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Abstract:

In his book "Against Democracy", Jason Brennan suggests that if only well-educated and politically competent people were eligible to vote, a system called "epistocracy", political outcomes would be more just and society as a whole better off. According to Brennan, democratic procedures based on political equality have no real value because they do not contribute to more equality and justice. This thesis examines Brennan's claim in light of the common assumption that an equal and just society requires moral equality, that is the recognition that everybody shares equal worth. Given that there is no universal definition of justice and hence no standard to measure what an equal and just society specifically requires, this thesis argues that political equality, including the right to vote, is necessary to at least achieve moral equality. Political equality is the only instrument to formally recognise people's equal moral worth and achieve political decisions that comply with it.

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1 Introduction

Democracy is widely accepted as the best political system to achieve the goal of an equal and just society, at least among forms of government that have been tried. Nonetheless, its value in successfully realising this goal remains debated. Recent developments in consolidated democracies such as the election of Donald Trump in the United States (US) or the Brexit vote in the United Kingdom (UK) have spurred dissatisfaction. People were insufficiently informed about policy implications that would come with their decision. For Jason Brennan (2017), such events confirm his assumption that democracies often fail to produce good political outcomes due to widespread misinformation and voter ignorance (p.ix).

His book "Against Democracy" examines this problem and proposes an alternative system called epistocracy, meaning "the rule of the knowledgeable", where only citizens that possess sufficient competence about political affairs have the right to vote. He emphasises the instrumental value of epistocracy as tool for political decision-making and expresses three main assumptions against democracy. Firstly, political participation corrupts due to individual biases that lead to irrational decisions on political topics. Secondly, democratic norms such as equal participation have no intrinsic or instrumental value. Thirdly, epistocracy could generate political outcomes that are substantively more just. Consequently, Brennan claims that epistocracy could achieve an equal and just society better than contemporary democracies.

In this thesis, I examine his claim because especially in times of social media and fake news, his criticisms about misinformation and ignorance are reasonable, wherefore the role of competence in political decisions seems worth exploring. Yet, are uninformed voting and "bad" election outcomes reasons to break with democracy? To my mind, they are not because his argument ultimately fails, as it rests upon the implication that a just society does not require political equality. As Brennan would himself agree, an equal and just society recognises moral equality, which implies both the intrinsic equal worth of all people and that people's interests

must be given equal consideration. I argue that such moral equality can only exist if it is formally recognised, and that this recognition is only achievable through political equality.

I structure the thesis as follows. Firstly, I briefly explain how views about the value of democracy differ, primarily in terms of proceduralism as opposed to instrumentalism. I then proceed to summarise Brennan's main criticisms of democracy and elaborate on his proposed solution called epistocracy. Thereafter, I review two prominent counter-arguments to epistocracy, namely the disagreement argument and the demographic argument. Both are relevant to understand how I arrive at the claim that political equality is necessary for an equal and just society which I address in chapter 4. Chapter 4 is divided in two parts where I first defend the procedural value of democracy by showing that equal participation is required for an equal and just society. The second part addresses remaining objections and demonstrates that through political equality, democracy also has instrumental value because it protects fundamental rights and prevents power abuse.

2 The value of democracy

Contemporary democracies emerged because people sought to break with hierarchy-based systems and establish an equal and just society where they could live in solidarity with each other, but also self-determined and freely (Anderson, 1999, p.312). People demanded equal political rights to end oppression and equal opportunities for political participation to determine their own lives, commonly understood as political equality. Hence, the realisation of equality and liberty were perceived as requirements for an equal and just society and are what fundamentally constitutes the purpose of democracy. But how do we determine whether democracy really fulfils its purpose?

The value of democracy is discussed within the broader debate about legitimacy. Legitimacy identifies the requirements which justify a political system and gives it permission to coerce power. Buchanan (2002) suggests a political entity is legitimate when it is morally justified to exercise political power, that is when it can rightfully apply and enforce laws within a jurisdiction (pp.689/690). Given we aspire an equal and just society, it can be argued that a system is legitimate if it achieves this goal. But if we are equal and free, can a political system legitimately wield power while respecting the equality of its people?

For the purpose of this thesis, it is assumed that a political system can be legitimate. There are two main approaches on how democratic systems achieve legitimacy: proceduralism and instrumentalism. Proceduralism emphasises the value of the democratic decision-making process based on universal suffrage, while instrumentalism regards democracy merely as an instrument to achieve (just) political outcomes.

Accordingly, pure proceduralism defines legitimacy in terms of how fair the procedure is (Peter, 2007, p.330). They reject procedure-independent judgements about morality or "correctness" of outcomes. Procedural defences of democracy assert that non-democratic procedures are inherently unjust because they violate political equality (p.333). Although specific conceptions of what political equality should imply and achieve may differ, it is

justified that a government holds power if everybody has at least an "equal say" in determining who forms the government and what the most fundamental laws should be (Buchanan, 2002, p.710; see also Buck, 2012, p.223, and Peter, 2007, p.330). In sum, proceduralists argue that equal political participation that includes everyone on an equal basis is needed for a procedure to be fair. If the procedure is fair, the result is legitimate.

In contrast, instrumentalists claim that legitimacy depends on the substantive quality of political outcomes which should be judged by their ability to equally safeguard fundamental moral rights (Buck, 2012, p.225; see also Landwehr & Leininger, 2019, p.3). While the substance of fundamental rights is debated, it is widely accepted that they at least consider people's personal integrity through principles such as free speech, individual liberty, and equality (p.225; see also Halstead, 2017, p.297; Buchanan, 2002, p.706). For instance, Saffon and Urbinati (2013) argue that equal liberty is the main normative goal of democracy and its realisation requires democratic procedures (p.450). Christiano (2011) argues that democracy is the best system to protect fundamental rights compared to other political systems (p.145). Thus, instrumentalism values democratic decision-making as the best way to achieve just outcomes which makes democratic systems legitimate.

Overall, proceduralism emphasises *how* decisions are made and *who* makes them, while instrumentalism focuses on *what* is being decided. However, since instrumentalism emphasises outcomes, pure instrumentalism acknowledges that there may be new systems and procedures that could protect fundamental rights better (Buck, 2012, p.226). The different interpretations of democracy's value are essential for Brennan's as well as my argument. In the next chapter, I discuss Brennan's criticisms of democracy and his suggestion that epistocracy would be more legitimate, which are both based on instrumental considerations. To understand both advocates and opponents of either system, I further consider two prominent (procedural) counter-arguments to epistocracy.

3 Reasons to break with democracy?

For Jason Brennan (2017), "democracy is a tool, nothing more" (p.xiv). He retains a pure instrumentalist view, claiming that procedural arguments for democracy are unjustified (p.14) because if democracy fails to produce just outcomes, or an alternative non-democratic procedure could improve outcomes, we should use the alternative (p.11). Brennan argues that democracy might produce better outcomes than most non-democratic systems, but nonetheless frequently fails to produce just outcomes which primarily stems from voter ignorance (p.ix). Most democratic citizens are "ignorant, irrational, and misinformed nationalists" (p.19) who make unreasoned decisions because they lack basic knowledge on economics or political science required to cast informed votes (p.20). It is hence no surprise that a political system like democracy that is based on equal political participation often faces undesirable outcomes.

Brennan categorises people in three groups, namely *hobbits*, *hooligans*, and *vulcans* (p.4). Hobbits are ignorant citizens that lack social scientific knowledge and are largely uninterested in politics. Most non-voters are hobbits. In contrast, hooligans are overconfident people with strong world views who are usually ignorant to alternative perspectives (p.5). According to Brennan, most voters and active political participants fall under this category. Society would be better off if both hobbits and hooligans refrained from politics (p.6).

Brennan suggests that political power should be divided according to competence and skill wherefore we should consider epistocracy, meaning "the rule of the knowledgeable", as alternative to democracy. Only vulcans, as he calls people that are scientifically rational and unbiased, would be eligible to vote (p.5). Presumably, they would make better political decisions aimed at the common good which would be substantively more just. If this was the case, epistocracy would be more legitimate. Therefore, we should break with democracy and be open to "experiment" with forms of epistocracy to see if it can mend the shortcomings we experience in contemporary democracies (p.16).

3.1 Epistocracy

Epistocracy would formally distribute political power according to competence and skill, trusting that those holding power pursue the common good. By limiting political power to those with adequate political knowledge and qualifications, epistocracy could produce better political outcomes. Those outcomes are judged according to some procedure-independent standards of justice that contribute to the common good and maintain a just society (p.11), though Brennan does not claim to know how a perfectly just society would look like (p.19).

He refers to three tenets that are commonly used in support of epistocracy. These are based on truth, knowledge, and authority:

> *Truth tenet*: There are correct answers to (at least some) political questions.
>
> *Knowledge tenet:* Some citizens know more of these truths or are more reliable at determining these truths than others.
>
> *Authority tenet*: When some citizens have greater knowledge or reliability, this justifies granting them political authority over those with lesser knowledge. (p.16)

However, Brennan does not think that superior knowledge alone authorises someone to exercise power. While agreeing with the truth and knowledge tenets, he rejects the authority tenet because it implies that being an expert in a field automatically endows the person with authority or power over others. He notes that, for example, someone who knows more about nutrition and healthy diets is not automatically entitled to force others to follow certain dietary prescriptions. Nonetheless, inferior knowledge or ignorance would justify denying access to power. Brennan therefore contends that epistrocracy is founded on what he calls the "*anti*authority tenet":

> *Antiauthority tenet*: When some citizens are morally unreasonable, ignorant, or incompetent 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. (p.17)

The *anti*authority tenet is the inverse of the authority tenet. If incompetent people make uninformed decisions, outcomes commonly fail to produce the effect these people expected or intended. Therefore, uninformed decisions pose a risk to society's overall welfare because when all votes weigh equally, uninformed ones mostly outnumber informed ones. People who make informed and reasoned decisions are rare and should be protected from the incompetence of others, and the incompetent ones from themselves (p.127). Epistocracy would assess political competence based on pre-defined criteria and thereby commit better to the common good and a just society.

Brennan emphasises that citizens share equal basic moral rights and that no government should privilege some people over others, but this is independent of the fact that some individuals simply have superior judgement of political issues (p.120). Politics is a field of expertise such as medicine, aviation, or plumbing. Just like he would not judge a pilot's way of steering an aircraft, people with little expertise in politics should not impose their judgement over others (p.121).

Brennan acknowledges that democracy has some mediating mechanisms to prevent severe injustice (p.22). Those mechanisms could be regarded as epistocratic elements in modern democracies, such as expert bodies in public administration or the judiciary (p.199). However, the key difference in epistocracy is that bad decisions that might need to be reconciled would not even occur (p.200). The exclusion of some people from voting is not perceived as unjust because if epistocracy produces just outcomes and maintains the common good, competence

clearly legitimises a political system more than equal participation. Epistocrats would be capable to act in the interest of all people by virtue of their competence and knowledge.

Accordingly, for Brennan, procedural claims are "semiotic arguments", meaning they are purely symbolic: "The right to vote is a metaphorical badge of equality" (p.112). The connection between moral and political equality is contingent on our perception and says nothing about whether equality is really achieved. Political equality only conveys the feeling that sharing equal political power communicates respect for oneself and towards each other (p.113). We should not bother about perceived symbolism or feelings because they do not express any conceptual or moral truth. Instead, we should change our perception and identify what really achieves an equal and just society.

In sum, evaluating people's political competence to determine their eligibility to participate in political processes would not infringe their moral equality. If decisions are made competently, people may be treated even better than in current democratic systems. There is no reason why we should not regard each other as equals just because not all of us are allowed to vote.

3.2 Counter-arguments to epistocracy

Most counter-arguments to epistocracy are of procedural nature and rejected by Brennan (2017) because he denies that equal participation effectively contributes to an equal and just society. However, he does not try to specify the substance of procedure-independent truths and knowledge that the tenets of epistocracy presume, yet argues that epistocracy provides a better commitment to justice (p.19).

Therefore, I reckon it is worth considering why proceduralism rejects such claims. There are two main arguments, the *disagreement argument*, and the *demographic argument*. Both explain why there can be no universal truth about procedure-independent standards that

measure political outcomes wherefore democratic procedures are commonly perceived as the most reasonable solution to achieve just outcomes. The following two sections elaborate on each argument respectively.

3.2.1 The *Disagreement Argument*

People tend to confuse policy and outcome preferences, meaning that when voting they expect a specific outcome but effectively vote for policies coming with their preferred candidate or party. Therefore, Brennan (2017) argues that basic understanding of economics and social sciences is necessary to make informed decisions. If two presidential candidates claim to improve economic growth, but one promotes protectionism and the other free trade, economic knowledge is required to know which one actually stimulates growth (p.28).

However, this argument neglects or understates the significant disagreements that exist even among scientists. For instance, many economists disagree on economic theories, let alone general discords about the free market-economy itself (Gunn, 2019, p.33). To allow a polity to use the definite correct means, it would be required to determine which theory is true (p.35). Such universal truth appears impossible to acquire.

While the complexity of political problems is a main reason for Brennan to exclude incompetent voters, the disagreement among social scientists themselves make his solution questionable. Theories can be proven wrong, as illustrated by economists' inability to anticipate market failures leading to the financial crisis in 2008 (p.35), and economic policies have not experienced meaningful reforms which raises doubts that scientists would make better voting decisions than uninformed voters (p.36). Thus, scientific knowledge is unlikely to make people better voters. Besides, voters influence political agendas but are not enforcing policies.

Nevertheless, even if we disagree on scientific theories, Brennan's (2017) instrumental account suggests procedure-independent truths about what justice requires and that superior social-scientific knowledge enables people to choose the morally desirable solution to achieve

the common good. Yet, moral considerations comprise objective needs as well as subjective experiences. How does scientific knowledge form a basis for moral judgements?

I suggest we differentiate between the common good and justice (or an equal and just society) as two separate goals. Consider this: Something serving the common good, for instance by generating economic growth to make people overall wealthier, might come at the cost of exploitation in some areas which can be considered unjust because it disadvantages people there. Thus, even if scientific disagreements such as debates on economic growth could be solved, this does not imply that moral disagreements are also solvable.

Therefore, Estlund (2007) argues a political system is only legitimate and hence allowed to coercively enforce laws if it is based on reasons acceptable to all "qualified points of view", what he calls the *qualified acceptability requirement* (p.206). Profound disagreements, especially concerning what kind of knowledge competence requires, are "invidious comparisons" (p.211), meaning it is disparaging to compare people and the quality of their judgements because it is impossible to possess all-embracive knowledge. Henceforth, qualified points of view must comprise all possible points of view, or preferences, present in society. This complies with democratic legitimacy because if all preferences should be considered, it is most plausible to achieve this through equal democratic procedures (see also Buchanan, 2002).

3.2.2 The *demographic* argument

Political views often reflect ideological convictions, influenced by factors such as religion, gender, or ethnicity. Accordingly, disagreements are contingent on personal beliefs and biases because preferences and how available information is interpreted depends on people's demographic background (Estlund, 2007, p.215). In chapter 2 of his book, Brennan uses empirical data such as surveys on voter knowledge to show that people suffer from various biases influencing their voting decisions, usually in a negative way. Yet, a vulcan, as Brennan calls the ideal voter, would not be susceptible to such bias (see 3.1).

However, he also admits that becoming a true vulcan is impossible since everybody is at least a little biased (p.5). His argument is therefore self-defeating because it has been shown that social-scientific knowledge often makes people stick even more to pre-existing beliefs (Gunn, 2019, p.35). Rather than deliberating multiple perspectives, people use their knowledge to interpret and organise information in ways that confirm their theories.

Furthermore, even if knowledge made some people better voters, good education is mostly accessible to privileged people which tend to be concentrated among certain ethnicities or classes (Estlund, 2007, p.215). Consequently, epistocrats would be mostly those demographic groups that already enjoy education while alienating disadvantaged ones further.

Brennan acknowledges that rich white men are the demographic group best informed about politics whereas poor black women know the least, but it does not follow that this is unjust if educated white men make good policy decisions (p.133). Instead, it could create more justice for all because good policy decisions require information and therefore people capable of evaluating this information, regardless of who those people are (p.116). If people demand equality, it is important to determine what policies would achieve this.

However, assuming that well-educated people make better decisions is deceitful because this presumes people are naturally good-willed and altruistic (Moraro, 2018, p.208). Brennan (2017) derives from empirical observations that people generally vote for what they believe serves the national interest wherefore we could expect competent people to use their knowledge altruistically for the common good (p.120). His assumption is deficient because competence and altruism are two separate character traits (Moraro, 2018, p.209).

Estlund (2007) illustrates this given the example of literacy. Most likely, the ability to read makes literate people better decision-makers compared to illiterate people (p.217). However, competences like literacy travel with features such as race and class whereby the epistemic effects are probably negative overall, despite the general advantages of literacy

(p.218). An educated person could still be a racist and vote accordingly. Neither competence nor altruism prevent inherent biases that potentially influence voting behaviour.

In sum, the demographic diversity of society renders impartial voting decisions impossible. Moreover, as shown in the previous section, people disagree not only on scientific solutions, but also on moral matters, such as what the common good and an equal and just society require. Together, the disagreement and the demographic argument rebut most of Brennan's assumptions about epistocracy. Contrary to the truth tenet, even if there are *some* correct answers, *most* political questions do not have straightforward solutions. Contrary to the knowledge tenet, knowledge does not necessarily make people better rulers. Yet, this conclusion only implicitly rejects the *anti*authority tenet. Could it be justified that we compromise political equality for the sake of better political outcomes? I proceed to examine this question and argue that this compromise cannot be justified.

4 The connection between moral and political equality

The aim of politics should be to achieve and maintain an equal and just society. However, it is debatable what this entails. What does justice require? How should equality be expressed? In my view, equality and justice are interrelated. Justice requires equality. While egalitarian theories diverge on what kind of equality would achieve justice, all agree that people are equal in worth, independent of personal characteristics. I call this moral equality. Hence, if we are morally equal, an equal and just society requires that we are treated equally. Brennan would not object to this claim but reject the idea that it requires equal political participation. I disagree and argue that an equal and just society that protects moral equality requires political equality, including participation.

My argument is best understood along the lines of political egalitarianism which according to Anderson (1999) has the negative aim to end (socially imposed) oppression by ruling political elites over their people, which occurred in many previously hierarchical systems (p.288), and the positive aim to "create a community in which people stand in relations of equality to others" (p.289). People demanded equality and the freedom to be self-determined. An equal and just society should ensure respect and concern for all citizens and include everybody in civil society *and* government affairs (p.317). Political equality realised this because it gives everybody the same rights and liberties, including the right to participate in political processes, whereby every citizen effectively enjoys equal standing in society. Yet, what exactly does political equality entail?

According to Dahl (2006), political equality comprises two fundamental assumptions. Firstly, that "all human beings are of equal intrinsic worth, that no person is intrinsically superior to another, and that the good or interests of each person must be given equal consideration" (p.4). Secondly, "[a]mong adults no persons are so definitely better qualified than others to govern that they should be entrusted with complete and final authority over the government of the state" (p.4).

The first assumption affirms that societal arrangements should be compatible with moral equality which political equality formally recognises. Although people differ in capabilities, they are effectively equal citizens since political decisions must consider all interests on the same basis. The second assumption asserts that not even knowledge justifies exclusive authority in political decisions whereby societal relations are always equal, denying any form of superiority or inferiority. This corresponds with the disagreement argument because the absence of some universal truth prevents determining specific qualifications that could entitle some to rule over others.

Based on this, I define political equality as the equal political standing of every citizen in a political state in form of equal rights and liberties, including but not limited to the right to equal participation, that is the opportunity to vote and run for public office. In short, political equality refers to equality in (political) rights which are based on the fundamental assumption of moral equality.

While all theories of political equality agree that it includes equal voting rights, they diverge about what political equality implies or achieves (Beitz, 1989, p.22). I briefly summarise the purpose of the three main theories according to Beitz. Firstly, *popular will* theories identify political equality as fulfilling a social choice function, meaning that democratic decisions should reflect the most preferred will within society (p.20). They are concerned with fairness to people's political preferences. In contrast, *best result* theories focus on social welfare and argue that equal participation is fair because it reflects people's needs and the results help maximise prosperity. They identify political equality as an expression of people's overall interests. Both theories are outcome-oriented. Thirdly, and contrary to the former two, procedural theories only consider the fairness of decision-making itself (p.22). They focus on people as equal citizens that should be equally entitled to participate in political processes (p.23).

There are thus both procedural and instrumental arguments for what constitutes political equality which corresponds with arguments about what legitimises democratic systems as explained in chapter 2. Therefore, I reckon a mixed account of both proceduralism and instrumentalism is necessary to defend the real value of democracy. An equal and just society and legitimate political outcomes must be compatible with moral equality and I will show that epistocracy could not achieve this because competence is insufficient to warrant moral equality. Only political equality safeguards moral equality in a political society. In the first part of this chapter, I demonstrate that Brennan's rejection of proceduralism is unconvincing. In the second part, I explain how political equality also provides instrumental value.

4.1 The value of equal participation

Brennan (2017) argues that equal participation is not needed to express (moral) equality and that competence could ensure it even better (p.18). Yet, even if epistocracy would achieve some morally superior decisions, there are three reasons why it is implausible that it provides for a higher degree of moral equality compared to democracies. Firstly, treating people equally requires not only considering their interests but also to not discriminate among any demographic groups and treat all people equally. Secondly, we can only relate to each other as equals if we enjoy the same rights and liberties which requires equal participation. Thirdly, denying equal political participation impairs individual self-determination. The following three sections elaborate on each reason respectively.

4.1.1 Equal consideration of all people

A legitimate political system should give equal consideration to all citizens. According to Brennan (2017), competent people would be capable to also consider the interests of those excluded from voting (pp.116/117). However, such competence is unrealistic considering the

aforementioned disagreements on both scientific and moral matters, especially given the size and diversity of modern polities, which leaves processes and laws based on equal participation as the only way to capture all preferences (Buchanan, 2002, p.712; Estlund, 2007, p.206).

Moreover, epistocracy contradicts the political egalitarian aim to abolish hierarchy-based political systems where people and groups of higher ranks could marginalise and suppress the less fortunate (Anderson, 1999, p.312). Equality and hence equal consideration imply that there must not be discrimination among demographic groups, including factors like education or social class which are often interrelated.

Epistocracy would reintroduce a form of hierarchy that marginalises certain demographic groups since the less fortunate tend to be the poorer and less educated citizens, those that would largely fall under Brennan's category of hobbits and hooligans, and would therefore be excluded from voting. Brennan would counter-argue that their exclusion from voting does not imply suppression. However, it effectively does because people are excluded based on factors they are mostly not responsible for. People born into poor families that lack the resources to get good education are not responsible for their incompetence. Yet, even if they were, this would not justify their exclusion from political participation. If epistocracy would reform education systems and improve minimum wages, some social inequalities nonetheless remain because, though wealth and knowledge are related, there are multiple factors that determine a person's social standing. People have different strengths and weaknesses. Those who struggle to learn about politics or economics are not necessarily ignorant and their preferences are still valid because they indicate real circumstances that should be considered by politics.

Therefore, Brennan's argument suggests a too narrow account of political competence. I explained in section 3.2.1 on disagreement that people's preferences diverge on both scientific and moral matters. It is impossible that someone or a small group of people truly knows all individual preferences because they are not only based on competence in form of knowledge,

but also on subjective experiences. Accordingly, political decisions also require moral competences which are not founded on scientific facts but on subjective experiences of people's communal lives. In section 4.1.3., I return to this point in more depth.

For now, the above arguments show that re-creating political structures that exclude parts of society due to incompetence would be as unjust as discrimination based on other factors. Brennan (2017) rejects such comparisons, arguing that excluding incompetent people from voting is different from past inequalities based on religion, gender, or social class (p.18). However, incompetence is often related to such demographic characteristics. Therefore, equality requires that there must be no discrimination against people stemming from "diversities in socially ascribed identities, distinct roles in the division of labor, or differences in personal traits, whether these be neutral biological and psychological differences, valuable talents and virtues, or unfortunate disabilities and infirmities" (Anderson, 1999, p.313).

To Brennan (2017), such assumptions are only contingent on perception. If people are incompetent because they lack talent, it is what it is. Subjective experiences are like feelings, they do not matter (p.113). Political decisions should simply not harm anyone. Epistocracy could guarantee this better than democracy and, regardless of the reason for people's incompetence, everybody would still enjoy the same rights and liberties, apart from equal voting rights (p.7). To my mind, this is false and I continue to explain why equal participation is necessary for equal rights and liberty.

4.1.2 Equal rights and liberty

Democracy aims to realise an equal and just society where people enjoy equal rights and liberty. Liberty, or freedom, implies self-determination, that is the ability to make choices. To be free in and as a society, people must have opportunities to influence political agendas and decide themselves what rights and freedoms they value, known as collective self-determination (Buck, 2012, p.224). Thereby, "liberty is made possible through equality in political rights, which

entails the right to participate" (Saffon & Urbinati, 2013, p.460). There cannot be freedom without political freedom because our freedom (of choice) is confined to the boundaries of the state which are the political rules stipulating our rights. If we value *equal* rights and liberty in that state, our freedom needs to include political choices. Equal participation allows people to determine the conditions of their collective freedom, and is itself part of their individual freedom.

From Brennan's (2017) perspective, political rights or liberties do not matter for personal choices because they are ineffective to communicate preferences since votes are anonymous and do not express intentions (p.137). Epistocracy would not deny people their freedoms such as the right to free speech. People can express views or preferences more effectively in fora, social groups, or letters (p.136). There would be no constraints to people's free will and equal right to express their views. Much more, competent decisions could enhance people's lives and give them substantively more freedom than in democracy.

This train of thought implies that political equality is not necessary because equal liberty merely refers to having the *same* rights and freedoms. The state specifies rules based on which people have the same leverage to make choices. In non-democratic systems, everybody is still free in the same way as the rest in that respective society. If epistocracy seeks to improve commitments to the common good and justice, why worry about restrictions to our freedom?

I argue that it is contradictory to even talk about liberty and freedom if it does not include the right to equal political participation because those holding political power would possess disproportionate freedom to make decisions on political rights as opposed to the population they rule over. Thus, even if most rights and liberties are the same, the fact that a group of people decides what those rights and liberties are gives them effectively more freedom.

Accordingly, although Brennan's *anti*authority tenet states that competence does not automatically entitle to authority over others, this would effectively happen in epistocracy. Epistocrats, after passing the requirements for political competence, determine the political

rules which society should obey. Thereby, they take away some freedom of choice from the people and impose what they suggest benefits the common good.

Brennan considers this more just because those choices would not harm anybody, whereas incompetent choices could. However, Brennan himself also gives the example that just because someone else is an expert on nutrition, this does not mean the person is entitled to tell him what to eat (p.17). Is a healthy diet good for me, even if fast-food makes me happier? It should remain our choice what we consider good for us which is linked to the problem of disagreement on moral matters. As indicated in section 3.2.1, it makes sense to see the common good and an equal and just society as two separate goals, and the former does not necessarily lead to the latter. What is the common good? Does the common good simply mean that everybody has the resources to survive, or does it mean more, that people should be content?

If people consider different things good for themselves, democratic procedures at least approach an idea of the common good, indicating again that not only scientific facts matter, but also subjective experience. While democratic procedures cannot prevent that some people do not get their will, "where a policy consensus is out of reach, the procedural consensus is what in most matters allows constructive and peaceful dealing with dissent." (Landwehr & Leininger, 2019, p.2). If people have to defer to a decision they disagree with but in which they participated, they are more likely to accept it.

This is significant to understand why legitimacy matters. Legitimacy, as I have explained before, requires giving equal consideration to all citizens. A system should not only be legitimate in theory through this criterion, but also practically in the eyes of its citizens, who should be able to perceive the consideration given to their interest. For this consideration to be perceived even when people do not get their will, such a democratic process of procedural consensus is needed to achieve legitimacy in practice; a legitimacy which an epistocratic government would inherently lack. An epistocratic government restricts people's freedom of choice and leaves them no legal mechanism to accommodate disagreement.

Thus, political equality is necessary for equal rights and liberty whereby democracy is understood as collective self-determination where "[political equality] guarantees all law-abiding citizens effective access to the social conditions of their freedom at all times" (Anderson, 1999, p.289; see also Christiano, 2008, p.98). We can only stand in relations of equality to each other if we partake in the construction of the social order. Our equal rights and liberty, our right to make free choices, are the result of collective deliberations and required to achieve some degree of equality and justice in society.

Individual political choices, or votes, are often perceived as irrelevant because they form only a small share of political influence. Yet, the sum of all individual choices produces democratic decisions, wherefore each vote matters. In the next section, I expand why the right to equal participation is relevant beyond collectivism. It is decisive for us to be free and self-determined individuals.

4.1.3 Individual self-determination

Compromising political equality would impair individual self-determination wherefore removing the equal right to vote cannot be morally justified even if some democratic decisions might be undesirable. Undesirable does not automatically mean unjust. Again, self-determination relates to liberty and freedom, implying the ability to make conscious choices.

My self-determination is my ability to be in control over my own life and body. As citizen of a political society, my choices are limited to the liberties and rights granted by the state. If I choose to do something that violates these rules, I will be sanctioned. Many of my private choices are bound to political regulations such as where and how I can build a house, what name I can give to my child, or at what age I can acquire for instance a driver's license or buy alcohol. Of course, regulations like these intend to ensure my safety, maintain order in society, and enable us to live together. Nonetheless, it shows that politics affects my life, whether directly or indirectly. As a free citizen, even if I have to endure some rules of political

society that ensure my own and others well-being, surely I should have a say in what these rules are?

Brennan (2017) points out himself that "political power is control over other people's bodies" (p.127). Yet, as outlined before, he believes that this justifies excluding some people from voting given their incompetent decisions could pose risks to others. This assumption aims to rebut the common assertion of other authors which argue that equal political power is necessary for people's self-respect and restraining it would damage their self-esteem. Here, Brennan emphasises that political institutions are meant to advance justice and secure peace, not boost people's self-esteem (p.126). This assertion is valid and I agree that it is not justified to give someone power over others just because it preserves their self-esteem.

The issue is more complex and very significant because it concerns our self-determination. Why should a group of people, just because they know more about politics, decide over *my* life and body? As Brennan mentions, modern polities make numerous decisions on where people are allowed or obliged to go, what they are permitted to eat or what drugs to use, and even whether they are allowed to have consensual sex with other adults (p.127). These are not matters of macroeconomic significance that require high-level socio-economic knowledge to make a good policy decision. These are matters directly affecting my personal life. They determine how I am supposed to live. How could it be justified that someone decides about my life only from passing a political exam? I have two reasons why it cannot be justified, the first relates to freedom and the second concerns the nature of competence.

Firstly, self-determination is often interpreted as requiring something like "freedom as non-domination" (Swift, 2019, p.78), implying that we are autonomous beings that should not be subject to somebody else's judgement or will. However, it is clearly impossible to be completely free from domination because politics always involves the rule of some over others and given that there is disagreement, some people will not get what they want, even in

democracy. So why does it matter who decides and what is being decided as long as it does not harm me?

In the previous section, I explained that democratic procedures provide legitimacy because they allow constructive dealing with disagreement. Buchanan (2002) explains that "the inequality that political power inevitably involves is justifiable if every citizen has "an equal say" in determining who will wield power and how it will be wielded, at least so far as the content of the most basic laws is concerned" (p.710). Those voted into power will transpose popularly demanded rights and freedom. Therefore, given that people should collectively decide over their rights and freedoms, they need to collectively decide who wields power which requires equal participation. As self-determined people, democratic decisions provide at least a channel to express preferences and retain some control over how our lives are regulated. Thereby, democracy is the only political system that maximises individual autonomy (Swift, 2019, p.79).

Moreover, I indicated in section 4.1.1 on equal consideration that preferences depend on subjective experiences which leads to the second reason why epistocratic decisions cannot be justified, concerned with the nature of competence. There is disagreement who qualifies as competent and how to measure competence, especially regarding moral questions (see 3.2.1). I suggest differentiating between scientific and moral competence. Life experiences are complex and not entirely knowable by others. There is usually no reasonable justification why somebody knows better what I need because the other person does not experience life from my perspective. Even if everybody is affected by the same event, the effects this event has on individuals nonetheless differ depending on their respective societal circumstances.

When abstract matters like economic policies are concerned, I still know my personal financial situation better than politicians that just classify categories like working class, middle class, freelancer, and so on. My personal circumstances are more than my salary, they concern the size of my family, the hobbies I enjoy, or additional obligations like caring for a sick

relative. For example, how can politicians know what living with a disability or being the caretaker of a disabled person is like? Those people, or their legal guardians, know best what they need and what they expect the state to provide. Moral competence based on subjective experience cannot be measured and accessed by others. It would be presumptuous to claim such competence on the mere grounds of having a social sciences degree.

Brennan would contend again that people do not vote in self-interest but in what they think promotes the national interest, and they also confuse policy with outcome preferences (p.50). I mentioned in section 3.2.1 that the disagreement argument mostly refutes these assumptions, especially given that even scientists disagree and sometimes stick to their theories although these turned out deficient. Yet, another reason to consider is that even if people vote for what they consider the national interest, they evaluate this interest from their point of view.

Given some inherent bias stemming from people's demographic background as outlined in section 3.2.2, everybody has a sense of belonging to some societal faction, even if only subconsciously. They assume what benefits their type of people will be right. Moreover, even if political results contradict people's intentions, elections determine political ends, not means. If politicians fail to comply with their promises, the problem may not be voter incompetence. It could indicate politician's indifference toward voters' preferences. Brennan mentions that individual votes do not determine whether elected politicians "decide to help, ignore, or hurt us" (p.86). This appears problematic, but I do not see how this relates to voter incompetence.

Consider for instance the example of populism which was a factor leading to "undesirable outcomes" like Trump's election and Brexit. Populist ideologies are worrisome because they come with hostile mind-sets like xenophobia. Labelling those people ignorant, which many probably are, oversimplifies the matter. Again, competence travels with other characteristics. Some highly knowledgeable but racist people could use their knowledge to pursue xenophobic policies, and maybe voters that choose a populist party are not actually racist but feel left behind in society and believe this party will address their problems. Extending this

contemplation further would exceed the limitations of this thesis, but what I intend to illustrate is that voter ignorance is not necessarily a problem. All points of view are qualified and matter. Politicians should take all preferences seriously, identify the causes for populist tendencies, and address them to accommodate people's problems. In short, we clearly don't want politicians to transpose populist demands as these would probably violate moral equality, for instance by suppressing certain groups, and therefore be unjust. Yet, we do want politicians to take our problems seriously and act in common societal interest.

Now resuming the question why political equality is important and why epistocratic decisions could not be justified, it can be summarised that the freedom to make choices and determine the course of one's life, combined with the fact that all-embracive moral competence is unrealistic, makes the right to self-determination a vital component of moral equality that requires the right to participation. Thus, I demonstrated that procedural defences of democracy based on political equality are not mere symbolism but imperative components of an equal and just society. In the following section, I examine how political equality furthermore provides instrumental value to democratic systems.

4.2 The instrumental value of political equality

Sceptics of proceduralism, such as Brennan, argue that the substance of political outcomes is more important than the procedure which generates them. The question remains whether democracy - through the will of the majority - will not put minorities at a disadvantage. Is autonomy and equal participation seriously more important than personal safety? Clearly, we expect safety and peace from an equal and just society. In what follows, I provide two reasons why political equality also provides instrumental value. Firstly, by emphasising principles of equality, democracies are intrinsically designed to serve and protect all people. Secondly, political equality minimises risks of power concentration and abuse.

4.2.1 Fundamental rights

Instrumentalists argue that a political system is legitimate if it produces just outcomes. Yet, how do we evaluate whether outcomes are just when there is no universally accepted standard about what justice requires? I have shown that there is consensus about moral equality being an essential requirement of an equal and just society, and I have argued that this necessitates political equality. All theories of political equality endorse equal participation because it provides for equality in other political rights, yet neither theory denies that there may be some substantive criteria to evaluate the outcomes of equal procedures (Beitz, 1989, p.22). I refer to these substantive criteria as fundamental rights that preserve people's moral equality.

Many democratic theorists have attempted to define fundamental rights. Christiano (2011) acknowledges urgent moral goods such as the protection of people's equal status, their dignity, or their fundamental interests (p.145). Buchanan (2002) refers to Human Rights that "all human beings have by virtue of their humanity", which comprise basic common interests and are usually linked to people's equal moral worth (p.706). In brief, there is agreement about the existence of rights aimed at preserving personal integrity, equality, and safety which correspond with moral equality.

However, no agreement on the precise content of fundamental rights is needed to worry that followers of extremist ideologies, such as populists, gain a majority through democratic procedures and proceed to discriminate against minorities in matters of equal rights and justice. Could the achievement of democracies to preserve equality of rights through the right to vote be redacted by such developments?

While disagreeing on the necessity of equal voting rights, this is precisely Brennan's assumption: That an epistocracy would better prevent extremists from endangering justice and equality, and the legislative output would produce a higher amount of common good. He thereby suggests that the common good implies provisions that enable equality and justice, and hence protect fundamental rights.

I reject this assumption, reiterating that the common good and an equal and just society are two separate goals. Even if there is some output of decisions achieved in epistocracy that support these goals, Brennan provides no convincing argument that the two are the same, or that equality and justice necessarily result out of a competently made decision that promotes the common good.

In contrast, Buchanan (2002) provides an example of religious freedom as a fundamental right that would not necessarily be considered of collective interest: He concludes that "the interest in being free to practice one's religion without fear of oppression is so important that even a significant gain in utility for society as a whole is not itself sufficient reason to allow discrimination" (p.705). Accordingly, the interest to practice religion is not as such a particularly significant interest, the source of its significance lies in the individual's right to be free and self-determined (p.706). Collective freedom can be perceived as a common good, but the value of protecting individual freedoms is not primarily aimed at generating a good external, it does not directly serve other's interests.

Therefore, the protection of individual fundamental rights is one crucial element of democracies which has not yet received explicit consideration in my argument: Fundamental rights *are* protected in democracies; not through the democratic process of voting, but through the institutions that modern democracies entail. My argument in favour of democracies does not defend a minimalist conception of democracy merely concerned with the voting procedure, but democracies in their modern definition, which by virtue of political equality always entail the presence of judiciary courts as well as constitutions or bills of basic rights that are hard if not impossible to amend (see Halstead, 2017, p.297, Saffon & Urbinati, 2013, p.448). The right to equal participation is itself a fundamental right to be protected but the outcome it generates needs to be regarded independently. If fundamental rights are violated by a majority, outcomes of equal procedures can be repudiated.

One could argue that these institutions are epistocratic elements, but - to recall my previous argument - moral equality also necessarily requires political equality achieved through a democratic voting procedure. While necessary to protect fundamental rights in democracies, the institutions and provisions mentioned can thus not be considered hints at the superior ability of epistocracies to enable an equal and just society.

Epistocracy may in theory address some aspects of the common good that require scientific knowledge better than democracies, for instance equality-related matters on distributive justice, but those are again debatable issues on which even scientists frequently disagree. We do not know what the common good is because people differ in their needs wherefore equal procedures are the best way to identify the aggregate common interest. We do know, however, that an equal and just society requires moral equality which I demonstrated requires political equality in form of equal rights, including the right to participate in political processes.

Thus, political equality is the only instrument that enables the protection of moral equality which corresponds to the fundamental moral rights according to which instrumentalists claim political outcomes should be evaluated (see chapter 2). All democratic procedures and institutions rest on political equality. Epistocracy as alternative procedure to arrive at political decisions is incompatible with political equality, hence violates moral equality, and it could therefore not produce just outcomes.

I have yet hinted that the formal difference between the common good and an equal and just society would in practice mean that the former does not necessarily entail the latter. In the last section, I argue that there is reason to expect that epistocracy, where power is in the hands of a few, is more likely to increase rather than prevent injustice.

4.2.2 Power corrupts

Equal participation in the democratic process provides every grown citizen with an equal share of political power. Power represents the "relationship between the desires and the capacities of an agent" and is significant for "its contribution to the realisation of a possible desire" (Beitz, 1989, p.12). Accordingly, each vote is a share of political power and therefore a citizen's capacity to contribute to the fulfilment of their desire. Yet, a desire should be differentiated from a clear outcome preference. Given the agenda-constraints of politics, that is the available alternatives between for instance parties and candidates, "it would be wrong to characterize the agent's relative capacity to engage successfully in the relevant forms of political activity as an exercise of *power*, for those forms of activity do not usually consist in efforts to satisfy desires for substantive outcomes" (p.13). This indicates again that people vote for political ends, not means. Their choices portray their situational needs, regardless of whether their intention reflects a group preference or not. The power to transpose desires into policies rests with the elected politicians.

However, as also outlined in the introduction, one of Brennan's (2017) underlying assumptions is that participation corrupts. This is because inherent biases make people accept only the evidence that strengthens pre-existing views whereby hobbits likely become hooligans, and hooligans become worse hooligans (p.61). Deliberation stultifies rather than enlightens, and prevents constructive cooperation among groups (p.62). While single votes do not matter because their share of influence is too small (p.50), the accumulated choices of ignorant groups of people can negatively impact political outcomes and pose risks to others. Therefore, incompetent people should not hold any political power (p.14).

His logic appears conclusive at first, but it carries with it a decisive flaw. An undeniable fact about human nature, that has been particularly exposed in past hierarchy-based systems and dictatorships, is that "power corrupts, and absolute power corrupts absolutely" (Dahl, 2006, p.5). Hence, it is not participation which corrupts, but power itself. Most countries opted for

democracy to replace atrocious dictatorships because "participation minimizes the risk of power abuses" (Saffon&Urbinati, 2013, p.461).

Perhaps, Brennan (2017) would object to comparing epistocracy with dictatorships. After all, his idea is concerned with competence to advance justice. Except for equal voting rights, epistocracies would retain "most of the normal features of republican representative government" and would not concentrate power "in the hands of a few" (p.x). Granted, epistocracy is not absolute authoritarianism, but it is nonetheless closer to power concentration than democracy could ever be. Moreover, Brennan's own argument that *most* people are misinformed and ignorant suggests that relative to the population, epistocracy would distribute power among "a few".

Brennan's own concessions thereby turn into self-defeat. For example, he acknowledges that democracies are diverse and some might work better than others due to differences in cultural or socio-economic conditions. The same would be true for epistocracy and both systems would "suffer abuse, scandal, and government failure" (p.207). In addition, I mentioned before that he recognises himself that it is impossible to become a true vulcan because nobody is entirely free from bias: "Realistically, epistocracies will still feature the rule of hooligans rather than vulcans, although epistocratic hooligans may be more vulcan-like than in democracy" (p.207).

Yet, even if epistocratic hooligans are more vulcan-like, it is doubtful why epistocracy would generate better governance. After all, politics is always and everywhere dominated by elites because politics depends heavily on the availability of what Dahl (2006) calls political resources (p.55). Those resources include money, information, social networks, effective rights, and many other things which form "means that a person can use to influence the behaviour of other persons" (p.51). Well-educated people usually have many such resources wherefore in epistocracy, both the voting population and government bodies would be composed by elites.

If people are at best vulcan-like hooligans, those elites remain inclined to somehow pursue their ideological preferences. We frequently witness how political pledges to attend to "the public good" turn "into an identification of "the public good" with the maintenance of their own powers and privileges" (Dahl, 2006, p.5). People care about their own standing. The more influence or power they gain, the more they want. Yet, it follows that the governing elites in democracies and epistocracies are probably fairly similar. So why does it matter whether we stick with democracy or opt for epistocracy?

It is unreasonable to assume politically competent people would always act in the common interest. Therefore, as indicated earlier, I suggest that misinformed voting is not our main concern. The problem of power misuse or abuse exceeds the limitations of this thesis, but the existence of this problem supports my argument about political equality. Firstly, the right to participation is indispensable because without the equal right to vote, which among some other fundamental rights is the only political resource everybody is equally entitled to, people would lose their only means to hold politicians accountable if these violate their political mandate. Secondly, democratic institutions should prevent that elites abuse power and act at the disadvantage of some groups of people. It remains unclear how this could be achieved in epistocracy.

Thus, Brennan's claim that epistocracy would generate better governance is illusory. The nature of human beings in relation with power, particularly under consideration of past authoritarian experiences, should be sufficient to understand that compromising political equality is too risky and likely induces more injustice rather than preventing it.

5 Conclusion

In this thesis, I have examined whether Brennan's criticisms about uninformed voting and "bad" election outcomes justify a break with democracy in favour of epistocracy where political power would be distributed among politically competent people and thereby produce better, that is more just, political outcomes. I have argued that we should not break with democracy because Brennan's assumption, that political equality is not necessary for an equal and just society, is a logical fallacy. An equal and just society requires at least moral equality, meaning the recognition of the intrinsic equal worth of all people, which is only safeguarded through political equality. Contrary to Brennan's pure instrumental account, I have provided both procedural and instrumental reasons to demonstrate the superior value of democracy as opposed to epistocracy.

Firstly, political equality gives procedural value to democracy because the right to participation is essential for equal consideration of interests and the avoidance of suppression of individual demographic groups. Moreover, equal participation enables equal rights and liberty because to be free in and as a society requires that people themselves determine the boundaries, or rules, of their collective freedom. If some group of people decided on the rights and liberties of society, this group would enjoy disproportionate freedom compared to others and deprive people of their free choices. It follows that without equal participation, people would be deprived of their right to individual self-determination. Even if we cannot always get what we want in politics, it is vital that we can communicate our choices and preferences since politics directly or indirectly affects our personal lives.

Secondly, political equality provides instrumental value to democracy because it safeguards fundamental rights that all people have by means of their moral equality. The right to participation is a fundamental right itself but the outcome of a majority decision must not violate other fundamental rights. To protect those, democracies have institutions and provisions which we could not necessarily expect in epistocracy. In addition, through political equality

which gives all people an equal share of political power, risks of power abuse are minimised to the extent possible. Although similar tendencies occur in democracies, the chances that epistocracy exacerbates them are high because human nature, as also indicated by the demographic argument, makes it unlikely that people act exclusively altruistically.

Nonetheless, Brennan's criticisms that many democracies fail to generate good political outcomes remain valid and the problem of misinformation should not be underestimated. However, an undesirable outcome is not automatically unjust and epistocracy could not achieve legitimacy, neither from a procedural nor from an instrumental perspective, because it contradicts moral equality. Thus, Brennan's suggestion to transform modern democracies into epistocracies and thereby exclude politically incompetent or ignorant people from voting cannot be the right solution. The risks that compromising political equality would induce (more) power abuse and suppression are too high. As I have indicated at times, I reckon Brennan sees the problem of undesirable outcomes at the wrong level of politics. Widespread dissatisfaction could indicate that politicians are increasingly detached from their people, and perhaps voters had to choose among undesirable options. Instead of blaming voters, further research should explore whether and how competence could improve outcomes at higher levels of political decision-making and governance.

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