfies the involuntary component of the kind of situation which Brennan believes makes us enemies. I take this to be obvious or, at least, readily apparent at how we might arrive at the latter from the former.

Secondly, the way by which political decisions are imposed through violence, or threat of violence, seems to be seen by Brennan as satisfying the high-stakes component of the kind of situation necessary for situational enemies. This use or threat of violence is treated as being both pervasive and profound.

¹¹⁷Brennan, *Against Democracy*, p. 240.

¹¹⁸Brennan does give some contrived examples in order to motivate this unjustified claim like what would happen if we made our choice what music we listened to, what kind of pizza we should eat, or what kind of car we should buy subject to a vote and made into policy.

¹¹⁹Brennan, *Against Democracy*, p. 240.

In Brennan's view, "For someone to say, 'There ought to be law regarding X' is, in effect, to say, 'I want to threaten people with violence unless they do X.'"¹²⁰ This, perhaps, may seem somewhat melodramatic. However, it is argued that less dire forms of coercion, like fines, are in a sense reducible to a state having its agents "physically assault, beat, and kill you, if necessary"¹²¹ As Brennan notes, non-compliance with less offensive forms of coercion will bring about some other stronger form of coercion. Continued non-compliance reiterates this and ultimately concludes with with or the threat of institutionalized violence. The stakes for not playing the game, then, are fairly high.¹²²

According to Brennan, these three features of politics are enough to make us situational enemies with each other. That is to say, they are meant to show that politics is an involuntary, high-stakes, zero-sum game. For the sake of argument, I will suppose that this argument is sound although I have some doubts.¹²³ After all, our inquiry here is not whether or not politics makes us enemies but whether or not this gives us grounds for an argument against democracy or epistocracy.

As discussed above, Brennan does not explicitly make the case that this argument against politics leads to an argument against democracy. However, recall the way which Brennan identifies these three features of politics which are involved in making us situational enemies: as being specifically "features of the *democratic* [emphasis added] political decision-making process."¹²⁴ Even more suggestive, when Brennan turns to address the second sense of enemy he begins, "There's yet another

¹²⁰Brennan, *Against Democracy*, p. 240.

¹²¹Ibid.

¹²²We might, less generously, point out that this is not the same as a game with high-stakes. The stakes of politics as Brennan describes depends upon the substance of each decision in question. The actual stakes, then, ranges from low to high and are indeterminate a priori. It is difficult to say, however, if this distinction is relevant given that Brennan spends such little time exploring his notion of situational enemies.

¹²³I suspect that Brennan is conflating "enemies" with a similar but distinct notion like "opponents". As he argues, politics creates conflict. But while conflict always creates opponents, it does not always make enemies. Friends can be in conflict, after all. This is all to say, "enemies" is a rather strong word. Brennan's view may be skewed by the fact that he is preoccupied with elections. But much of politics takes place outside of elections where so-called enemies work together: they must deliberate with, compromise with, and broker deals with one another. This requires some degree of mutual regard and respect. Given that the state of being enemies is being used here as a evidence of a lack of mutual regard and respect, it seems, then, that "enemies" is not appropriate here.

¹²⁴Brennan, *Against Democracy*, p. 237.

way democracy makes us enemies.”¹²⁵ Regardless of whether Brennan intends to suggest so or not, there is an argument against democracy which readily emerges from the account against politics as it is presented.

If we accept that politics makes us situational enemies, then the nature of politics disrupts an ideal of mutual regard and respect. If we believe in this ideal as something we are committed to achieving through politics, then this is problematic.¹²⁶ However, should we entertain this idea that there is something unique to democracy which contributes to this problem, then it may seem that there is reason to prefer something other than democracy. That is to say, if there was something special about politics in democracy which makes us enemies, then politics in an epistocracy would better serve this ideal of mutual regard and respect. At least, these are the basic premises which I suspect an argument against democracy be built from the account against politics.

Of course, the structure of this argument ought to be familiar. This is the same approach as the corruption and stultification arguments. If democracy is unique in generating some harm, then something else like epistocracy must be preferable. The response to this argument has the same tack as the response to the stultification and corruption argument: democracy is not unique in the relevant ways and, thus, there is no distinction between democracy and epistocracy in this regard. Epistocratic politics would also have a constrained set of options, make monopolistic political decisions, and impose political decisions involuntarily through violence.

Epistocracy, after all, would offer the incompetent an empty set of options and the competent the same sort of options available in democracy depending on the form of epistocracy. Any political process which ends in a law reduces down to a constrained set of options consisting of yay or nay. Epistocracy, after all, would make monopolistic political decisions. Any properly functioning government which passes laws makes monopolistic decisions. Laws, after all, are not helpful suggestions but bind individuals to that collective decision. There is no reason to expect that epistocracy would not make laws. And finally, epistocracy, after all, would impose those political decisions involuntarily through

¹²⁵Brennan, *Against Democracy*, p. 242.

¹²⁶If not only for the possibility that, if Brennan’s account is true, it is a mistake to identify this ideal as a true end of politics.

violence. Any state which enforces law must, eventually, resort to coercion. There is no reason to expect that epistocracy would have some alternative means of enforcement which is not available to democracy. Epistocracy, then, would have the relevant features for creating situational enemies if Brennan's account is correct.

3.5 The Second Sense of Enemy

We can now turn to the second sense of how politics makes fellow citizens into enemies. Brennan goes about describing this sense of the notion "enemies" somewhat obliquely. Under this sense, he claims that most people do, in fact, desire or want to hurt their fellow citizens when they wield their political power even though he remains committed to the belief that most people wield their political power with altruistic intentions. This apparent desire to harm gives Brennan sufficient ground, in his mind, to hate most people. That is to say, this gives him reason to see most other people as his enemy. Interestingly, this need not be reciprocal: Brennan notes that the examples he gives of this second sense of enemies "don't consider themselves my enemies."¹²⁷ This second sense, then, looks to be a peculiar understanding of the notion.

I take Brennan to be attempting to describe a common way people talk about political opponents or other people with opposing political views. When someone desires a policy which we view as being against our interest, we might say that that person wants to act against our interest; or, more crudely, that they want to harm us because they support something which would harm us. This way of talking about opponents resembles one of the features of the common understanding of the word enemy. That is to say, we talk about opponents as if they wish us ill or as if they were consciously working towards our harm. Consequently, we might call them enemies when we are not being particularly rigorous with our language. As I will argue, however, this colloquial, unrigorous way of talking should not be taken to be an actual, serious description of how we think about the inner psychology of our opponents. It is just a casual way of talking about others' actions from our own perspective. Alternatively, if we do take

¹²⁷Brennan, *Against Democracy*, p. 244.

this way of talking to be accurately descriptive of how people ascribe intentions to their opponents, then it should be noted that they are mistaken.

Much of this confusion arises from Brennan's instance on formulating this sense as a desire to harm which is held concurrently with a desire to help. Or alternatively, he repeatedly explains this by using language typically used when describing mental states like the will or intentions. His concept is not only introduced in this formulation, as referenced above, but is repeated throughout his explanation: "There's an important sense, however, in which most politically active citizens do desire to harm or impose unjustified risk of harm on their fellow citizens."¹²⁸ It should be noted that this apparent contradiction of the wills, of a desire to help and a desire to harm, suggests a complex inner life. Under this picture, it seems as if most people have some psychic turmoil over their intentions when voting. That is to say, there ought to be some experience of cognitive dissonance if people desire two ends that are obviously at odds with each other.

However, Brennan also describes a cognitive life, which he seems to take to be characteristic of the phenomenon, which is absent the implications of his formulation described above. Here, he describes a simpler picture in accordance with his previously discussed stance that most people desire to help with no qualms or competing temptations. He reaffirms throughout that such people do, in fact, have the genuine desire to help. Moreover, Brennan notes that such people "wouldn't describe themselves as having that desire [to harm]."¹²⁹ Which is to say, any conscious desire or intent to harm when voting is absent. And so, we are asked to believe that most people consciously desire to help when voting without any duplicity or uncertainty while, at the same time, they desire to harm when they vote without being aware of it. Of course, it might be possible that the latter desire is a subconscious one. Brennan, however, makes no efforts towards this direction.¹³⁰

¹²⁸Brennan, *Against Democracy*, p. 243.

¹²⁹*Ibid.*, p. 235.

¹³⁰It should be noted that in his footnotes, Brennan provides an alternative formulation: that most people have a *de re* desire to harm others but a *de dicto* desire to help. I am not convinced this is a useful formulation, even if it is a correct application of such a distinction. For one, it does not avoid the confused picture of the psychology of most people about voting: by Brennan's own stipulation, they only have one conscious desire. Even if acting upon that desire to help results in harm, it is a mistake to then assert that this somehow demonstrates that there is a desire to harm present especially if it

What Brennan is describing, then, is the fact that other people desire things which they perceive as being in the common good which an individual perceives as being against their interest. Put this way, this simply describes the fact that people disagree about what things are in the common good. It is apparent that, from an objective outside perspective, this does not describe the sort of adversarial relationship which would make the involved parties into genuine enemies. We might suppose, however, that in our less careful moments this describes the way we think from a first person perspective. As a result, in our less careful moments, we might take this to be sufficient grounds for hate. This second sense, then, might be more descriptive of the psychology of when we mistakenly take others to be our enemy. This would explain why this is not a reciprocal relationship. The claim here, then, is that politics does not make us into genuine enemies but causes us to mistake others as being our enemy. This, perhaps, is not as strong a claim as Brennan would like but it does serve to disrupt an ideal of mutual regard and respect.

It should be noted that Brennan's treats this so-called desire to harm as reducible to something else—something other than some will or intent. This "desire" serves, instead, as an oblique reference to incompetence. Revealingly, at the start of the section regarding the second sense of enemy, Brennan argues the following, "It turns out they have altruistic intentions when they wield this power. At the same time, they wield that power in a highly incompetent way. This, I argue, gives me some reason to hate them, to regard them as my enemies and I as theirs."¹³¹ This formulation of the second sense notably lacks any talk about a mysterious desire to harm. Rather, there is no desire to harm which justifies hating or viewing someone as an enemy by Brennan's argument. The grounds for the second sense is the claim that most people are incompetent such that their political actions results in harms, regardless of their desire to help. As Brennan says, "Their behavior gives me some reason to hate them or wish them ill, although there is nothing but love in their hearts."¹³² Significantly, however,

is stipulated that there was no such intention formed and present to begin with. For another, it is as unilluminating as the formulation above. For another, it is no more illuminating that the formulation above given that either ultimately reduces to the same claims about incompetence.

¹³¹Brennan, *Against Democracy*, p. 242.

¹³²*Ibid.*, p. 244.

the result of their incompetent actions are not dependent upon any desires. If, as Brennan takes to be the case, most people are so woefully mistaken about the consequences of their actions it is unclear why their will or intentions are relevant: their political activity would create harm regardless. This notion of a desire to harm is either reducible to a claim about incompetence or entirely superfluous. Ultimately, the heavy lifting in Brennan's story is done by most people's incompetence rather than their phantom desire to do harm. We have, instead, a rather straightforward claim without any talk of desires. Because the incompetence of most people imposes a risk of harm, then there are grounds to hate them and view them as enemies.

For the sake of argument, I will suppose that Brennan's argument against politics here is valid. As a brief aside, it's worth noting that it is unclear whether or not this claim about the incompetence of most people does justify either hating them or viewing them as an enemy. To put it another way, it is unclear if we should hold politics as the responsible cause of someone's mistaken moral or prudential judgments. Earlier in *Against Democracy*, Brennan elaborates on just how much political power he believes that each individual has in a democracy. This is meant to show that democracy does not, in fact, empower us. He argues that the amount of political power wielded by an individual is infinitesimally small. An individual's power, in his account, only manifests when this vote breaks a tie and, thus, determines the outcome.¹³³ In all other cases, the choice signaled by a single vote, whatever it is, does not affect the outcome. As such, the odds of a person's vote mattering is very small indeed. Given that Brennan holds this view, he claims that he is justified in hating individuals for the misuse of their, as he characterizes it, "crumbs" of political power.¹³⁴ This is to say, that someone is labeled as an enemy over an outcome they had an infinitesimally small chance of determining. Whether this is sound moral judgment or not depends on an involved discussion of moral psychology which is outside the scope of our current discussion. That being the case, I will leave that possible line of inquiry at that.

It is puzzling why Brennan chooses to repeat the opaque formulation about contradictory desires throughout when he has this cogent argument to hand. Possibly, it is to obfuscate the resemblance

¹³³Brennan, *Against Democracy*, p. 31.

¹³⁴*Ibid.*, p. 110.

this argument against politics has with Brennan's competence argument against democracy which we will examine in Chapter 4. Here, the risk of harm created by the incompetence of most people in wielding their political power justifies hating them and viewing them as enemies. Later, the risk of harm created by the incompetence of most people in wielding their political power justifies constraining what political power they have. The proximity of one to the other is clear. So much so, that in the last paragraph of *Against Democracy* Brennan states,

In civil society, most of my fellow citizens are my civic friends, part of a great cooperative scheme. One of the repugnant features of democracy is that it transforms these people into threats to my well-being. My fellow citizens exercise power over me in risky and incompetent ways. This makes them my civic enemies.¹³⁵

As he describes it here, Brennan's accounts against politics and against democracy dovetail into each other in this regard.

Because the second sense is essentially a complaint about competence of the political body, I will only make a few remarks here given that Chapter 4 will be dedicated to examining the competence argument against democracy in detail. For now, it will be enough to note that Brennan essentially claims that if the body of people who make political decisions are more competent, then there is less reason to not only view that body as an enemy, but also for hating them. A greater degree of competence would result in a lesser risk of harm. Since this is what drives the mechanism described in Brennan's second sense of enemy, there would be no reason, at least in this regard, which generates civic enemies.

From this, a possible argument against democracy emerges from the account against politics. Namely, that if there were some other form of government which resulted in a more competent political body compared to democracy, then that would be superior, in this regard at least, to democracy in achieving the ideal of mutual regard and respect. Hence, it may seem that an epistocracy would satisfy this by culling the incompetent from the population which are permitted to participate in political decision-making, thereby raising the average competence as it were.

¹³⁵Brennan, *Against Democracy*, p. 245.

Importantly, this argument depends upon how we evaluate the competence of a political body. I will discuss more about whether or not an epistocracy is more competent than a democracy in Chapter 4. For now, it is enough to observe that such an argument also applies to different forms of democracy compared to each other. As Brennan admits, the more competent a democracy, the weaker this objection to democracy: "...government agents in modern democracies often act better than we might expect, as they get away with doing things the incompetent electorate would not support. In that case, I have weaker grounds for despising my fellow voters than I otherwise would."¹³⁶ In other words, there are ways by which democracy is more competent than Brennan's evaluation of the competence of the political body would have led us to believe. He treats this an artifact or aberration. As I will discuss later, this instead suggests that there are mechanisms by which democracy may be more capable than Brennan gives it credit, if it is not so already. If this later argument is right, then by his admission, the strength of this argument against democracy is mitigated. In other words, there may be means available to feasible and non-ideal forms of democracy which can manage Brennan's worry about incompetence generating civic enemies, thereby allowing or preserving a mutual regard and respect between fellow citizens.

3.6 Epistocracy and the Ideal of Mutual Regard and Respect

Before that, I want to briefly explore a possible line of inquiry which could lead us to the conclusion that, even if epistocracy was more competent, there are reasons unique to epistocracy which remove it from this ideal of mutual regard and respect. More specifically, if epistocracy takes political power away from whomever it deems as incompetent, then it may systematically commit testimonial injustices. The result of which would mean that some significant number of citizens would not be treated with the kind of regard and respect due to them on a very basic level. This is prior to any knock-on effect which may arise subsequent to this disenfranchisement. Given the scope of this paper, I will only outline the rough structure of this argument since the details are somewhat involved.

¹³⁶Brennan, *Against Democracy*, p. 244.

In *Epistemic Injustice*, Miranda Fricker introduces the novel concept of a distinctively epistemic kind of injustice. In exploring this notion, Fricker suggests two forms of epistemic injustice: testimonial injustice and hermeneutical injustice. Both are initially presented as distinct and different types of injustices which may arise out of the common ground of prejudice to harm individuals in their epistemic capacities. Both forms of injustice were innovative and brought to light a relatively unexamined but not unimportant region between epistemology and ethics. It is the first type of epistemic injustice, testimonial injustice, which is relevant to our purposes.

This kind of epistemic injustice occurs during testimonial exchange. During a particular instance of testimonial exchange there is a speaker and a hearer. When the speaker makes some assertion, the hearer must make a judgment about the speaker's credibility. Fricker argues that our conception of social identity plays an important part of this process. As she explains, identity

is an integral part of the mechanism of testimonial exchange, because of the need for hearers to use social stereotypes as heuristics in their spontaneous assessments of their interlocutor's credibility. This use of stereotypes may be entirely proper, or it may be misleading, depending on the stereotype. Notably, if the stereotype embodies a prejudice that works against the speaker, then two things follow: there is an epistemic dysfunction in the exchange—the hearer makes an unduly deflated judgment of the speaker's credibility, perhaps missing out on knowledge as a result; and the hearer does something ethically bad—the speaker is wrongly undermined in her capacity as a knower.¹³⁷

The wrong emerges as a result of prejudice. Prejudice, rather than properly used stereotypes, is essentially a pre-judgment where a judgment is either made or maintained without proper regard to the evidence. This feature of prejudice makes the hearer who misjudges the speaker as a result epistemically culpable.¹³⁸

Moreover, the hearer is thereby culpable for wronging the speaker as a knower. As Fricker observes, "To be wronged in one's capacity as a knower is to be wronged in a capacity essential to human

¹³⁷Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford University Press, 2007), p. 17.

¹³⁸*Ibid.*, p. 22.

value. When one is undermined or otherwise wronged in a capacity essential to human value, one suffers an intrinsic injustice.”¹³⁹ That is to say, that in being undeservedly discounted as a knower and a giver of knowledge, you are also valued less than what a fellow human deserves. Testimonial injustice, then, is an epistemic insult to another intrinsic value as a human being. This seems to preclude any ideal of a sufficient level of mutual regard and respect.

Fricker’s conception of testimonial injustice is unfortunately limited to cases arising from prejudice. While we might suppose that it is plausible that some form of prejudice is likely to arise out of the social divisions institutionalized by an epistocracy, the concept as it is fails to account for the injustices first introduced by epistocracy. I suggest instead that the sort of testimonial injustice *qua* prejudice which Fricker describes is just one sort of testimonial injustice. We might suppose that the basic structure of testimonial injustice arises in other instances. Which is to say, a general form of testimonial injustice may look something like the following: a testimonial injustice occurs whenever someone’s testimony is wrongly discounted as a result of a pre-judgment which misrepresents that person’s epistemic status and does not make in proper regard to evidence. A general form of testimonial injustice might then occur under an epistocratic government.¹⁴⁰

The problem arises from how competence is identified. Competence is not general; being competent in one aspect does not entail competence in another. Further, there is a vast variety of political decisions which need to be considered in the course of governing. Presumably, every political decision covers different subjects which brings different sorts of competences into relevance. In other words, given the variety and breadth of the sort of political decisions which are considered, there must be a variety and breadth of associated competences which can be made relevant to any particular decision in question. Moreover, since part of competence is information, then we ought to include considerations for different perspectives which might have privileged epistemic access to the relevant sort of information.

¹³⁹Fricker, *Epistemic Injustice: Power and the Ethics of Knowing*, p. 44.

¹⁴⁰I suppose that it may be argued that the sort of approximations of competence which Brennan proposes be used in an epistocracy might be so far removed from actual competent that they are a kind of stereotype. This might open the way to argue that an epistocracy wrongly discounts people as knowers as a result of prejudice. I, however, find the idea of a general notion of testimonial injustice eminently plausible and, hence, do not take that line of inquiry.

This, then, presents a problem for epistocracy. Short of some absurdly complicated and unwieldy process of determining which competences are relevant to each separate decision and which individuals possess them, it is likely that whatever process is used to determine competence, and thus determine whose vote—or testimony—is counted or discounted, can only hope to reach an approximation. As Brennan admits,

It's probably impossible to design an exam that would precisely test the knowledge needed for any particular election. After all, what's at stake and thus what knowledge is needed varies from election to election. Also, what counts as relevant knowledge is reasonably disputed. That's not to deny that there's a truth of the matter about what knowledge is relevant.¹⁴¹

Furthermore, the sort of tests for competence he suggests instead all attempt to approximate competence by tracking things which he admits are unlikely to ever be relevant to a vote.¹⁴² This is all just to say that it is improbable that an epistocratic government would determine real competence in any sound way. In other words, the credibility of the voter is pre-judged by this approximation without any regard to the real evidence of one's actual competence.

Taking all this into consideration, it would seem that an epistocratic government would curtail a significant number of individuals' ability to vote on the basis of this approximation of competence. Since a vote is a kind of testimony, constraining the distribution of political power effectively discounts the testimonies of those people the state determines to be incompetent. It may seem at face value that this is a reasonable or relevant way of determining whose testimony is worthy of consideration. After all, competence ought to track epistemic status. However, given that the state is likely to use methods which merely approximate competences—and probably in a very loose way—this determination is thereby likely to not properly evaluate the epistemic status of each individual. Rather, these individuals' testimony is discounted for reasons which do not track their relevant competences for the

¹⁴¹Brennan, *Against Democracy*, p. 212.

¹⁴²This will be discussed in further detail in Chapter 4

political decision in question. That is to say, their testimony is wrongly discounted. It seems, then, that this is a case of testimonial injustice which arises from epistocracy's defining feature. As such, epistocracy disrupts an ideal of mutual regard and respect. Democracy, on the other hand, avoids systematic testimonial injustice by simply granting universal suffrage.

DEMOCRACY AND COMPETENCE

4.1 The Antiauthority Tenet

Against Democracy introduces a novel approach for the evaluation between democracy and epistocracy. Rather than appealing to the conventional intuition that the knowers or the wise ought to rule, Brennan instead turns to the idea that the incompetent ought to not rule. It is along this approach that he makes his strongest arguments both against democracy and for epistocracy by circumventing Estlund's general argument against epistocracy. This is grounded upon a novel right which he introduces as the competence principle.

Estlund's general argument against epistocracy presumed that epistocrats depend upon three tenets being true: the truth tenet, the knowledge tenet, and the authority tenet. While the truth and knowledge tenets are granted—that is to say, that there are correct answers to political questions and some citizens know more or are more reliable at determining those truths—Estlund rejects the authority tenet. He argues against the claim that when some citizens are more knowledgeable they ought to be given political authority over others. Estlund made two objections, that of invidious comparison and that of an expert/boss fallacy. For our present purposes, it is enough to observe that Brennan simply accepts these claims of Estlund's general argument, especially the expert/boss fallacy.¹⁴³ The case for epistocracy, at least for Brennan, cannot come from the conventional intuition that the knowers or the wise have a better claim to rule in virtue of their greater knowledge or wisdom.

Brennan instead argues that another avenue is open for epistocrats. Rather than the positive argument of the conventional intuition, he puts forward a negative argument. Epistocracy, according to Brennan, only needs to be an “*antiauthority tenet*”

Antiauthority tenet: When some citizens are morally unreasonable, ignorant, or incom-

¹⁴³Brennan, *Against Democracy*, p. 17.

petent about politics, this justifies *not permitting* them to exercise political authority over others. It justifies either forbidding them from holding power or reducing the power they have in order to protect innocent people from their incompetence.¹⁴⁴

This tenet, then, can be held in the absence of the authority tenet. Contra Estlund, this case for epistocracy is grounded on the truth, knowledge, and antiauthority tenets. It should be noted, however, that this approach makes no positive defense of epistocracy, or any form of government, in of itself. The case for epistocracy is instead made by rejecting all other alternatives. In other words, Brennan's argument for epistocracy depends entirely on his argument against democracy.

4.2 The Competence Principle

Brennan must persuade us that his antiauthority tenet is true. To do this he introduces 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.¹⁴⁵

Brennan attempts to convince that this principle is plausible mainly through the use of intuition pumps and an analogy to the supposed right to a competent jury. Regardless of whether or not a generalized competence principle really can be derived from the right to a competent jury, let us grant for the sake of argument that the competence principle is true.¹⁴⁶

¹⁴⁴Brennan, *Against Democracy*, p. 17.

¹⁴⁵*Ibid.*, p. 141.

¹⁴⁶ It is, on the face of it, plausible. Whether or not Brennan's arguments would be sufficient for establishing a right which comes prior to any state would require a discussion of just what grounds can instantiate what kinds of rights. This is outside the scope of this paper.

It will be worthwhile to examine certain features of the competence principle in greater detail. First, that it is what Brennan calls a “presumptive right”.¹⁴⁷ This presumptive right to competent government is later given the formulation “that competence and good faith are at least *presumptive conditions* of the right to rule.”¹⁴⁸ Brennan elaborates on the concept of presumptive conditions as being similar to but weaker than necessary conditions. Unlike necessary conditions, where the absence of the condition precludes the result, presumptive conditions merely indicate that, by their absence, the result also does not occur unless the mechanism behind the presumptive conditions is defeated or outweighed by countervailing conditions.¹⁴⁹ Stipulated as such, we can observe that the competence principle, as a presumptive right, is not a “necessary right”. We also should note that the competence principle is defeasible: it can be defeated or outweighed by countervailing conditions.

Second, the competence principle is grounded upon the high stakes which may be associated with some political decisions. The injustice emerges when there is a significant harm to citizens’ life prospects or a forcible deprivation of life, liberty, or property. As such, “The competence principle applies only to *high-stakes* decisions—decisions that can tend to cause significant harm to people, or deprive them of life, liberty, or property. It doesn’t apply to low-stakes decisions, such as what the national anthem or flag colors will be.”¹⁵⁰ It is difficult to see how the competence principle could be otherwise. As Brennan says, “One justification for the competence principle is that it is unjust to expose people to undue risk.”¹⁵¹ This is what motivates the antiauthority tenet and lends the competence principle plausibility. The sort of risks he is primarily concerned with includes the fact that governments make “morally momentous decisions” as they determine the way the principles of justice are applied and the shape of our basic institutions.¹⁵² This and the possibility that government decisions

¹⁴⁷Brennan, *Against Democracy*, p. 143.

¹⁴⁸*Ibid.*, p. 149.

¹⁴⁹*Ibid.*, p. 151.

¹⁵⁰*Ibid.*, p. 201.

¹⁵¹*Ibid.*, p. 154.

¹⁵²*Ibid.*, p. 156.

“can significantly harm citizens’ life prospects, and deprive them of life, liberty, and property” are the “crucial features” of government decisions which he is concerned with.¹⁵³ These crucial features, then, are the kind of high-stakes which makes the application of the competence principle appropriate.

Third, Brennan makes an important clarification on how the competence principle is applied. He establishes the scope under which we assess possible violations of this presumptive right. As he emphasizes, “It’s crucial to remember that the competence principle applies to *individual* political decisions.”¹⁵⁴ Presumably, the competence principle would be unworkable otherwise by having to chase the causal chain in either direction. Violations of the competence principles, then, only reflect upon the specific instance of political decision-making rather than the process as a whole. As I will discuss later, this clarification of the competence principle has significant ramifications for our evaluation between democracy and epistocracy.

For now, it is enough to note that this clarification not only entails that each political decision is evaluated individually but also that the evaluation of an individual political decisions assesses the competence of the specific decision-making body which formed that decisions. The competence of one decision-making body should not factor into the assessment of a political decision formed by a different, distinct decision-making body. Brennan uses this clarification of the competence principle to distinguish between electoral and post-electoral decisions where the distinct decision-making bodies are the electorate and the relevant government officials, respectively.¹⁵⁵ Since these political decisions are evaluated individually, this is not a kind of contamination theory which holds that “if a prior or upstream decision violates the competence principle, all subsequent or downstream decisions are invalidated.”^{156,157} These distinctions allow Brennan to offer a token explanation of why democ-

¹⁵³Brennan, *Against Democracy*, p. 156.

¹⁵⁴*Ibid.*, p. 159.

¹⁵⁵*Ibid.*, p. 156.

¹⁵⁶*Ibid.*, p. 166.

¹⁵⁷ While Brennan makes no comment on the opposite direction, it is unclear how subsequent decisions could invalidate prior decisions given these commitments.

racy does better than it would appear to according to his account: while post-electoral decisions may mostly comply with the competence principle, electoral decisions likely do not.¹⁵⁸

Finally, Brennan makes the important clarification that the competence principle is a “disqualifier”. By this he makes clear that the competence principle only articulates “grounds against either distributing power in certain ways or allowing the scope of power in certain ways.”¹⁵⁹ The competence principle is not a “qualifier”—which gives ground on behalf of some way of distributing political power—or both a disqualifier and a qualifier. In other words, the competence principle, or competence violations, only give a reason to view something as illegitimate. As Brennan makes explicit, compliance with the competence principle “does not justify imbuing anyone with power.”¹⁶⁰ The competence principle is, after all, only a presumptive right and so is coexistent and defeasible by other disqualifying and qualifying principles. It gives us a presumptive reason for viewing some distribution of power as wrong.

As such, the terms of our present inquiry are made clear. Given the restricted scope of how we apply the competence principle, violations only give us reason to disqualify that particular instance of the decision-making process. More to the point, a competence principle violation does not automatically entail that the decision-making process itself is disqualified. Granted, if some system results in sufficiently frequent violations, then we have grounds to recognize it as being sufficiently unreliable and, hence, faulty. However, we are not presently concerned with evaluating if democracy is unreliable in this regard. (Indeed, Brennan admits that democracy does better than we might expect, as mentioned earlier.) Rather, we are interested in evaluating how democracy compares to epistocracy. Evaluating which is preferable in this regard means determining which one is likely to result in the least frequent competence principle violations.

¹⁵⁸Brennan, *Against Democracy*, p. 161.

¹⁵⁹*Ibid.*, p. 166.

¹⁶⁰*Ibid.*, p. 168.

4.3 What Is Competence?

We might, at this point, wonder just what is entailed when we say “competence”. Unfortunately, Brennan shies away from providing a precise definition of competence. This question is not merely academic. If we take the competence principle seriously, then we should want to be able to apply it in an objective and consistent way in order to recognize injustice, illegitimate political decisions, and what sorts of responses to the prior would be appropriate. To this end, it some precise definition of competence, like what the necessary or sufficient conditions for competence are, is required. Instead, Brennan argues, “As far as I can tell, for my argument to go through, I need rely only on relatively uncontroversial platitudes about competence. It’s not clear I need to defend a precise theory of political competence.”¹⁶¹ As such, no precise definition of competence is ever committed to. While Brennan briefly peruses a number of possible candidates for what a more substantive definition of competence might look like, the point remains that he never endorses any one in particular.

This is rather revealing of how Brennan perceives the question of whether democracy or epistocracy is superior in regards to the competence principle. A precise definition is apparently unnecessary since the degree to which democracy fails the competence principle more than epistocracy dissolves any problems of vagueness. It seems to be a black and white matter for him. Democracy must be obviously incompetent—regardless of whatever we understand to constitute competence. To continue the metaphor, it is evident that Brennan does not even entertain the possibility that it may be a difficult comparison between the two: it will not be like trying to figure out if this particular shade of off-white paint matches the specific eggshell on the walls of a rented flat.

While Brennan does not commit to any precise theory of competence, he does make some claims about competence which will be significant later. For one, it is fairly evident that Brennan conceives of competence primarily in epistemic terms like knowledge or reasoning. Though it should come as no surprise given that conventional epistocratic theories are explicitly concerned with knowledge and wisdom. Competence, then, carries on in the same vein.

¹⁶¹Brennan, *Against Democracy*, p. 162.

Even though Brennan demurs from giving a precise standard of what sort of knowledge, and how much of it, is necessary for competence, he does give us some picture of what might be involved. For instance, he claims,

To know whom to vote for, one needs to know more than what candidates stand for, what the candidates have done in the past, or what they intend to do in the future. A well informed voter needs to be able to assess whether the candidates' preferred policies would tend to promote or impede the voter's favored outcomes.¹⁶²

To this end, Brennan gives examples of what this should look like. Say we are interested in reducing inner-city crime; "Again, to know who to vote for, I'd need to know about criminology, the economics and sociology of black markets, and the history of the Prohibition."¹⁶³ Or given we are interested in a variety of pursuits, Brennan gives a more generalized picture of what things a voter must know. He argues that, in order to assess the performance of politicians "requires a tremendous amount of social scientific knowledge."¹⁶⁴ He later asserts that "a strong grasp of history, sociology, economics, and moral philosophy [are] all subjects needed to understand which policies secure social justice and promote the common good."¹⁶⁵ Evidently, the degree of knowledge which would make someone competent is quite substantial.¹⁶⁶ It should be noted that Brennan does not make the Millian inference that education corresponds, and thus serves as an estimate, of practical wisdom.

¹⁶²Brennan, *Against Democracy*, p. 28.

¹⁶³*Ibid.*

¹⁶⁴*Ibid.*, p. 29.

¹⁶⁵*Ibid.*, p. 144.

¹⁶⁶ The preoccupation with knowledge may appear odd given that Brennan notes that the least knowledgeable tend not to vote in the first place and that most people who do have some degree of knowledge tend to what he describes as "hooligans". These political hooligans have more knowledge than average but arrive at that knowledge improperly, displaying biases, irrationality, and political tribalism. Only a minority of voters are "vulcans" who are very knowledgeable and sufficiently free of bias. Given the temptation to view political hooligans as being worse or more harmful than the least knowledgeable who do not bother to vote, we might wonder why concern is placed on knowledge first and foremost rather than, say, political polarization or other effects which might contribute to political hooliganism.

However, without a precise definition we are left with the question of how we ought to assess an individual's competence. Interestingly, Brennan suggests that we could simply approximate it. He admits that there are a number of problems with testing for competence: that it would be susceptible to the influence of "real people with their own agendas and ideologies", that what counts as relevant knowledge can be reasonably disputed, and that "it's probably impossible to design an exam that would precisely test the knowledge needed for any particular election."¹⁶⁷ Despite the fact that there are a number of barriers to directly tracking competence, Brennan insists that a scheme of restricted suffrage or plural voting on the basis of some assessment of competence is still feasible. Directly assessing competence, however, is evidently not feasible. Instead, these proposed schemes resort to indirect approximations of individual's actual competence by assessing other indicators.

The kind of suggested indicators of competence are weakly correlated with actual competence—at best. This is admitted by Brennan. He suggests a voter qualification exam which would be limited to basic facts and fundamental, largely uncontested social claims. He gives a number of examples of what this might look like: in the United States, such a test might use questions from the ANES, the citizenship exam, the Advance Placement exams in economics and political science, logic and mathematics puzzles, or even simply asking that potential voters "identify 60 percent of the world's countries on a map."¹⁶⁸ Brennan admits that "Much of this knowledge is strictly speaking irrelevant to any given election."¹⁶⁹ More explicitly, he states that "most of the information on tests like these isn't useful for being a competent voter".¹⁷⁰ He claims that such tests can be feasibly used in an epistocracy because such exams "would not directly test knowledge but things that might be positively correlated with political knowledge."¹⁷¹ Moreover, Brennan does not elaborate on how strong a positive correlation between an indicator and competence would be sufficient and whether these tests meet that requirement. It

¹⁶⁷Brennan, *Against Democracy*, p. 212.

¹⁶⁸*Ibid.*

¹⁶⁹*Ibid.*

¹⁷⁰*Ibid.*, p. 148.

¹⁷¹*Ibid.*, p. 212.

appears that it can be exceptionally weak given that Brennan also states, “it might be that if we made voting rights conditional on passing such exams, this correlation would diminish or disappear.”¹⁷² The added incentive and low difficulty would allow people to simply “cram for the exam” such that “the exam would stop being a proxy for background social scientific knowledge.”¹⁷³ He concludes that voter qualification exams may need to be more difficult than the examples he proposed. However, without a precise definition of competence and with the various other barriers impeding directly measuring competence, these kinds of tests would always be indirect approximations of an individual’s actual competence. For all the emphasis that such high risk decisions must be made competently, such approximations are apparently good enough for government work.

Lastly, Brennan gives an intriguing reason why we might be satisfied with the assertion that a precise definition of competence is unnecessary. It may be the case that we broadly agree upon one already. He claims that “The average citizen could produce a *reasonable* concrete theory of competence. Most citizens have a good and reasonable intuition about political competence.”¹⁷⁴ In other words, we all have reasonably similar notions of what competence might look like. It would seem, then, that we could at the very least agree upon some “pretty good, reasonable answer—that is, an answer within the range of acceptable views” if asked to.¹⁷⁵ Hence, a precise and substantive definition is unnecessary if we can already expect to agree upon a sufficiently good enough one.

As Brennan admits, this looks like a strange move to make. In fact, he calls this “an insidious result”: “Democracies might themselves be competent to adjudicate the nature of political competence.”¹⁷⁶ In Brennan’s mind, if democracy is capable of determining what counts as competence, then it presents itself as a possible way of determining “who is allowed to vote”—or, who is compe-

¹⁷²Brennan, *Against Democracy*, p. 212.

¹⁷³*Ibid.*

¹⁷⁴*Ibid.*, p. 224.

¹⁷⁵*Ibid.*, p. 225.

¹⁷⁶*Ibid.*, p. 224.

tent.¹⁷⁷ In other words, democracy could determine what an epistocracy would look like. At least, this is the consequence Brennan takes to derive from the claim that most people have a reasonably good idea of what competence is.

4.4 How Competent Is Democracy?

With a better grasp of how Brennan conceives the competence principle, we can now turn our attention to how the argument from this competence principle should factor in our inquiry. For the sake of argument, let us accept Brennan's competence principle as he presents it. Moreover, let us grant that the competence principle is sufficient for the antiauthority tenet which, in turn, is sufficient grounds for justifying an epistocracy. Our inquiry, the one which Brennan sets out for us to consider, is not whether epistocracy can be justified but whether democracy or epistocracy outperforms the other in the relevant instrumental ways which Brennan picks out. In this regard, the application of the competence principle means we must evaluate whether it is democracy or epistocracy that is likely to violate the competence principle the least.

We can begin with the first part of the inquiry: how often does democracy violate the competence principle? According to Brennan, the "straightforward conclusion" is quite bleak. Given the premise that voters are ignorant, irrational, and misinformed, it would seem that this ought to result in quite a number of competence principle violations. After all, if the majority of people in a democracy is incompetent, then it seems to follow that the political decisions made by that democracy are most likely formed by incompetent people. As Brennan argues, "They support bad policies (or politicians who support bad policies), which they would not support if they were better informed and processed that information in a rational way."¹⁷⁸ The straightforward conclusion, then, argues that the answer is quite simple. Given the vast and entrenched ignorance and irrationality the great majority of people display when it comes to politics, it must be the case that the case that democracy systematically violates the competence principle as a result of the sheer number of incompetent voters.

¹⁷⁷Brennan, *Against Democracy*, p. 224.

¹⁷⁸*Ibid.*, p. 172.

However, Brennan admits that this straightforward conclusion is probably mistaken. He allows that “It’s at least theoretically possible that the democratic electorate is competent as a collective whole even if the overwhelming majority of the individuals within the body are incompetent at politics.”¹⁷⁹ Further, he admits that “democracies do better than we might expect given how misinformed and irrational voters are.”¹⁸⁰ Despite these concessions, however, Brennan remains committed to a qualified version of the straightforward conclusion.

He attempts to account for discrepancy between his expectations and the observed performance of most democracies by distinguishing between electoral and post-electoral results. Democracies appear to do well because they tend to make good decisions after the election. Brennan is firm, however, that even this concession will leave his main argument for epistocracy intact:

After all, it looks like the electorate systematically violates the competence principle during the election, even if elected leaders, bureaucrats, and others are less likely to violate the competence principle after the election.¹⁸¹

This claim about the systematic violation of electoral decisions is never elaborated further. Rather, it appears that this claim is explained by a qualified version of the straightforward conclusion. If the majority of voters in an election are ignorant and irrational, it must be the case that elections, at the very least, violate the competence principle as a result of the sheer number of incompetent voters. Further, as will be discussed in more detail below, Brennan claims that the the systematic violations by electoral decisions will have knock-on effects for post-electoral decisions. As such, Brennan maintains that democracies systematically violate the competence principle despite their better than expected performance. This certainly sounds like there is quite a lot of competence violations.

Even this qualified straight forward conclusion, however, is problematic. Even if we accept Brennan’s premises and apply the competence principle as he describes to democracy, it is evident that

¹⁷⁹Brennan, *Against Democracy*, p. 172.

¹⁸⁰*Ibid.*, p. 174.

¹⁸¹*Ibid.*

it is not the case that all forms of democracies will necessarily systematically violate the competence principle as is described. Democracy, even nonideal democracy, can institutionalize various mechanisms which allow it to mitigate and manage the incidence of competence principle violations. A simple analysis of how the competence principle would apply to democracy with full consideration of such institutional mechanisms reveals that democracy is capable of preventing systematic competence principle violations. As such, it is reasonable to expect democracy to perform considerably better in this regard than what Brennan gives it credit for.

Brennan anticipates this line of argument but fails to fully appreciate it. While he recognizes that a number of features of democratic institutions mediate and intervene between voters and political decisions, he treats these as aberrations or anomalies. He interprets this as evidence that “It means that democracy works better than it otherwise would because it doesn’t exactly work.”¹⁸² He reasons that because “What democracies do is not simply a function of voter preferences” it must not be working properly.¹⁸³ It is not entirely clear why such things should be seen as dysfunction without an understanding of what proper functioning is meant to look like. Unfortunately, Brennan does not explicitly establish what he believes properly functioning democracy is meant to look like. Given that is this characterized as democracy not working properly, we can get some idea of how Brennan conceives democracy is meant to function. Further still, he makes some offhanded claims about democracy which are revealing like “Democracy empowers each person with an equal basic share of political power”¹⁸⁴ and “Democracy is supposed to give every individual citizen equal voice”¹⁸⁵. It appears that Brennan believes that democracy is meant to be mostly a function of voter preferences where every individual has equal share of power and equal voice. This, or something like this, is the ideal and every apparent aberration or compromise to that ideal is evidence of a dysfunctional democracy.

¹⁸²Brennan, *Against Democracy*, p. 198.

¹⁸³*Ibid.*, p. 200.

¹⁸⁴*Ibid.*, p. 52.

¹⁸⁵*Ibid.*, p. 198.

This is a rather simplistic conception of democracy. It is mostly descriptive of direct democracy. However, the sort of democracies which are actually practiced, and the kind which I will be evaluating, are rather more complex—that is to say, sophisticated. It would be naive to assert that all democratic forms are essentially and whole-heartedly committed to giving voters an equal voice and equal share of power or are simply functions of voter preferences. The head of government, for example, patently has more power and voice over political decision-making than the average voter by virtue of their position. Despite this, we have no qualms when identifying states with presidents or prime ministers as democracies.¹⁸⁶ Most forms of democracy, which we are happy to call democracy, are committed to much weaker ideals like equally weighted votes and equal access to legislative processes rather than equal share of power and equal voice.

In other words, democracy is not constrained to the extreme egalitarianism which Brennan seems to have in mind. While democratic commitments clearly prohibit some political inequalities, some forms of democracy which are uncontroversially accepted as democracies allow and even institutionalize other sorts of political inequalities. Most significantly, representative democracies, or indirect democracies, are founded on an institutionalized inequality where the power of a set of voters is invested in a representative. As such, representatives enjoy greater political power and voice as a result of this delegation. Representative democracy, by its very nature, cannot be committed to equal share of power and equal voice. It is significant that the prototypical conception of modern democracies is representative democracy. The institutionalization of political representation is one such mechanism which helps prevent competence principle violations. Given this, it is not clear that the intervention and mediation of various mechanisms between the voter and political decisions necessarily represents a dysfunction of democracy. As the saying goes, “It’s not a bug, it’s a feature.”

We are compelled, then, to evaluate the application of the competence principle to democracy with full consideration to these possible institutionalized mechanisms which are compatible with and can be incorporated into democracy. It might be the case that some forms of democracy, like direct democracy, are susceptible to Brennan’s objection. However, I do not take our inquiry to be evaluating

¹⁸⁶When they are democracies. Simply having an executive called a president or prime minister is obviously not sufficient for a democracy.

how the worst forms of democracy compare to attractive, hypothetical forms of epistocracy. There is a wide variety of forms which democracy, or epistocracy, might take and there is a range of expected performance associated with those various forms. Moreover, I do not take our inquiry to be evaluating how the present forms of democracy compare to attractive, hypothetical forms of epistocracy. There's no particular reason to suppose that anyone is committed to the thesis that present democracy is the best possible realization of democracy. It ought to be also understood that this inquiry is not an evaluation of ideal forms of democracy. The kind of institutional mechanisms which I will examine are perfectly feasible for a non-ideal democracy. I suspect that most of the mechanisms which will be examined can be plausibly found to some degree in actual, present democracies. Our inquiry sets out to examine how the most promising nonideal forms of democracy compare against the most promising nonideal forms of epistocracy. To this end, we must therefore consider how the competence principle applies to the most promising nonideal forms of democracy. Brennan's straightforward conclusion will not suffice.

4.5 Post-Electoral Competence

First, it will be useful to examine how the application of the competence principle to post-electoral decisions should result in an expectation that post-electoral decisions are likely competent. It should be noted that while Brennan admits that post-electoral decisions *might* tend to be competent, he never explicitly admits that they *are*. He also admits that democracy tends to perform better than expected and only offers this as a possible for explanation. We could infer that there is a tacit admission that post-electoral decisions do tend to be competent. In light of this, the point of this examination is not to reiterate this. Rather, I hope to demonstrate how the application of the competence principle to representative democracies shows that we ought to expect democracies to perform successfully, especially in this regard. Further, the following analysis will be a useful example of how the application of the competence principle with full considerations of possible sophisticated institutions shows that democracy is capable of managing the risk of violating the competence principle. For the sake of

brevity, I will focus on the mechanisms of political representation but take it that if this holds then there are likely other mechanisms which perform similarly.

In this case, one of Brennan's clarifications plays a significant role in explaining why we ought to expect democracy to do quite well with post-election decisions. Recall that he stipulates that the competence principle is only applied to individual political decisions. By limiting the scope of how the competence principle operates to individual decisions, it follows that, when assessing a political decision for possible violations, we examine the particular decision-making body which formed that political decision. Moreover, there is no contamination theory where other, prior political decisions which violate the competence principle entails that later, downstream decisions must also be violations as a result of the prior.

These features of the competence principle mean that when we assess post-electoral decisions we assess the competence of the post-electoral decision-making body responsible for the decision in question. As such, even if we believe that the electorate are profoundly incompetent, post-electoral decisions tend to comply with the competence principle. When we assess post-electoral decisions, we must assess a set of decision makers distinct from the general public since, in a representative democracy, the electorate do not make post-electoral decisions.¹⁸⁷ Indeed, it is a distinctive feature of representative democracy that the electorate elect representatives who, in turn, make political decisions on behalf of the electorate. The competence of a post-electoral decision, then, depends upon the competence of the relevant representatives and appointees responsible.

In which case, we should expect post-electoral decisions to be competent most of the time. After all, the sort of individuals which make post-electoral decisions—elective representatives, appointed bureaucrats, and judiciaries—tend to be competent. A generous interpretation of Brennan's account might infer that something like the above is implied by his comments. However, what is significant

¹⁸⁷Brennan's terminology of electoral and post-electoral is noticeably unwieldy here. It distinguishes political decisions between election decisions and all other political decisions which are made after an election. I will continue to use Brennan's terminology for the sake of convenience and to avoid any verbal disagreement, but recognizing a more descriptive categorization reveals an interesting point. I take it that there are three major categories of political decisions in a representative democracy: electoral decisions which are made by the electorate, government decisions which are made by government bodies, and referendums which are made by the electorate. Notably, it is unclear where referendums fit in Brennan's categorization. As it will become clear, I will treat post-electoral decisions as government decisions. As such, referendums should be treated as distinct from post-electoral decisions. I will address the implications the competence principle bears on referendums in the next section.

is that the consideration of political representation when assessing compliance with the competence principle reveals that this result is not by accident or dysfunction of democracy. Rather, the tendency for government officials to be competent is a function of political representation.¹⁸⁸

Brennan claims to make an argument to the contrary: that we ought to expect representatives to be worse as a result of the incompetence of the general electorate.¹⁸⁹ The argument is founded on two premises. The first is that the degree to which voters are ignorant, incompetent, and misinformed systematically changes their policy preference.¹⁹⁰ The second premise holds that political parties choose candidates on the basis of their appeal to voters. As such, Brennan reasons that the policy platforms upon which candidates run are influenced by the level of competence of the typical voter. From this, he states, “In short, it’s true that the party system makes it easier for low-information voters to choose among the candidates presented to them, but at the same time, because voters are badly informed, the quality of the candidates is much lower than it otherwise would be.”¹⁹¹ There seems to be an inferred logical step that the policy preferences which arise out of a greater degree of incompetence not merely different but worse. Elsewhere, Brennan clarifies that it is not a logical necessity that the incompetent are wrong and the competent are right, but that it is a probabilistic or abductive claim.¹⁹² Supposing that his account of how the electorate influences the policy platforms of the candidates is true, he takes it that “if voters tend to be ignorant, irrational, or morally unreasonable, this not only tends to result in bad choices at the polls but also to make it so that the candidates on the ballot are of bad quality. The quality of the candidate pool itself depends significantly on the quality of the electorate.”¹⁹³ It seems,

¹⁸⁸If political representation picks out representatives who are more competent than the electorate, meritocratic appointments act as a similar mechanism between representatives and the bureaucracy and help ensure that appointed bureaucrats are even more competent than political representatives.

¹⁸⁹I say claim because he states that he details this argument in Chapter 2 of *Against Democracy*. I cannot, however, find it—perhaps through some fault of my own. As such, I will do my best to reconstruct Brennan’s argument from the references to this argument.

¹⁹⁰This will be examined in more detail later in the chapter. For now, let us suppose this is true.

¹⁹¹Brennan, *Against Democracy*, p. 196.

¹⁹²*Ibid.*, p. 190.

¹⁹³*Ibid.*, p. 159.

then, that Brennan perceives the strength of the influence which the voters exert on the competence of the candidates to be quite strong. He believes that candidates are of bad quality as a result.

However, this account is not enough to refute the argument that government officials tend to be competent as a function of political representation such that post-election decisions tend to comply with the competence principle. While it appears to be contradictory, we could grant Brennan's account—more or less—and still hold that representative democracy tends to pick competent representatives, bureaucrats, and judiciaries. Brennan's account is insufficient for his conclusion for two reasons. First is a result of another feature of the competence principle which Brennan clarified. Since the competence principle is only a disqualifier, violations only arise when the decision-making body is sufficiently incompetent. It makes no claims about who ought to rule; only who ought not to rule. As such, elected representatives need not be maximally competent in order to avoid violating the competence principle. Suppose an elected representative was the least competent among the candidates they ran against. So long as the representative was sufficiently competent, then they would not be likely to contribute to competence principle violations. In which case, even if the quality of candidates is worse as a result of the policy preferences of an incompetent electorate and even if the quality of candidates would be better otherwise, the minimal requirement for voters is that they elect candidates who are sufficiently competent. Even if voters make the “wrong” electoral decision by not choosing the maximally competent candidate, they do not necessarily elect a representative who is incompetent. Thus, the claim that political representation tends to select competent government officials and the claim that an incompetent electorate worsens the quality of political candidates are compatible so long as elected representatives tend to meet some minimum requirement for competence.

Secondly, it is clear that elected representatives do tend to meet this minimal requirement for competence. Unless we take an overly restrictive view of competence, then representatives already tend to meet likely standards of competence—or, at least, meet the kind of approximations which Brennan suggests correlate with competence. Taking the United States Congress as an example, “As has been true in recent Congresses, the vast majority of Members (94.1% and 100% of Senators) at the beginning of the 115th hold bachelor's degrees. Sixty percent of House Members and 76% of Senators hold

educational degrees beyond a bachelor's."¹⁹⁴ Of the 537 Members of Congress, only 18 Members have no educational degree beyond a high school. What is more, while the 115th Congress has continued an increasing trend, elected representatives of Congress have historically tended to be educated:

By comparison, approximately 35 years ago in the 97th Congress (1981-1982), 84% of House members and 88% of Senators held bachelor's degrees. Approximately 45 years ago, in the 92nd Congress (1971-1972), 77% of House Members and 97% of Senators held bachelor's degrees. Sixty years ago in the 85th Congress (1957-1958), 68% of House Members and 77% of Senators held bachelor's degrees.^{195,196}

All in all, elected representatives tend to be university educated. Moreover, most have graduate degrees.

Without a precise definition of competence, it is perhaps unclear how to interpret these statistics in terms of competence. However, relative to the sort of approximations which Brennan suggests, a university education is likely as good an approximation of competence as any. It would be odd to argue otherwise. At the beginning of *Against Democracy* Brennan introduces the premise that most people are ignorant by intimating, "Yet since you're reading this book, I can assume that you have or soon will have at least a bachelor's degree. Even if you attended a lower-tier university, your classmates were still the intellectual *elite* of your country. You, your friends, your relatives, and your acquaintances are probably at least among the top 10 percent most informed people in your country."¹⁹⁷ What is more, in most epistocratic plural voting schemes like the ones suggested by Mill or Brennan, additional votes are awarded with additional university degrees. If this plural voting scheme is meant to

¹⁹⁴Jennifer E. Manning, *Membership of the 115th Congress: A Profile*, technical report R44762 (Washington, D.C.: Congressional Research Service, 2017), p. 5.

¹⁹⁵*Ibid.*

¹⁹⁶It is interesting to observe that as mentioned in the last chapter, Brennan takes the research of Iyengar, Sood, and Lelkes (2012) to indicate that politics has made us worse over time; or, as Sunstein said, more vulnerable to "partyism". If it is true that voters have become worse since the 1960s and that the quality of the candidates on the ballot depends significantly on the the quality of the voters, we might expect a downward trend of education levels in Congress. Thankfully, that does not seem to be the case.

¹⁹⁷Brennan, *Against Democracy*, p. 24.

track competence, then a university education must be considered a reliable way of approximating competence. In which case, if elected representatives tend to have a university education, we should take this to indicate that elected representatives tend to be competent.

As such, it is even the case now that the electorate, as incompetent as they are, tend to pick sufficiently competent representatives. We might regret the fact that this does not entail that the electorate does not choose those candidates which are maximally competent. However, any move to involve that into our evaluation goes beyond the competence principle and would then rest upon a commitment to the authority tenet rather than the antiauthority tenet.

What we see, then, is that political representation is able to manage and minimize the impact of the electorate's incompetence in order to produce political decisions which comply with the competence principle. Political representation does this by distributing the intellectual labor required for competent decision-making. For any sizable state, there are simply too many political decisions which need to be made to reasonably expect a significant degree of participation from the entire population. The problem with direct democracy is that it would take up too many evenings. Even if we believe that government should reduce the scope of its activities, there remains the work of going through the decision-making process to determine that no action should be taken. As such, political representation allows us to implement a division of labor wherein citizens invest their portion of political power into representatives who make decisions on their behalf. Brennan raises an interesting point: "Questions about competence are easy. Questions about economic policy or foreign policy are much harder. They require specialized knowledge and at times academic training."¹⁹⁸ By delegating and giving mandates to representatives, voters are freed up from the work involved in the decision-making process for an entire country. Moreover, politicians are able to dedicate their time and effort to specialize in politics such that they are, hopefully, able to leverage political power to a greater effect than their constituents could individually.

By creating a division of labor in the decision-making process, political representation will tend to ensure that the majority of political decisions, post-electoral decisions, are made by competent bodies. It may be that this is some happy accident or quirk of what it takes to be elected. Even if

¹⁹⁸Brennan, *Against Democracy*, p. 226.

that were true, then democrats can happily leverage this side effect of political representation to the advantage of a better democracy. Still, democrats can plausibly claim that political representation generates these effects in a non-arbitrary way. That is to say, political representation is a mechanism which can target and pursue the desirable end that our representatives are competent. The reasoning is quite simple: voters choose candidates, in part, because of their competence. As a result, political representation is a mechanism which actively promotes competence in post-electoral decisions by selecting for competence.

This looks like a difficult claim to resist. It is unfeasible to outright deny that voters elect representatives on the basis of competence at all. When choosing a candidate, voters are not only motivated by picking which policy platform they prefer but also by judging which candidate are likely to be competent as their representative.¹⁹⁹ Admittedly, the majority of voters are probably not as motivated by concerns about competence as we would like. But when they consider, for example, the previous positions held by a candidate or their age and experience, voters are looking for indicators of competence. Judgment of competence, then, plays at least some role in the way voters elect representatives.

We might suppose, as Brennan suggests, that even if the electorate attempts to select for competence, they are too incompetent to do so. Even though he proposes that most people have a sufficiently reasonable conception of what competence is, he argues that they have difficulty in actually identifying and voting for competent candidates. As he says, “The empirical literature on voter irrationality and ignorance does not say that voters have bad standards but rather that they are bad at *applying* their reasonable standards.”²⁰⁰ However, this line of resistance does not look promising. Even if we grant that voters have a difficult time in applying their conception of competence and have difficulties in identifying and choosing the most competent candidate, we can argue, again, that this effect is not sufficiently strong. It is enough for democrats that incompetent voters are able to identify and choose candidates which are sufficiently competent rather than maximally competent. As argued above, vot-

¹⁹⁹If the majority of voters are as ignorant and misinformed as Brennan says, then some significant number are likely ignorant of candidate’s platforms to begin with.

²⁰⁰Brennan, *Against Democracy*, p. 225.

ers are motivated by competence considerations in elections and elections do, in fact, tend to result in competent representatives.

Hitherto, I have focused on how political representation prevents incompetent decision-making by creating a division of labor which minimizes the risks posed by an incompetent electorate. Given that Brennan more or less admits that democracy does tend to perform well in regards to post-electoral decisions and that some features of democratic institutions mediate and intervene between voters and political decisions, I take it that the account I have given above is a feasible explanation of how these two are related. That is to say, given that we admit that there are some unspecified mechanisms which might produce this effect and that this effect is evident, all that remains is identifying what those mechanisms are and how they operate. It seems uncontroversial to suppose that the sort of democracies which perform quite well are representative democracies. This account, then, simply fills in this explanatory gap of how it is that representative democracies are able to reliably produce competent post-electoral decisions in virtue of one of their own characteristic institutional features. I only argue that this account is more feasible than simply asserting that the explanatory gap is instead just some unexpected, happy accident or dysfunction. We can see, then, how democracy can integrate these sorts of institutional mechanism in order to prevent systematic competence principle violations.

4.6 The Competence of Electoral Decisions

Brennan is at pains to allow for the possibility that post-electoral decisions tend to be competent. However, his primary argument against democracy holds that it is electoral decisions which systematically violate the competence principle. As discussed above, this seems to follow from some restrained articulation of the straightforward conclusion. Since the majority of the electorate are ignorant, irrational, and misinformed it follows that at least electoral decisions by that electorate must tend to be incompetently made. Any defense of democracy, then, must address the charge that it systematically violates the competence principle in electoral decisions.

This being the case, I will resist the claim that electoral decisions in democracies tend to systematically violate the competence principle. It is not clear that the electorate, given how they are, are

insufficiently competent to make electoral decisions in the first place. Brennan does not make a distinction between what counts as competence for post-electoral decisions and electoral decisions. An application of the competence principle with consideration of what counts as competence for electoral decisions rather than post-electoral decisions does not lead to the conclusion that there are systematic competence principle violations. Further, this is not meant to be a defense of present democracy but possible, non-ideal forms of democracy. While this argument is applicable to most kinds of electoral decisions made under present forms of democracy, I will observe some exceptions which my defense will not cover. In these cases I am happy to bite the bullet and suggest that there may be good reason not to defer those sort of decisions to the general electorate. This, however, is perfectly compatible with democracy.

As discussed above, representative democracy institutes a division of labor in the decision-making process between the electorate and government. Broadly speaking, the electorate choose a government which then, in turn, makes political decisions on their behalf. The division of labor created by political representation redistributes the expected duties which one has to the decision-making process.²⁰¹ On one hand, the delegation of power to representatives gives them responsibility to discharge the various duties attached to the position. On the other hand, the delegation of power to representatives calls upon the electorate to do just that, to elect representatives to whom are given power and a mandate. This is more or less how the work is divided in representative democracies.

There is one kind of electoral decision which does not resemble this picture. This describes what occurs during elections. Electoral decisions, however, may include other kinds of decisions like referenda. Although Brennan does not raise the issue of referenda, it is worth making the distinction between these two kinds of electoral decision. A referendum, after all, bypasses the mechanism of political representation by directly involving the voting public in the decision-making process about some national political decision. This is entirely different from an election where voters merely choose their representatives. Referenda are like exceptions where direct democracy is briefly instantiated. As I discussed above, I am skeptical that direct democracy can resist Brennan's objections. Likewise, I

²⁰¹ Perhaps we might perform a weaker notion like expectation rather than duty. Certainly, I do not mean to suggest that voting should be compulsory. I use duties here in the sense that these are the kind of things which these positions do.

suspect that referenda are vulnerable to the straight forward conclusion and likely violate the competence principle.

However, it is evident by the absence of any discussion about referendum that this is not what Brennan has in mind when he charges that electoral decisions systematically violate the competence principle. This is not unexpected given that referenda are relatively rare to begin with. As such, I take it that appealing to the problem of referenda is insufficient to defend Brennan's conclusion. Further, I am willing to bite the bullet and accept that referenda violate the competence principle. This is not too damaging since it comes at little cost to simply conclude that representative democracies should just avoid holding referenda. It can also be noted that often referenda are about decisions of an exceptional nature where the direct consent of the citizens could be a countervailing and overriding consideration to the presumptive right to competent government. At any rate, I will put the problem of referenda aside in the following discussion for the reasons above.

The sort of political decision which Brennan has in mind when he refers to electoral decisions are just elections. Elections, after all, make up the vast majority of political decisions which the electorate are asked to make. If the voting public systematically violate the competence principle in elections, then the case can be made that democracy generates rather frequent competence principle violations. The question, then, is whether or not the electorate is too incompetent when making election decisions. Brennan seems to take the straightforward conclusion that since a significant portion of the electorate is ignorant, irrational, and misinformed about political matters, they are too incompetent to make election decisions.

It is not obvious that this is the case. Consider that different activities have different requirements for what qualifies as competence in those activities. Determining representatives is not the same as determining policy. Therefore, we ought to expect that what counts as competence for either is different. While it may be the case that some substantial standard of knowledge is required in order to make a decision about a complex issue which affects the country, it is unclear why we should assume that the same is required in order to make a decision about who should represent us. Voters do not vote for policy in an election, they merely vote for who should be their representative.²⁰² As such, the

²⁰²It may be that some misunderstand what they are doing when they cast a vote.

conditions required to be a competent voter are different from those required to be a competent policy maker.

It might be argued that because the result of an election has an effect on what post-electoral decisions are made, voters must have the competences required to make those post-electoral decisions. This, however, does not seem to be a promising line of argument. For one, it is clear that the competence principle applies to individual decisions. While we might cast our vote in the hope that some subsequent post-electoral decision is made, the two actual decisions are very much distinct. Given that the competence principle is a non-contamination theory, later decisions should not affect prior decisions. Indeed, it is unclear how the competence principle could be applied to elections at all if that were the case. If the competence of an election depends upon the subsequent political decisions which are affected by that election, then we would have to wait an indeterminate amount of time before we could be able to determine what is required for that election to be competent.

If we understand that voters are choosing a representative in an election, then we can then come to an idea of what is necessary for voters to be competent during an election. However, this raises the question of what it is for an election to be good or bad. After all, if something requires competence then there must be some way to succeed or to fail at it. While, from the perspective of an individual voter, an election might be considered as success or a failure if, say, their preferred candidate was not elected or some other subjective reason, we are interested in what it is for an election to be better or worse from an objective perspective. What is more, given the scope which the competence principle has us consider, the success of our election cannot depend upon the subsequent political decisions. I suggest, then, that an election can be judged as more or less successful based simply on the chosen candidates' competence to perform the relevant duties of their positions.

The relevant competency under consideration, then, is whether or not the electorate is capable of identifying and choosing candidates who are sufficiently competent for the position in question. Admittedly, without a precise definition of competence, it will be difficult to demonstrate definitively whether or not the electorate is competent. However, I argue that we have presumptive reasons for supposing that the electorate tends to be sufficiently competent, although not experts, at deciding elections. To put it another way, the voting public is good enough to at least tend to elect sufficiently

competent candidates even if they do not tend to elect the maximally competent candidate. Again, for complying with the competence principle and the antiauthority tenet, that is all that is required.

After all, the evidence suggests that it is likely the case that the voting public are competent at electing competent representatives. They certainly perform better than what we might expect from the way Brennan argues. As discussed in the previous section, post-electoral decisions tend to comply with the competence principle. This suggests that those governing bodies responsible, including elected representatives, tend to be competent themselves. As discussed in the previous section, this is backed up by the historical record. This in turn suggests that the electorate are competent at making electoral decisions. Any argument which argues that they are incompetent must be able to account for how it is that they reliably produce such apparently unexpected results.

What is more, it is not obvious that the voting public are relevantly ignorant, irrational, or misinformed. Any argument which claims that they are must show that they lack the knowledge requisite for the task in question. Mere lack of knowledge about some subject is not disqualifying if it is not relevant: an ignorance of astrophysics does not disqualify a lens maker working on a telescope. As such, it must be shown that most people are too ignorant, irrational, or misinformed about competence to evaluate competence. This is problematic. While Brennan argues that most people are bad at applying their conception of competence, he admits that most people have a reasonable understanding of what competence is. Further, this understanding is good enough that Brennan argues the electorate are capable of democratically agreeing upon a concept of competence which is good enough for establishing an epistocracy. That is to say, the electorate is competent enough to determine what makes people competent. This, then, suggests that they are not so ignorant, irrational, or misinformed about competence. As argued in the previous section, even if we believe that most people are bad at applying their concept of competence, it is apparent that they are good enough to at best be able if reliably choosing sufficiently capable candidates if not identify who is the most competent. While we might have the intuition that the latter would lead to better results, the former is sufficient for compliance with the competence principle.

I take it that these are good reasons for presuming that the electorate are competent at electoral decision-making. Given that most voters have a sufficiently reasonable understanding of competence

and that past electoral results show that they are reliable at electing sufficiently competent representatives, it looks like it is probably the case that most people are sufficiently competent to vote in our elections. An argument otherwise must conjure some weighty, countervailing consideration and be able to account for this better than expected performance. Without a more precise definition of competence, it is difficult to come to a conclusion with any more confidence. However, the burden of proof rests upon the argument that the electorate is incompetent at making electoral decisions. Given these two reasons, it seems reasonable to presume that they are competent until shown otherwise. In which case, it is unclear to what extent democracies systematically violate the competence principle during electoral decisions if they systematically violate the competence principle at all.

This argument rests on the distinction that what voters are doing is choosing which candidate is capable of representing them in government rather than choosing what policy decisions government should make. Because political representation creates this division of labor in the decision-making, the competence of the voter is not dependent on the degree to that they are ignorant, irrational, or misinformed about political issues. The straightforward conclusion is not apt in this case. Given the evidence, I have argued that there is good reason for presuming that the electorate are likely competent in this regard, at least. Otherwise, we are to suppose that there is some obscured reason which demonstrates their incompetence despite, against all odds, their reliability at electing sufficiently competent representatives. This argument makes the case that if there is a systematic violation of the competence principle, democratic institutions are able to limit and manage it with some success.

This argument does not argue that the electorate, or the government, never make incompetent decisions. Only that it a sophisticated form of democracy does not violate the competence principle to the degree which we would expect from Brennan's account. It also does not argue that the entrenched ignorance and irrationality in the majority of the public is not a significant or alarming problem. While the institutional mechanisms available to democracy allow it to comply with the competence principle, a more rational and informed electorate would likely lead to better results: a more rational and informed electorate would probably lead to fewer competence principle violations and a better quality of governance.

However, this is not relevant to our inquiry. The competence principle is only a disqualifier, a man-

ifestation of the antiauthority tenet, which tells us when a decision-making process has resulted in an illegitimate decision. Our inquiry is to determine whether democracy or epistocracy is likely to result in fewer competence principle violations. Certainly, democracy does not do as well as we would like. While it does not systematically violate the competence principle in either electoral or post-electoral decisions to an obviously egregious extent, there is room to improve in terms of both the competence principle and higher standards of quality. However, this is not enough for the antiauthority tenet to be a forceful objection against democracy. We might well wonder if “incompetent” decisions arise out of a sufficiently competent body of representatives who have been elected by sufficiently competent voters, should we then admit that governing means trying to resolve complicated and hard problems. Further still, should we then not also admit that attempting to tackle such challenges means sometimes making making mistakes. My epistemic defense of democracy, then, is simple. If we analyze how the competence principle would apply to possible sophisticated forms of democracy then we observe that such democracies do a good job despite a population which is mostly ignorant, irrational, and incompetent.

4.7 How Competent Is Epistocracy?

I have so far only claimed that we can observe that representative democracy performs better than what Brennan’s account predicts. Democracy does not necessarily systematically violate the competence principle. This is only part of the story, however. We are trying to make an evaluation of how democracy compares to epistocracy. While I have argued that democracy does a good job at complying with the competence principle, the question is whether or not epistocracy would do any better.

This is quite difficult to resolve. As Brennan notes, talking about epistocracy is a speculative affair:

It’s hard to know whether epistocracy would be better, because we have not really tried it.

Some governments have had epistocratic elements in the past, but not of the exact sort I

advocate here. When I argue that epistocracy could do better than democracy, I have to speculate more than I would like to.²⁰³

There are no present examples of epistocracy which we can observe. What is more, Brennan denies that history is able to provide us with informative examples as well.²⁰⁴ This presents difficulties. We are asked to compare democracy against speculations of what something that is only theoretical might look like in practice.

This leaves epistocracy open to speculations about why epistocracy would not do as well as it is speculated. There are a number of such arguments against epistocracy which we might briefly survey. For instance, it is not entirely persuasive that approximating competence is reliable enough to produce the hoped for result of a dramatically more competent political decision-making process. After all, for various reasons, Brennan proposes approximating competence through less demanding assessments like the citizenship exam. Also, the efficacy of such a moderate epistocratic constraint could be dubious: the ignorant, irrational, and misinformed members of the public tend not to vote anyways. If the standards which approximate competence are set too low then epistocracy mostly strips political power from those who rarely exercise it. The epistocrat might argue this suggests that the cost of such a policy would be less than expected, but the democrat might respond that the benefits are not enough to justify the costs.

Further, even if the correlations between whatever indicator and knowledge relevant to political issues is sufficiently strong and reliable, it is not clear to me that knowledge is sufficient for compe-

²⁰³Brennan, *Against Democracy*, p. 205.

²⁰⁴I am deeply skeptical of this. There are a number of attempts at implementing epistocratic elements in various governments and organizations to varying degrees of success and failure. Historical examples of epistocracy is not limited to obscure and short-lived oddities. Imperial China had what can be retroactively described as an epistocratic government which governed and administrated the country alongside imperial rule. Day-to-day political duties were performed by scholar-officials. These were bureaucrats, advisors, and governors who could only be appointed to office after qualifying through an extremely rigorous civil service examination system. It was rare for a candidate to be ready to take the provincial exams before the age of 30 which, if passed, would allow the candidate to then take the metropolitan and then the palace exams. This system was in place in some form or another from 165 BCE to 1905 CE. Even if these are not of the exact sort of epistocracies which Brennan would like to propose, they at least inform us in the ways which epistocracy might fail. This is not insignificant. The examinations in Imperial China are particularly interesting in regards to approximating competence given the institutional failure of the system to create officials with any practical competence in addition to being extremely knowledgeable about literary classics and accepted philosophical dogma. What is more, if epistocrats cannot offer an explanation of history in their account, then their theory fails to take all the evidence into account.

tence. Competence, after all, depends upon what you are doing. Knowledge itself might be sufficient for department bureaucrats who are, or should be, meritocratically appointed anyway. On the other hand, the people elected to represent us in government are often asked to do more; to be leaders or diplomats and so on. All too often, crises arise. In such times, we look to those leaders and rely upon them to fortify our resolve, to give us courage, to weather such storms and to do great things. Leaders must be able to inspire. The qualities which are called upon in the course of their duties are not limited to just knowledge or reason. Unfortunately, it is not obvious that either knowledge or reason are strongly and reliably correlated with qualities like tact, charisma, or character.

Additionally, we might suppose that if epistocracies were substantially more competent than democracy, then we ought to expect epistocracies would tend to result in different decisions. It would be difficult to motivate epistocracy as something more than a mere academic novelty otherwise. However, it is not clear that the kind of epistocracy which Brennan proposes would systematically result in different policy decisions. Brennan argues that there is empirical evidence that the incompetent and the competent have systematically different policy preferences.²⁰⁵ However, systematically different policy preferences are not sufficient to conclude that there would also be systematically different decisions. Even though I have a strong preference for vanilla ice cream over chocolate ice cream and my friend only has a moderate preference, we both always decide to buy vanilla instead of chocolate when given a choice. In other words, it is not enough to show that an enlightened public would be more or less supportive of some policy. Rather, it has to be shown that an enlightened public would actually disagree with what the actual public decides.

Given this possibility, it is not clear that the empirical evidence shows that there are systematically different policy preferences which are of sufficient magnitude to result in systematic, substantive disagreement. By substantive disagreement, I mean that the preferences differences are such that an enlightened public would support a policy when a previously they would not and vice versa. A prefer-

²⁰⁵He cites the research on the policy preferences of high and low income (although he assumes that this is a strong enough correlation to construe Gilens as noting that the results tell us about the policy preferences of high-information voters) Democrats by Martin Gilens in *Affluence and Influence: Economic Inequality and Political Power in America* (2012) and the analysis of ANES data (which Althaus is careful to note is only hypothetical and does not tell us how people would *really* think if they knew more about politics) by Scott L. Althaus in *Collective Preference in Democratic Politics: Opinion Surveys and the Will of the People* (2003)

ence difference which only results in a different degree of support is not sufficient for a straightforward conclusion that there would be systematically different decisions. This is not to say that the difference in policy preference is not significant or that it shows that political knowledge does not matter. I only claim that it somewhat undermines the intuition that an epistocracy would be dramatically different. For the sake of brevity, I will only suggest that the data which Gilens and Althaus provide do not demonstrate that the systematically different policy preferences generally results in substantive disagreement.

Pursuing any of these arguments against epistocracy, however, is outside the scope of this paper and our present evaluation. For one, it is difficult to assess the weight these speculative objections have without putting epistocracy into practice. Before democracy was tried, there were a number of speculations—like the objection that the common person was too ignorant for democracy to work at all—which were seriously considered until actual practice revealed their impotence. We might, generously, consider that the weight of these objections are reasonably contestable so long as epistocracy only exists as a theory.

More importantly, the present question is whether democracy or epistocracy violate the competence principle less frequently. As I have argued, democracy does not systematically violate the competence principle. Consequently, the frequency of democracy's violations is evaluated by observing and counting the number of its unsystematic violations rather than through some conceptual analysis. This presents a quandary since there are no examples of epistocracy for us to observe. Suppose, for the sake of argument, that epistocracy also does not systematically violate the competence principle. In which case, the frequency of epistocracy's violation would also be evaluated by observation and not conceptual analysis. The fact that the proposed, and presumably, more feasible forms of epistocracy utilize an approximation of competence rules out any argument that they must somehow be competent analytically. As such, the frequency of epistocracy's violations is uncountable since there is no epistocracy to observe. This is a problem since we cannot conduct a comparison of something countable against something that is not countable.

Considering this, Brennan's argument against democracy is invalid until there is an actual epistocracy. Without being able to observe the frequency of unsystematic competence principle violations,

there is no way of verifying the claim that epistocracy would perform better. However, I will argue that the fact that democracy performs well enough to necessitate counting the difference in unsystematic violations is reason enough against epistocracy. Brennan claims that if democracy and epistocracy do equally well then we should be neutral in preferring one to the other. I argue that a neutral result is, in fact, a negative one for epistocracy.

4.8 The Cost of Epistocracy

The fact that democracy does not violate the competence principle in a systematic way is ground for us to say that democracy and epistocracy do equally well for practical purposes. The claim here is not that they are strictly equal in the frequency of competence principle violations. I only mean that the two present us with a close enough comparison that, in the scheme of things, the differences are small enough to be considered marginal enough not to obviously sway our evaluation between the two one way or the other. In which case, the competence principle does not give a particularly weighty argument for one or the other.

This claim should not be surprising. After all, a system can only be so good in this regard. The competence principle is a disqualifier. It does not give us any reason to see one system as better beyond the point that one violates the competence principle less than the other. If we suppose that both democracy and epistocracy had perfect compliance with the competence principle but epistocracy performed better in some other regard, then, given the terms of our present evaluation, we would conclude that they are equal. Both comply with the competence principle equally well. Insofar as both systems approach perfect compliance, the difference between the two become increasingly less.

In which case, if both democracy and epistocracy both avoid violating the competence principle systematically, then they would be roughly equivalent in our present evaluation. If the difference lies in the frequency of unsystematic violations, then the difference will be just that: unsystematic. Since such differences would arise not out of any intrinsic feature of democracy or epistocracy but out of some extrinsic feature, it is beyond what we can assess from only a conceptual analysis. We are looking at a complex and chaotic interaction of any number of arbitrary, extrinsic features of the world

which determine how unsystematic violations arise. What is more, since both tend to comply with the competence principle, the chaotic difference arises out of relatively small sums. For all practical purposes, then, democracy and epistocracy are roughly equivalent according to the competence principle.

It should be remembered that Brennan rejected the authority tenet. He instead justifies epistocracy on the grounds of the antiauthority tenet. Epistocrats who follow Brennan's approach are constrained in their possible responses as a result. For epistocracy to be legitimate, the antiauthority tenet must give a stronger objection to democracy and all other possible options.²⁰⁶ The argument for epistocracy depends upon the argument against democracy. In which case, if the argument against democracy depends upon the competence principle, then epistocrats who endorse the antiauthority tenet and not the authority tenet cannot defend epistocracy by pointing to better performance in other regards.

For Brennan, then, we have arrived at a neutral result. That is to say, "if democracy and epistocracy perform equally well, then we may justly instantiate either system."²⁰⁷ He thinks that in such a case we ought to be indifferent to either democracy or epistocracy. When "the choice between democracy and epistocracy is something of a toss-up—in effect, it just doesn't matter which one we pick."²⁰⁸ Interestingly, Brennan seems to take this as opening a positive argument for epistocracy. He argues that a toss-up puts democrats in an uncomfortable position. He concludes that "when I say, 'Let's try epistocracy!' you should either be with me or at least not against me".²⁰⁹ It would seem, then, that in giving this epistocratic defense of democracy democrats would have no arguments against at least trying epistocracy if it is likely to do equally as well.²¹⁰

²⁰⁶Realistically, even epistocracy can make mistakes and allow the incompetent to endanger innocents. The question is not what perfectly avoids disqualification by the antiauthority tenet but what is the least egregious

²⁰⁷Brennan, *Against Democracy*, p. 16.

²⁰⁸*Ibid.*, p. 203.

²⁰⁹*Ibid.*

²¹⁰Brennan dismisses proceduralist and "semiotic" arguments for democracy. He takes it that democrats cannot defend

As Brennan stipulates, however, our inquiry is nonideal. We are not implementing either theory *ex nihilo*. Rather, we have to consider how the actual facts of the world would affect any possible future implementation of either. As a result, an apparently neutral result is in fact a negative one for epistocracy. For epistocracy to be a serious prospect it must do considerably better than democracy. After all, in considering the world as it is, epistocracy will come at a greater cost. Democracy is already in place around the world and enjoys the general approval and acceptance as a legitimate and good form of government in most democratic countries. While I am not defending real, present forms of democracy, the cost for democratic reform in an already present democracy is likely to be considerably less than that of building a new form of government from the ground up. Epistocracy, then, is more difficult to implement in our circumstances.

In some ways, Brennan admits this. In his mind, “the best argument for democracy is Burkean conservatism. Democracy is not a *fully just* social system, but it’s too risky and dangerous to replace it with something else.”²¹¹ Burkean conservatism is, roughly, the idea that we ought to exercise extreme caution when making radical changes to already existing institutions. This was the lesson for Edmund Burke of the attempt of the French Revolution to dismantle the monarchy and implement a democracy.²¹² Present day institutions, as flawed as they are, have come about through a complicated history which may obscure the reason why those institutions are that way until those institutions are removed. Implementing radical change is risky and may bring problems to the surface which were minimized and unseen under the previously existing institutions. Experimentation, then, is dangerous. Brennan thinks this is a reasonable argument and concludes that any attempt to realize epistocracy should be restrained. He suggests that implementing epistocracy can be trialled in small experiments and thereby reduce the risk and dangers with which Burkean conservatism is concerned.²¹³ By accepting

democracy through other avenues besides an epistocratic defense. Obviously, there is room to resist Brennan by objecting to these arguments against democracy. For the sake of argument, I will grant Brennan these objections to democracy if only to show that he still fails to persuade that we ought to implement an epistocracy.

²¹¹Brennan, *Against Democracy*, p. 230.

²¹²Edmund Burke, *Reflections on the Revolution in France*, ed. J. G. A. Pocock (Cambridge, MA: Hackett, 1987 [1790]).

²¹³It should be noted that this restrained experimentation could also be construed as a proposal for an epistocratic Fabi-

Burkean conservatism as a reasonable consideration, Brennan admits that implementing epistocracy is risky and dangerous. These are costs which arise out of implementing epistocracy; they may be manageable by approaches like small trials, but there is a cost which democracy no longer imposes.

Instituting an epistocracy is, after all, radical. It entails dismantling a government which is generally perceived to be legitimate and establishing a new government founded on different principles which have yet to be generally accepted. Given the nonideal state of the world, epistocracy is revolutionary: it entails a revolution.²¹⁴ It is outside the scope of this paper to consider the minimum requirements of a successful revolution.²¹⁵ Suffice it to say that it is rarely a simple and easy thing to do. Because any attempt to create an epistocracy would amount to a revolution, implementing epistocracy requires great effort to persuade and implement and comes at great risk and danger.

What is proposed, then is that we take radical steps to experiment with a new system of government that is likely to do just as well as what is possible through reforming the current system. This is not an uncomfortable position for democrats. Again, this is not to say that no solution is necessary to the real problems which affect existing democracies. This is only to observe that we are asked to choose between the extraordinarily daunting task of revolution or the difficult task of institutional reform in order to achieve the same end. Put in these terms, it is clear that democratic reform is the preferable choice.

It might be tempting for epistocrats to deny such reforms are possible. Perhaps it could be claimed that the sort of institutional reforms which would achieve the same end as epistocracy are too unfeasible or ideal. However, it is apparent that Brennan believes that there are forms of democracy that

anism. Epistocrats might instead endorse a gradualist approach by introducing epistocratic-like democratic reforms with the aim of gradually bringing democracy increasingly closer to epistocracy until the implementation of epistocracy is an easier prospect.

²¹⁴Not all revolutions entail a rebellion.

²¹⁵The literature regarding the plausibility of a successful socialist revolution is illuminating. In particular, in Przeworski's "Material Interests, Class Compromise, and the Transition to Socialism" raises a similar argument under the guise of the free rider problem. Given that revolution will come at a cost to participants in the short-term, but it is not necessary for everyone to participate, it seems rational for the individual to be a free-rider and let others bear the costs instead. Should most individuals follow this rational choice, then it is unlikely that sufficient numbers of participants will be garnered to bring about a revolution. The free-rider objection to socialism is a fairly popular one. Presumably, we should also hold epistocracy up to the same test.

are feasible and which he suggests we ought to pursue. Recall that Brennan defined epistocracy as a political system that distributes political power according to knowledge or competence as a matter of law or policy. Democracy is defined as a system which, by law, grants universal suffrage. Under these definitions of of epistocracy and democracy, a number of the epistocracies which Brennan proposes are, in fact, democracies.

The most notable case is Brennan's proposal for universal suffrage with epistocratic veto. This system is essentially contemporary democracy with one addition. As Brennan describes it,

This system has the same political bodies and institutions we find in contemporary democracies. It has unrestricted, equal universal suffrage...Yet the system also has an *epistocratic council*, a formally epistocratic deliberative body.²¹⁶

This epistocratic body would be open to the public upon satisfying some qualification which demonstrates, or more likely approximates, competence. This epistocratic body would then be given veto power over the democratic bodies when it judges that the decisions are malicious, incompetent or unreasonable.²¹⁷ Notably, it would not be granted the power to make law. Such a body, then, would exercise an epistocratic check over what would otherwise be a democracy.

Brennan gradually admits that universal suffrage with epistocratic veto might not be an epistocracy. He initially introduces it as a "hybrid system".²¹⁸ Afterwards, he suggests that it is a "borderline case"²¹⁹ and argues that epistocratic veto is "compatible" with democracy²²⁰ Brennan eventually concludes that "Universal suffrage with epistocratic veto seems to capture what is desirable about epistocracy without itself being an epistocracy. It also captures much of what is desirable about democracy

²¹⁶Brennan, *Against Democracy*, p. 215.

²¹⁷*Ibid.*, p. 216.

²¹⁸*Ibid.*, p. 215.

²¹⁹*Ibid.*, p. 218.

²²⁰*Ibid.*, p. 219.

while providing a check against democratic irrationality and incompetence.”²²¹ The proposal for universal suffrage with epistocratic veto, then, is not a proposal for epistocracy at all. It is, in fact, incompatible with epistocracy by definition. While it introduces an institution which may be characterized as epistocratic-like, this is not sufficient to take away the fact that what it proposes is essentially democratic. What is more, all it proposes is essentially institutional reform rather than any radical restructuring of our basic institutions away from democratic principles. Given our nonideal circumstances, all that would be required to implement universal suffrage with epistocratic veto is for our current democracy to pass legislation which introduces the epistocratic body which Brennan describes.

We can also consider Brennan’s proposal of government by simulated oracle to also be essentially democratic. This system is based on the claim that social scientists, specifically Althaus, have demonstrated that we can estimate what an informed electorate would prefer. Brennan proposes that surveys that track citizens’ political preferences, demographic characteristics, and basic objective political knowledge. He claims that “Once we have this knowledge, we can simulate what would happen if the electorate’s demographics remained unchanged, but all citizens were able to get perfect scores on tests of objective political knowledge.”²²² Through some transparent statistical method, gathering this information from the public would arrive at an apparently competent decision.

It is not clear how this would qualify as an epistocracy by definition. Political decisions are made by surveying the public—possibly even making such surveying compulsory in order to arrive at a richer and more representative data set—with no *de jure* restrictions of political power according to assessed competence. In fact, such surveys, when taken as official declarations of the individual’s preferences, are just a more detailed and extensive ballot. In which case, government by simulated oracle preserves universal suffrage. Despite its peculiarity, it is essentially democratic. While it suggests a more radical reform than epistocratic veto, it is still within the realm of institutional reform rather than necessitating a revolution.

If these are serious proposals, then it must be admitted that democrats are able to pursue institutional reform in order to achieve the same ends as epistocrats. This is not to necessarily endorse these

²²¹Brennan, *Against Democracy*, p. 220.

²²²*Ibid.*, p. 221.

particular proposals which Brennan make. It is only to argue that if these particular proposals are feasible reforms, then democrats will have a number of other alternatives which they might suggest as well. Democratic reform, then, is a viable option.

It might be suggested that these sort of reforms introduce epistocracy into democracy. As Brennan describes a number of mechanisms already present in democracy, “Each of these mediating factors tends to reduce the power of the majority of the moment during the election and instead place greater power in the hands of more informed citizens. In that sense, there are epistocratic checks within a democratic system.”²²³ While we could characterize these reforms as being epistocratic in the sense that they are epistocratic-like, it should not obfuscate the point that, even with these reforms, what is proposed is still essentially democratic. So long as the law ensures universal suffrage instead of distributing political power according to competence, then that government is a democracy by Brennan’s definition.

In which case, a neutral result is a negative one for epistocracy. If they do equally well, it does not follow that in a nonideal framework that we ought to be indifferent between the two. Although both would be means toward the same end, epistocracy come at great risk and cost given the nonideal circumstances we find ourselves in. Since democracy does not systematically violate the competence principle, it is difficult to see why we ought to see epistocracy as a worthwhile prospect for these reasons. Moreover, it is difficult to see why we ought to be indifferent between the two in a nonideal framework. Instead, democrats and would-be epistocrats should prefer a democracy with epistocratic characteristics as the way to avoid systematically violating the competence principle.

²²³Brennan, *Against Democracy*, p. 200.

CONCLUDING REMARKS

In light of this analysis, democratic reform is the most promising answer for effective change. It is difficult to sell the prospect of revolution when the expected results are less than revolutionary. This is not to dismiss the work of epistocratic theory wholesale. If we can ensure that our decision-making processes are more competently performed, then we should hope that government performs better as a result. The problem for epistocrats is that this can be pursued through institutional reform rather than dismantling and reconstructing the entire state. If similar results can be achieved through less radical means, then we ought to consider and exhaust these options before revolution. As such, the work done in epistocratic theory should inform our consideration of democratic reforms. Epistocrats might take solace by concluding that this is a proposal for “epistocratic democracy”. A rose by any other name would smell as sweet.

Finally, we should also consider whether we have misidentified ignorance as the problematic feature of competence. There are a number of concerning phenomena emerging in political psychology like increasing polarization and tribalism. The sort of behavior which Brennan highlights may not be due to incompetence as he describes but these sort of biases and behaviors. Moreover, there are entities which leverage these phenomena to exploit people for their own ends whether it be for profit or for nefarious causes. It is not clear that the degree of knowledge about whatever subject is sufficient for resisting these phenomena. Even experts are vulnerable to biases. As such, it is also unclear how stripping political power from the ignorant will help in this regard. The problem arises from the way we acquire knowledge rather than the amount of knowledge we have. In which case, the solution seems to be educational reform such that good epistemic practices are instilled in the public. This might be described as a proposal about competence. A rose by any other name would smell as sweet.

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