

# **Disagreement Among Equals:**

Epistocracy and the Problem of Coercion

By

Patrick Daniel Squatriti

Submitted to

Central European University

Department of Philosophy

In partial fulfilment of the requirements for the degree of

Master of Arts in Philosophy

Supervisor: János Kis

Budapest, Hungary

2020

## **ABSTRACT**

Epistocracy and democracy must each find a solution to the problem of coercion. The problem consists in finding adequate justification for imposing political decisions upon those who disagree with such decisions. The problem is particularly conspicuous for liberals who recognise that all human beings are bearers of equal moral status. As bearers of equal moral status, any coercion to which they are subjected must be compatible with respect for their autonomy, understood as their right not to be dominated by another person. Liberal democracy resolves the problem by granting all citizens equal control over the decision-making procedures that produce the laws that bind them. Liberal epistocracy is incapable of finding such a solution. Its proposals either disregard the right to non-domination of its disenfranchised citizens, or justify that violation in terms that fail to give proper regard to the moral significance of disagreement. As such, from a liberal perspective, epistocracy should be rejected in favour of democracy.

## ***Acknowledgments***

I owe much gratitude to my supervisor, János Kis for his patience and guidance in the process of writing this, and for many of the ideas that helped develop my thinking. A big thank you also to Simon Rippon for his feedback, the inspiration provided by his course of the epistemology of democracy and his constant support in my years at CEU.

I dedicate this thesis to my mum, who would not read it, would disagree anyway, and probably be right.

And also to my cat Golda Meir, who slept on my keyboard while I wrote it.

# Table of Contents

INTRODUCTION .....	1
CHAPTER ONE: THE PROBLEM OF COERCION .....	9
1.1. THE PROBLEM OF PLURALISM.....	10
1.2. THE PROBLEM OF COERCION.....	12
1.3. FROM BASIC EQUALITY TO AUTONOMY .....	15
1.4. AUTONOMY AS NON-DOMINATION.....	17
CHAPTER TWO: DEMOCRATIC COERCION .....	21
2.1: NON-DOMINATION AS EQUAL CONTROL.....	23
2.1.1. <i>Autonomy and Agency</i> .....	23
2.1.2. <i>Agency as Choice?</i> .....	24
2.1.3. <i>Agency as Equal Control</i> .....	26
2.2. DEMOCRACY AND EQUAL CONTROL.....	28
2.3. CONCLUSION .....	32
CHAPTER THREE: EPISTOCRATIC COERCION .....	33
3.1. EPISTOCRACY AND AUTONOMY.....	34
3.2. EPISTOCRACY AND NON-DOMINATION .....	36
3.3. JUSTIFYING DOMINATION .....	39
3.4. THE ‘BEST CASE’ FOR EPISTOCRACY .....	42
3.5. CONCLUSION .....	48
REFERENCES .....	50

## Introduction

A gentleman from Switzerland once marvelled at how, for all his vaunted freedom, man was so often found in chains.<sup>1</sup> His observation is no less relevant today. We are told that each of us is a free and equal individual, having no masters or overlords. Yet we frequently find ourselves forced, as if by a master, to act in ways we do not wish. If we were to drive as fast as we want, inhale fumes from the wrong plant or discharge our natural functions next to our favourite monument, we may well end up in literal chains. How do we make sense of the fact that we, as autonomous beings, can be forced to do as we are told?

In this essay I address the way in which epistocracy attempts to address this problem. In particular, I ask how epistocracy justifies coercively imposing political decisions on dissenters. My aim is to show that, because of fundamental conflicts between the epistocratic project and liberal principles, liberal advocates of epistocracy are unable to adequately answer this question. As such, for liberals at least, democracy is to be preferred to epistocracy.

### *Democratic Incompetence*

A long-standing criticism of democracy has been that the citizenry is generally ill-equipped to reach good political decisions. Ever since Plato's time, it has been a concern that voters' ignorance and irrationality are likely to result in bad choices, favouring skilled manipulators, flatterers and demagogues over those best suited for government. More recently, research into voter knowledge and behaviour has provided backing for this claim, revealing that the

<sup>1</sup> Rousseau, p.64.

average citizen is some combination of apathetic, biased or ignorant on matters relevant to political decisions.<sup>2</sup>

This has lead some to the conclusion that if incompetent voters cannot reliably engender good government, only the competent should govern. This view, first referred to by David Estlund as '*epistocracy*',<sup>3</sup> has enjoyed increasing popularity in the past decade. Its proponents (from here on '*epistocrats*') need but point to recent political events — the rise of populism across Europe, the United Kingdom's Brexit, and Trump and Bolsonaro's electoral victories among others — as evidence that, far from being a purely theoretical concern, voter incompetence can have very detrimental real-world effects. On the epistocrat's reading, the wielding of voting power by the incompetent has led to predictably incompetent decisions, giving rise to the question — *what justifies imposing their decisions on the competent?*<sup>4</sup>

It is a concern that merits consideration. But it is subsidiary to another, broader issue — the problem of coercion. The problem of coercion asks — *what justifies coercively imposing political decisions upon those who dissent with those decisions?* The epistocrat claims that it is the *competence* of political decision-makers that justifies such coercion. Therefore, in order to maximise such competence in political decision-making, the incompetent should be partly or entirely deprived of political rights. Assuming that we are able to determine who should be regarded as competent and incompetent for these purposes, epistocracy might appear a plausible solution to both voter incompetence and to the problem of coercion.<sup>5</sup>

<sup>2</sup> Brennan (2017, pp.24-30) has a good (and disconcerting) summary of some of these findings. For present purposes I shall treat the interpretation of the data in this regard as uncontroversial.

<sup>3</sup> See Estlund, p.7.

<sup>4</sup> For a recent formulation of this question from an epistocratic perspective, see Brennan (2017), pp.8-10.

<sup>5</sup> I do not claim that this is the only, or even the driving rationale behind epistocracy. Any system of government can be conceived of as an answer to myriad questions, e.g. *how do we live together?*, *how do*

But there are complicating factors. Many epistocrats, and certainly the epistocrats that I am concerned with here, claim to hold to liberal values. So do most advocates of democracy (henceforth '*democrats*'), whom epistocrats should aim to persuade. This means that whatever arguments the liberal epistocrat puts forth must be consistent with liberal principles.

What might those principles be? For our purposes, I assume as foundational to liberalism the belief that all human beings are bearers of equal moral status.<sup>6</sup> This is not to say that human beings are as a matter of fact morally equal (a claim more controversial than one might expect),<sup>7</sup> but simply that it is a value agreed upon by the vast majority of liberals. To the extent that it is not, then my argument applies only to those liberals who share a belief in basic moral equality.<sup>8</sup>

From a liberal perspective then, citizens who are disenfranchised under epistocracy may indeed be ignorant, but they are also equals — both with respect to each other, and with respect to the enfranchised citizens who have a say in what the laws might be. As we shall see below, this fundamental equality has important implications with regards to the justification of coercion.

*we achieve justice?, how should resources be distributed?;* etc. Here, I am focussing exclusively on epistocracy's answer to the question posed by the problem of coercion.

<sup>6</sup> In this I follow János Kis (p.26, fn.9), for whom a commitment to the ideal of equal moral status is a cornerstone of liberalism which "*cannot be abandoned without giving up on its entire theoretical venture*".

<sup>7</sup> For an interesting perspective on how one need not hold other disreputable beliefs to deny basic equality, see Steinhoff (2014).

<sup>8</sup> For the purposes of this essay I will be using the terms '*equal moral status*', '*fundamental moral equality*', '*basic equality*' *et similia* interchangeably.

Another issue that liberals must contend with is the fact of disagreement. As Jeremy Waldron writes in the opening of his book *Law and Disagreement*, “*there are many of us, and we disagree about justice*”.<sup>9</sup> This is not a shared value, but a basic fact about people. What *is* a shared value, among liberals at least, is that this disagreement is somehow morally significant. It is not the case that all beliefs, interests or preferences are equal, or even that they are all worthy of respect; but the people who hold them, and their capacity to do so, are. As such, to the extent that their beliefs, interests or preferences are passed over or disregarded, they are owed an explanation that pays regard to that equal respect. At the heart of the liberal project lies an attempt to find equitable ways of navigating and adjudicating such disagreements in a manner that is in principle justifiable to all. It is my contention here that epistocracy fails in this enterprise.

### *The Argument*

The claim that I am advancing here is the following — that epistocracy’s solution to the problem of coercion fails to show respect for basic moral equality. Further, to the extent that the violation is acknowledged, epistocracy’s attempt to justify it fails to attribute proper moral significance to the fact of disagreement. As such, epistocracy is at odds with fundamental liberal commitments. Conversely, democracy can be directly derived from the ideal of basic equality; and it doesn’t just acknowledge the fact of disagreement, but appears specially designed to address it head-on. A strong version of this claim would be that accepting liberal principles commits one to accepting the authority of liberal democracy. While I suspect that this is the case, I will be defending a narrower claim here — that a belief in basic moral equality requires that we reject epistocracy. To summarise, the Twitter-friendly version of

<sup>9</sup> Waldron (1999), p.1.



my overall claim is this — “*if you’re a liberal you probably should be a democrat, and you definitely can’t be an epistocrat*”.

My argument proceeds along the following steps:

- P1: Liberals accept the principle of basic moral equality (this is assumed);
- P2: Basic moral equality is inseparable from personal autonomy;
  - C1: For liberals, authority to coerce dissenters into obeying laws with which they disagree is not justified unless it respects their personal autonomy.
- P3: Democracy respects and encourages the personal autonomy of dissenters;
  - C2: Democratic authority to coerce dissenters is justified.
- P4: Epistocracy fails to respect or encourage the personal autonomy of dissenters;
  - C3: Epistocratic authority to coerce disenfranchised dissenters is not justified.
- C4: Given (C2) and (C3), liberals ought to reject epistocracy in favour of democracy.

In Chapter One I develop the claim at P2 and arrive at the interim conclusion C1. I begin by fleshing out the twin problems of pluralism and of coercion. While I focus on the latter, the tension between disagreement and equality lies at the heart of both problems, so neither can be fully appreciated without understanding the other. In order to elucidate the problem of coercion, I show how basic moral equality entails autonomy, best understood in this context as *non-domination*. I conclude (C1) that a liberal justification of political coercion must reconcile coercion with non-domination, and show how coercion of dissenters is not an instance of domination that violates their personal autonomy.

In Chapter Two I explore P3 and show one way in which democracy resolves the tension between political coercion and personal autonomy. The key concept here is that of *equal control*. My claim is that in a social setting non-domination (as described in Chapter One) requires that each individual have equal control over the terms of binding relationships to which she is party. By allowing citizens an equal say in political decision-making, democracy grants them equal (if negligible) control over the laws by which they are bound. As such, it does not violate their autonomy (C2).

Finally, in Chapter Three I shift the focus to P4 and assess epistocracy against the standard of justification set out at C1. I claim that in denying disenfranchised citizens an equal say, epistocracy puts them in the position to be dominated with respect to the laws that coerce them. Epistocrats counter that this violation of autonomy is justified by the greater justice of outcomes that epistocracy would result in. I argue that such justification fails to take the fact of disagreement seriously, and infringes on the equal moral status of humans by denying disenfranchised citizens an explanation that is in principle acceptable to them. In doing so, epistocracy spurns the same liberal ideals it claims to advance as the cornerstone of its own justification of authority. In conclusion, epistocracy violates the autonomy of its disenfranchised dissenters (C3), and as such is to be rejected by liberals in favour of democracy (C4).

Before we proceed, I should sketch out a working definition of our two contenders. For our purposes I take *democracy* to mean a system of government or social organisation in which minimally competent adult citizens enjoy equal political rights. In particular they have (i) an equal right to run for office, and (ii) an equal say at key stages of political decision-making, crucially the ability to participate in regularly-held fair elections. Moreover, I understand

*liberal* democracy to involve tools, institutions and procedures that ensure the protection of liberal rights, including what Waldron refers to as ‘weak’ judicial review.<sup>10</sup>

By *epistocracy* I mean a system in all material respects similar to democracy, but in which political participation (including running for office and suffrage) is restricted to those deemed competent in matters relevant to political decision-making. How to determine such competence is of course a highly controversial issue, one which can be leveraged to undermine the foundations of liberal epistocracy as a whole. However, for our purposes I am assuming that there is broad agreement as to such criteria of competence, whatever those may be. Note that I am limiting my definition of epistocracy to *restricted suffrage* epistocracy. My primary aim here is that restricted suffrage be taken off the table as a plausible candidate for a liberal system of government. As such, I remain for the moment agnostic as to the plausibility of other versions of liberal epistocracy (such as plural voting schemes or enfranchisement by lottery). That said, should I be correct in regarding equal control as a necessary component of non-domination (see Chapter Two below), my argument could also make for useful ammunition against plural voting.

A couple of clarifications regarding my definitions. First, it may be objected that democracy also restricts suffrage in some sense. My own definition limits political participation to “minimally competent” adults. Is this not just some form of *epistocracy-lite*, where the threshold of competence is set at a lower level? In order to respond, I must draw attention to the different understandings of competence at play here. Competence in the sense referred to in my definition of democracy involves having the capacity to form a conception of the good life and being able to set one’s own goals as an agent (regardless of one’s ability to pursue them). Epistocratic competence on the other hand refers to an average or above-

<sup>10</sup> Waldron (2006), p.1355.

average level of knowledge or skill, perhaps even a special expertise in a field relevant to political decision-making. The difference between the two is not one of degree — the former is directly related to our inherent moral status as humans; the latter is a matter of our intellectual proficiency.

Relatedly, is not my inclusion of constitutional safeguards such as judicial review, where an extremely limited number of highly competent individuals decides on matters of justice, a concession to epistocracy? In a sense, yes. But to say that liberals have reasons to prefer democracy to epistocracy is not to say that the considerations underpinning epistocracy are entirely without merit. Moreover, we do not need to pretend that democracy is infallible in order to defend it. In certain instances where there is a clear risk of material injustices being visited upon an individual or group, it is no condemnation of democracy to admit that experts in matters of justice may be required to address the issue. In any event, I find the adoption of judicial review to address a limited set of issues to be less embarrassing a concession than that made by epistocracy, which, lest we forget, decides most issues by majority vote.

Having dealt with preliminaries, let us now dive into the substance of the matter at hand.

## CHAPTER ONE: The Problem of Coercion

Any liberal conception of the state must be able to adequately address the tension between equality and disagreement — we disagree on social issues; yet we are equal, so no individual's perspective can be privileged over another's as a matter of their inherent worth; social decisions amidst disagreement produce winners and losers; losers are still morally equal to winners, yet they are coerced into obeying laws that they disagree with.

The interaction between equality and disagreement can be understood in terms of two closely related dualities, both of which liberal societies must be able to untangle:

(1) between the need for social coordination and the fact of disagreement — we can call this '*the problem of pluralism*'; and

(2) the apparent incompatibility of equality on the one hand, and the coercive nature of law on the other — let us call it '*the problem of coercion*'.

The former, which closely relates to what Waldron calls '*the circumstances of politics*' is a question about how to resolve disputes concerning social action.<sup>11</sup> The latter regards justifications for coercing autonomous citizens into complying with laws with which they disagree.<sup>12</sup>

<sup>11</sup> "[...] *the felt need among the members of a certain group for a common framework or decision or course of action on some matter, even in the face of disagreement about what that framework, decision or action should be*" — Waldron (1999), p.102.

<sup>12</sup> This is not to suggest that equality and autonomy are identical. The two however are inextricably linked, as discussed below.

### 1.1. *The Problem of Pluralism*

We know very little about the world beyond the boundaries of our experience, but one thing we do know is that there *appear* to be other rational entities around us, and we assume that like us, they each have their own subjective points of view, needs and desires. These entities are often intrusive, loud and annoying, and sometimes they want the same things we want — the same food, the same partner or the same parking spot. But unless we opt for hermitism, we have to find some way to live with them. Even worse, if we want to enjoy useful things like bridges, schools and restaurants, we actually need to find ways to *work* with them.

As such, many (though not all) of us recognise the need for engaging in large-scale cooperative enterprises, social coordination, a shared conception of public order and procedures for deciding on collective action. Yet it is a fact about the world that we disagree about almost everything — about what is true, what to value and how to go about any common endeavour. While there are myriad views on which courses of action a society, acting as one, should take, very few of these will be acted on. The vast majority end up amounting to nothing more than someone's unactualised preference. In collective decision-making, necessarily, there are winners and losers.<sup>13</sup>

This need not necessarily be an issue for social decisions. If for instance it is commonly accepted (for moral, prudential or other reasons) that the opinions, interests or preferences of certain individuals should take precedence, the problem is easily resolved. For millennia pharaohs, emperors, lords and popes, their superiority divinely sanctioned, could rule by edict with little concern for whether or not their subjects disagreed.

<sup>13</sup> See Risse, p.793 — “*For any method a group could use, some are left losers who would be faring better had the group adopted a different, prima facie also plausible rule.*”

Societies find the problem of pluralism much harder to grapple with in circumstances where the decision-maker is not an individual sitting atop a hierarchy, but a body or group whose members recognise each other as being equal among themselves. In such cases, it is not clear that any one group-member's preferences should take priority in case of disagreement. This problem is particularly salient for liberals, given their agreement that all persons, regardless of whether or not they are to be counted as decision-makers, are morally equal. In a society which recognises no moral distinction between kings and subjects, lords and serfs, any person's disagreement about how that society should be regulated cannot be brushed aside, but is morally important. In such a society, how should we decide whose needs, desires and values should be preferred?

A standard solution to this dilemma is majority decision, the "*basic democratic principle*" that in the context of collective decision-making, "[the] view that secures support from a majority of the citizens ought to be chosen".<sup>14</sup> The idea is that if we accept, as liberals do, that human beings are fundamentally equal, then every group member *should be treated as equal* to the others. To treat people as equals involves an equal degree of recognition — that each of their interests, points of view and preferences be acknowledged all things considered as mattering no less than the interests of similar weight of their peers. This does not mean that all interests are equal, but that no individual's interests should hold more or less weight based on considerations regarding her own intrinsic worth.

In the context of collective decision-making, this readily translates into a procedure whereby each individual expresses her preferred outcome, weighted equally on a '*one person, one vote*' basis; preferences are aggregated; and the matter is finally decided by what Locke

<sup>14</sup> Christiano (1996), p.47.

characterises as “*the consent of the majority*”.<sup>15</sup> Majority decision satisfies the liberal requirement that participants be treated as equals, in that it is neutral between their individual preferences, and weighs their input equally.<sup>16</sup> Crucially for our purposes, a key advantage of this method is that it seems specifically designed to address the fact of disagreement, instead of wishing them away “*by some philosophical subterfuge*”.<sup>17</sup>

Note that I am not characterising democracy solely or primarily as decision by majority rule. My aim in this essay is to analyse substantive points of divergence in how democrats and epistocrats deal with the tension between equality and disagreement, in particular the problem of coercion. However on this matter — the use of majority decision as a method for resolving disputes among equals — they differ only as to the inclusiveness of their ideal constituencies. As such, for present purposes it is enough to state that some form of majority decision is a commonly accepted practice among liberals for resolving political disagreements among equals.

## **1.2. The Problem of Coercion**

Whatever decision-making procedure we land on, in liberal societies at least it must also be able to deal with a related issue — that social decisions produce rules and policies that apply to everyone, including those whose preferences were discarded.

Public order requires people to act in a coordinated manner. Collective action rests on the idea that on some matters we refer to as ‘political’, members of a collective should act as

<sup>15</sup> “[...] *it being necessary to that which is one body to move one way; it is necessary the body should move that way whither the greater force carries it, which is the consent of the majority.*” — Locke, viii, sect.96.

<sup>16</sup> See Waldron (2016), p.164: “[majority decision] *is neutral between outcomes, it gives equal weight to each participant’s input, and it gives each participant’s input as much weight as possible in the direction that their input indicates as is compatible with equality.*”

<sup>17</sup> Waldron (1999), p.99.



though they were one — as Locke put it, it is “*necessary to that which is one body to move one way*”.<sup>18</sup> Yet, we disagree on the direction such movement should take. Given the fact of disagreement, it follows that once reached, political decisions are bound to disappoint at least some. But because the reason that such collective decisions are required is that on certain issues the body should move as one, despite their disappointment, dissenters are still required to act in accordance with the decisions. The point of collective decisions is to harmonise certain actions in the context of disagreement as to what those actions should be.<sup>19</sup> In other words, they do not produce recommendations, but rules. Law, the ultimate product of such decisions, commands obedience whether or not we agree with it.<sup>20</sup>

For the law to command obedience means that compliance is neither optional, nor merely desirable, but compulsory. The distinction here is the same that exists between a suggestion and an order — the former asks that you give it consideration and act upon it should it suit you; the latter demands that you obey, *or else*. Coercion is an answer to the question — *or else what?* Unlike a suggestion or a recommendation, the law is enforceable. It does not merely claim that its subjects must obey, but that it can both coerce them into compliance and punish them for disobedience.

There is significant debate as to whether this coercive element is an essential feature of the law, but few would deny that there is at the very least a necessary connection between law and coercion. We can imagine a society whose members are all committed, as a matter of personal ethics, to comply with the law. Yet even in the case of such individually upstanding citizens, lack of transparency as to other people’s motivations may give rise to coordination

<sup>18</sup> Locke, viii, sect.96.

<sup>19</sup> See Christiano (2004), pp.280-282.

<sup>20</sup> See Waldron (1999), p.7: “*the peremptory tone of [the law’s] claim upon us is not ‘Here’s a basis for dispute-resolution which you should accept if you agree with it.’ It is rather: ‘Here’s a basis for dispute-resolution which you are to accept whether you agree with it or not.’*”

issues or prisoner dilemmas, undermining the stability of social cooperation. In such cases, it would still be necessary for the law to be backed by a credible and (most importantly) publicised threat of coercion in order to ensure uniform compliance. Whether or not coercion is constitutive of the law, as a matter of fact the law forces compliance with social decisions upon those who would rather act otherwise.

This raises the question — why should a dissenter be forced to comply with laws with which she disagrees? The fact of her disagreement does not cease to be of moral concern just because she is on the losing side of a decision; nor has the result made her any less equal with respect to her group. Yet the fact that she disagrees means that the law's coercive force is directed primarily at her. It is not enough to object that because the laws apply to everyone, she is not being singled out — while a law may apply to everyone equally, it does not necessarily *affect* everyone equally. We might feel adversely affected by a law (say, a higher tax rate) because we believe that it infringes on some interest of ours or alternatively, simply because it offends a strongly held conviction about justice. Either way, those who most keenly perceive the constraining effects of the law are those who would have wished that the law be otherwise than it is.

The difficulty of the problem of coercion is made stark when we consider that the fundamental moral equality of persons entails their autonomy. If an individual's moral equality entails her autonomy, this suggests that it is unjust to force her to act in ways contrary to her will. Yet this is precisely what the law does — it coerces equally autonomous members of society irrespective of their views as to what justice demands in the matter at hand. As such, an important task of any liberal account of authority is to find a way to reconcile coercion with autonomy.

Drawing attention to the necessary connection between basic equality and autonomy is a crucial step in my overall argument, for two related reasons: first, because it points to the characteristics that an acceptable solution to the problem of coercion must have — namely, it must be able to harmonise the seemingly mutually exclusive concepts of coercion and autonomy; and second because, as we shall see below, liberal epistocratic justifications of authority often rely on a conception of equality that is implausibly shorn of the notion of autonomy. If it is true that basic equality entails autonomy, then any epistocratic proposal that fails to take autonomy into proper consideration is an inadequate solution to the problem of coercion.

### **1.3. From Basic Equality to Autonomy**

By definition, liberals, both democrats and epistocrats, share an assumption that all human beings bear equal moral status. But what does it mean for all humans to be morally equal? First, it must mean that we each *have* a moral status. Second, that however else we might differ from one another in abilities or endowments, in respect of this moral status at least, we are equals.

The question then is what this moral status entails. For humans to have a moral status suggests that certain things about them matter morally. In particular it matters that we, as bearers of moral status, have agency — that each of us can form our own conception of the good life, cultivate and pursue our own interests, autonomously set our own ends and assess the best means of attaining them. Note that, as mentioned above, this is a matter of our *capacity*, not of any particular competence or effectiveness in setting and reaching those ends. It does not matter whether others agree that the goals we have chosen are indeed desirable or whether we have the skills to accomplish them. What matters is that it is we, and not others, who have set these for ourselves. As János Kis puts it, the crucial implication

of our moral status is “*that each individual has special and non-delegable authority over what they should believe and how they should lead their lives: an authority that others must respect*”.<sup>21</sup> The fact that our authority over ourselves is non-delegable means, in the first instance, that nobody else can be our master. In other words, the moral status of humans entails our autonomy.

This notion is reinforced by the fact of our having *equal* moral status — we are each equally autonomous. No one person has more or less authority over their own life than anyone else, and nobody can have authority over another person’s life. Waldron suggests as much when stating that the most “*attractive*” notion of equality is the ideal of *equal freedom* for everyone, where ‘*equal*’ denotes the relationship in which people should stand to each other and ‘*freedom*’ indicates what it is that should be equalised.<sup>22</sup>

But our equal freedom is not to be understood in the sense of there being some resource, autonomy, of which we all have an equal amount. Our autonomy is entailed precisely by the fact that we are equals. However else we understand equality, we must understand it as a relational concept. For people to be equals means that they relate to one another in a special type of way. And whatever that relationship may be, it cannot involve mastery of one person over another. For any individual to be subordinated to another *as a matter of right or of inherent status* is manifestly incompatible with their being equals. This independence from another’s mastery is so central to the notion of equality that even certain distributive inequalities can be seen as objectionable precisely because they might result in someone having “*an unacceptable degree of control over the lives of those who have less*”.<sup>23</sup> This would suggest that our autonomy, consisting in that non-delegable authority over our own

<sup>21</sup> Kis, p.12.

<sup>22</sup> Waldron (1993), p.38 fn.6.

<sup>23</sup> Scanlon (2018), p.3.

lives, is directly entailed not only by our being bearers of moral status, but also by our being equals.

#### **1.4. Autonomy as Non-Domination**

I have been alluding here to an ideal of autonomy which is primarily centred on our independence. This conception, containing strong Kantian echoes, is summarised by Arthur Ripstein as: “*the simple but compelling normative idea that, as a matter of right, each person is entitled to be his or her own master, not in the sense of enjoying some form of special self-relation, but in the contrastive sense of not being subordinated to the choice of any other particular person.*”<sup>24</sup> However else we might conceive of autonomy, it demands that at a minimum we not be exclusively in thrall to the will of others. It is a fairly straightforward conception, reminding us of Locke’s pronouncement that “[*m*]en being, as has been said, by nature, all free, equal, and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent”.<sup>25</sup> The idea that we are equal, and that therefore we cannot be subjugated to will of others, appears to be all but foundational to the liberal project.

This bears a little elaboration, and a distinction. For our purposes I am adopting a narrow conception of autonomy as *non-domination*, where by *domination* I mean the usurpation of a person’s agency in otherwise self-regarding matters. On this narrow view, for someone to be autonomous means that they are not under the control of another person. This does not require that they have full mastery over their own lives — the networks of culture and social relations in which we are immersed mean that we are always subject to influences and pressures beyond our control. What non-domination *does* require however is that at least

<sup>24</sup> Ripstein, p.4.

<sup>25</sup> Locke, viii, sect.95.

within a loosely defined sphere of self-regarding decisions, *nobody else have an overriding say*.

Broader conceptions of autonomy, such as that advanced by Joseph Raz, take it to refer to a kind of self-authorship of our own lives.<sup>26</sup> The idea is that an autonomous individual is one who directs the course of her life in accordance with her own will, similarly to how an author has free rein to write her story. Such self-authorship excludes the possibility of being subjugated by others, but adds a further requirement — that we have adequate options to choose from in deciding the direction that our lives should take.<sup>27</sup> Note that for the reasons mentioned above, self-authorship is only partial, as a meaningful autonomy is best realised within the lattice of mutual influences and social relations that we participate in. We are not authors in the sense of having empty pages upon which to write our story. But for those parts of the story that we are responsible for, it is we who, at our own discretion and from a suitable range of alternatives, should be filling in the blanks.

To illustrate the distinction, consider Raz's example of the man trapped in a pit, with enough food and water to last a lifetime, but no other means at his disposal.<sup>28</sup> According to Raz, he is not autonomous because his range of actions is both limited and inadequate due to factors outside of his control. Although he can choose between a few options (such as when to sleep), he cannot be said to be an author of his life in any meaningful way. However according to the more limited notion of non-domination, the man is autonomous in the narrow sense that he is at least not subordinated to others. Though his options may be limited or non-existent, no other person is subjugating him.

<sup>26</sup> See Raz, pp.370-378.

<sup>27</sup> Ibid., p.372.

<sup>28</sup> Ibid. p.373.

Uninspiring as it may be, there are a number of reasons for my focussing on this narrow aspect of autonomy.

First, it is less controversial than Raz's more expansive notion of self-authorship. While we may reasonably disagree on whether autonomy should be predicated on the adequacy of resources at one's disposal, we simply cannot make sense of autonomy in the case of an individual subjected to the will of another, no matter how permissive and benign her master. In this case, we can at best talk about the appearance of autonomy.

Second and relatedly, self-authorship entails non-domination, but not vice-versa. One might be stranded on a small desert island, autonomous in the sense of being free from another person's control, but lacking a range of alternatives necessary for self-authorship. Yet even were we to accept Raz's more aspirational account of autonomy, we would still need to accept, as Raz does, that non-domination is a necessary condition to its realisation — <sup>29</sup> one cannot be an author of one's life if somebody else is holding the pen. However else we might conceive of autonomy, non-domination is a necessary and indispensable component of it.

Third, non-domination, unlike self-authorship (partial or otherwise), is a relational concept, and as such it is a clear link to the relational equality that lies at the heart of the liberal ideal. For relational equality to be preserved, so must non-domination. We can imagine the entirety of the human species lacking adequate options to choose from, yet all humans still being equal to one another in their misery. But if even one of them is subordinated to another, then by definition they are not all equal.

<sup>29</sup> Raz, *op.cit.*, p.155. See also p.378.

Finally, there is the simple fact that subjection to another's will strikes us as morally objectionable in a way that a mere lack of options, absent domination, does not. In Ronald Dworkin's words — "*the indignity lies in usurpation, not limitation.*"<sup>30</sup>

In conclusion, non-domination may be coterminous with, or simply necessary to, autonomy. Either way it is directly entailed by basic equality — we cannot make sense of the latter without the former. As such, treating humans as equals means at the very least respecting their autonomy, understood as non-domination. Therefore, subordination to the will of others is a presumptive violation of basic equality, and demands justification. It is this justification that we are looking for in trying to solve the problem of coercion.

<sup>30</sup> Dworkin, p.323.



## CHAPTER TWO: Democratic Coercion

We have seen how the problem of coercion raises the difficulty for liberals of reconciling two concepts seemingly at odds — coercion and autonomy. In this section I will show one way in which liberal democracy resolves this tension. The argument can be summarised in the words of Dworkin: *“I cannot be free from coercive control in matters of justice and morality, but my dignity requires that I be allowed a role in the collective decisions that exercise that control.”*<sup>31</sup> The question we must address concerns the extent of that role. The argument's broad steps are as follows:

- P1: A liberal justification of coercion must involve respect for autonomy as non-domination (I hope to have shown this in the previous section);
- P2: Non-domination requires that individuals have equal control over the norms governing their relationships;
- P3: Democracy grants citizens equal control over the terms of their political relationship;
- C: Democracy respects autonomy as non-domination.

Before we proceed, it may be useful to remind the reader exactly what it is that we are looking for.

The central claim in this essay is that epistocracy cannot adequately justify the coercion of dissenters in accordance with liberal principles. If conversely democracy succeeds at such justification, liberals have a strong reason to prefer democracy to epistocracy. Chapter One gave us a sense of what such a justification should look like. We saw (a) how the belief in

<sup>31</sup> Dworkin, p.571.

basic moral equality commits liberals to respecting personal autonomy; (b) that non-domination is a necessary (if perhaps not sufficient) component of autonomy, and constitutes a crucial link between relational equality and autonomy; and therefore (c) that the task of a liberal solution to the problem of coercion is to demonstrate that dissenters who are coerced into obedience are not for that reason dominated.

Some clarifications are necessary at this point. First, it is precisely this latter issue that I am addressing here, and not the question of why are we obliged to obey democratic laws. Although an unjustifiable procedure for collective decision-making can give us grounds to question the legitimacy of laws, our reasons for obeying the law do not arise in the first instance from the procedure that is put in place, but from the moral importance of the problems that those collective decisions are designed to address.<sup>32</sup> Once we agree on the need for coordination and we accept that this entails the establishment of a coercive public order, we are committed to act on those collective decisions in a coordinated manner. The problem of pluralism discussed above is concerned with resolving coordination problems by identifying procedures that can give us content-independent reasons to comply with the outcomes.<sup>33</sup> By contrast, the question that the problem of coercion raises is not *why should I obey this law*, but *does this law's coercive enforcement violate my autonomy*, and if not, why not.

Second, for the purposes of shedding light on the advantages of democracy over epistocracy, the distinction between autonomy as non-domination and as self-authorship does crucial work. Self-authorship is an ideal that can be leveraged into a procedural

<sup>32</sup> See Waldron (1999), p.117.

<sup>33</sup> With regards to this question, I agree with Viehoff (p.358), who claims that "*it is the egalitarian character of democratic procedures [...] that does the crucial justificatory work in establishing our duty to obey their outcomes.*".

description of democracy as self-legislation. But for such a description to be plausible we need to shift our understanding of autonomy from the individual to the collective level. This move is contentious and could even open us to accusations of distorting our initial meaning of autonomy. Non-domination on the other hand is a lower bar for democracy to clear and is thus easier to defend. A liberal democracy, in particular one equipped with the constitutional safeguards discussed above,<sup>34</sup> is not just *prima facie* incompatible with unjust domination, it is designed specifically to avoid it. In the opposite camp, we have epistocracy which, as I will show in Chapter Three, fails to meet even the lower bar of non-domination with regards to its disenfranchised subjects. For all that we may debate the merits of democracy as a collective instantiation of self-authorship, for the purposes of demonstrating epistocracy's inadequacies, we don't really need to.

## **2.1: Non-Domination as Equal Control**

### *2.1.1. Autonomy and Agency*

A solution to the problem of coercion must be able to justify how an equal and autonomous person can be coerced into acting other than in accordance with her own will.

Consider what it is about coercion that gives us cause for concern. One way to phrase it would be that in being compelled to act otherwise than as we wish (or punished for failure to comply), our actions are determined in a way that disregards our individual agency. Similarly, when we are dominated, control over decisions that pertain to our own lives is usurped by another person. It seems to follow that if an instance of coercion does not bypass an individual's agency in a way that usurps their control, it should be compatible with that individual's autonomy.

<sup>34</sup> See above, pp.6-7.

### 2.1.2. Agency as Choice?

Waldron provides such an example in distinguishing between two kinds of situation in which public order exercises its coercive power.<sup>35</sup> In the first case, a man (his friends call him George) is a voluntary party to a private contract which is enforced against him. The threat of legal action in case of breach is indeed an instance of coercion — George might be forced to comply with the contract, or pay compensation for any damages caused by his breach, and in any event he will have to hire a lawyer and drag himself to court, all against his will. Yet for all that these impositions are coercive, they are so pursuant to terms to which George has agreed by entering the contract. Waldron points out that because in this instance George's choice has played a significant role in setting the terms which bind him, the coercion does not appear to violate his autonomy. By contrast, in cases in which a rule is imposed absent reference to the agency of the parties bound by it, autonomy is indeed violated.<sup>36</sup> Both cases feature instances of coercion being applied to an agent, but because the element of individual agency is missing, *"the value of freedom has been more seriously attacked in the second case than in the first"*.<sup>37</sup>

This example gives us a clue to how preserving agency can help solve the problem of coercion, but it must be navigated with care lest we take the wrong lessons from it. We should not make the mistake of likening democratic coercion to the enforcement of contractual terms. A contract is carefully negotiated and explicitly assented to by the parties, which is not the case for most citizens with respect to a state's governing laws. Moreover,

<sup>35</sup> Waldron (1993), pp.42-43.

<sup>36</sup> Ibid., p.42. Note that Waldron refers to *"the consent"* of those bound by the rule. As mentioned below, reliance on the notion of consent for the purposes of establishing whether political coercion violates autonomy is highly problematic. For this reason I prefer to focus on *agency*, a far broader notion than consent, and one which avoids some of the pitfalls of consent theory.

<sup>37</sup> Ibid., p.43.

we say that although George is coerced by the terms of the contract, this is compatible with his autonomy because he has autonomously chosen to accept these terms. It seems bizarre, on the other hand, to suggest that a dissenter under a democratic government has chosen or adopted coercive laws with which she disagrees. If anything, her vote expresses the exact opposite choice. Furthermore, George and his counterparty can break off negotiations at any point and refuse to sign the contract, therefore removing themselves from its terms' purview. This is not the case for our dissenter, nor for any citizen in a democracy. One could certainly decline to participate in the voting process, but abstention does not gain dispensation from the operation of the law. How can we say that a dissenter's participation justifies her coercion, when she can be coerced regardless of whether or not she participates? Alternatively, we might construe her choice to remain within a community as a decision to submit to its coercive laws. But as critics of consent theory have extensively pointed out, even if there were some more ideal destination that she could travel to, the practicality and costs of such a move make it difficult to conceive of her remaining in a certain jurisdiction as free consent. To summarise, unlike George, who chooses to enter into a contractual relationship which he could have stepped away from at any point, the dissenter does not have have a real choice — she is subject to the law whether or not she wants to be.

So what is it that we can we learn from the example of George and the contract? Clearly the notions of assent or free choice cannot be leveraged into an adequate account of how our agency interacts with democratic decision-making. I suggest a better candidate — what is interesting about George's case is not that he chooses to enter the contract, but that he and his counterparty have *equal control* over the terms governing their relationship.

### 2.1.3. Agency as Equal Control

Let us take a step back and ask — given that domination is what we are trying to avoid, what does non-domination require? One answer might be that others do not have control over our lives. Earlier, we briefly considered as an example of non-domination the case of the castaway on a desert island. But a more precise assessment of this scenario is that the castaway is not free from another's *control*, as much as free from *another* who might control him. Our task is to make sense of non-domination in a social setting, with its dense networks of relations constantly subjecting us to exogenous influences. It bears reminding that non-domination is a relational concept — on the one hand it represents the relational aspect of autonomy, and on the other entailed by relational equality. At its core, non-domination is not meant to describe desert island-type situations, but rather it denotes a type of relation to others, one that entails equality.

Returning then briefly to George and his contract — what kind of relationship does this scenario describe? In the bargaining process, each party exercises their own agency to some degree. Both have their own goals in relation to the contract, and negotiate so as to see them realised as closely as possible. We can say that both parties influence the terms of their relationship. If there is an imbalance in bargaining power such that one impedes the other from dropping talks and exiting the relationship entirely, then their influence over the terms is unequal. In such cases, in which one party is negotiating with a gun (literal or figurative) to their head, we do not consider it an exercise, but a deprivation of agency. But if neither party is forced by the other to accept terms it doesn't want to, then we can say that their control over the terms of their relationship is roughly equal. As such, neither party is dominated by the other.

What does it mean to have such equal control in the context, not of a bilateral agreement, but a large-scale society? Let us pause here for a moment and imagine a *spectrum of agency*, with on one end, situations in which a subject's own agency is the sole factor (or rather, the sole human factor) in determining the outcomes that affect her. On that far end, we might find the desert island case, with the castaway in complete control of his destiny, no-one else having a say over what happens to him. Somewhere nearby we find absolute rulers like Genghis Khan, Ramses II or Jeff Bezos. On the opposite end of the spectrum we find the slave, whose every action is subject to the control of a master, and other individuals whose independence is severely curtailed, like military personnel or corporate lawyers. In-between the two extremes we have a wide range of instances, like George's, where the subject's agency plays *some* part, but is to a lesser or greater degree curtailed by the aims, goals and actions of others.

If we accept that, unless we are Ramses, we are inevitably subject to some influence, how much control over ourselves can we give up before we find ourselves dominated? For the purposes of this essay I do not need to identify a precise threshold, but instead I will make a general point about the meaning of '*control*'. When referring to a corporate entity, '*control*' means the ability to direct the policies or operations of that entity, usually by holding over fifty percent of its ordinary shares. Similarly, a political party is in control of a legislative body when it can pass the laws it wants, because either by itself or together with allies, it holds the votes necessary to do so. In other words, to have control over something or someone means *having a uniquely decisive say*, in circumstances in which another party can do very little about it.<sup>38</sup>

<sup>38</sup> This point may bear some clarification - there is always *something* that a party deprived of control can do. A parliamentary minority could lead a revolt, or a slave could commit suicide. The point is that their being under control means that they are powerless to do anything about it *within the terms of the relationship* that binds them to the controlling party.

We might say then, that for non-domination to be realised in a social relationship, neither party to that relationship can have a uniquely decisive say over its terms. So for instance, George does not get to dictate final terms that his counterparty is forced to accept. But while this may be a necessary condition, it is not sufficient.

By way of reminder, the key reason we are interested in non-domination here is that is entailed by basic moral equality. Our conception of non-domination in a social setting, must also show special regard to the kind of relational equality that is foundational to liberalism. However, the ‘uniquely decisive say’ principle sketched above does not do the job — it is still compatible with relational inequality. To see why, consider the following case. Say that four brothers are trying to decide what to watch on the same television, with each wanting to watch a different programme. Neither of them has special authority that trumps the others, so neither has a decisive say that would result in their being in control. The decision on what to watch may rest on a vote, or some bargaining or exchanges of favours between the brothers. But say that the youngest brother, by some consensus among the others, is disregarded in any such procedure, such that no matter how the issue is decided his preference carries lesser or no weight, then even if none of the brothers has a decisive say, he is still in a position of subordination. In other words, it is not enough that nobody else have decisive control over decisions that bind you — non-domination requires that, as a matter of procedure, others have no more control over those decisions than you do. That is to say, non-domination requires equal control.

## ***2.2. Democracy and Equal Control***

We can venture that in social settings, individuals respect each others’ equal autonomy when each individual has equal control in shaping the norms governing a binding



relationship that they are party to. In the circumstances of politics this means that for us to be treated as equals, each of us autonomous and none dominated by any other, we must each have equal control over the laws governing the community. For such equal control to be realised, it is not just the laws, like the terms of a bilateral contract, that must treat everyone as equals; it is primarily the procedures that produce those laws that must do so.

It seems to me uncontroversial that democracy does exactly this. A system of majority decision, in which each adult citizen's preference as to outcomes is given equal weight, grants each citizen equal control in the procedures that produce the laws and policies governing society. It not just that majority decision gives effect to the kind of non-domination required by relational equality — such equal control is the whole point of the procedure. What Viehoff refers to as “*coordination without subjection*”<sup>39</sup> is baked into the foundations of democracy. By granting everyone an equal say, democratic procedures act as an extension into the public sphere of the kind of relational equality that demands that we individually not be subordinated to a master.

We can take this a step further. In a democracy, the laws that coerce us are not imposed upon us by a third party. Instead, by virtue of our equal control over the procedures that produce such laws, we collectively impose those laws upon ourselves through government.<sup>40</sup> So understood, democracy is a form of collective self-rule in which each citizen is not merely a subject, but an equal coauthor of the laws.<sup>41</sup>

This equal control means that even laws with which we disagree are authorised by a procedure in which outcomes are specifically codetermined by our individual agency, in

<sup>39</sup> Viehoff, pp.367-370.

<sup>40</sup> Rostbøll, p.268. See also Dworkin (p.578) on the “*partnership conception of democracy*”.

<sup>41</sup> Ibid., p.272.

equal participation with that of others. This would seem to provide us with a solution to the problem of coercion. The community as a whole is custodian of the law's coercive power —  
 42 if we can be said to be dominated by anyone it is by that community, of which we are all equal members, with equal control. In other words, when we are coerced by that power, we are not dominated by it.

One objection that immediately springs to mind is that ordinary citizens do not really have much control over political decisions. Their vote counts for so little that, while it might be said that they have equal control, it is only in the sense that they have *equally negligible* control. Additionally, the democratic trade-off involves my gaining a tiny sliver of control over the lives of others, in exchange for giving up a very large share of control over my own.<sup>43</sup> How is this not an overall loss of autonomy?

My first response is that the loss of some control over our own lives is not a special feature of democracy, but of living in an ordered society of any sort. If anything, the uniqueness of democracy consists precisely in offering anything at all in return for this loss, namely a degree of control over others.

Second, while this objection is effective if moved against a description of democracy as promoting individual self-rule, it is less so against one appealing to the lower bar of non-domination. To see the difference, consider Rostbøll's argument from freedom. He claims that "*enjoying non-domination requires [that] one must be able to influence and control the making of the laws by having an equal say in the process that produces them*".<sup>44</sup> As used here, "*influence and control*" seems to raise the bar very high indeed. In a large-scale society

<sup>42</sup> See Dworkin, p.588.

<sup>43</sup> Viehoff, p.350.

<sup>44</sup> Rostbøll, p.272.

such influence and control are unlikely to obtain save for the select (or rather, elected) few.<sup>45</sup> But this is not the bar I am aiming for. The influence and control that I am envisaging is not that of self-mastery or self-legislation, but rather of non-domination. This does not require me to have significant influence over the laws that govern me, but rather requires simply *that my fellow citizens have no more of it than I do*. This negligible but equal control is all that is necessary to establish the relational equality at the core of autonomy as non-domination. As Viehoff puts it, “*the exchange of losing control over my life to gain control over another’s is perfectly compatible with equal control, that is central to egalitarian relationships*”.<sup>46</sup>

Finally, the objection loses sight of an important fact — that as mentioned above, equal control is best understood as describing a relationship, not the distribution of a political resource. Granting citizens equal control over the norms governing their relationship is a manner of respecting their fundamental equality within that relationship. This public expression of relational equality stands in contrast to the expression of a different relationship — that of domination — that unequal control would project.

One final point should be noted here. I do not claim that equal control is a sufficient condition for establishing a coercive order’s respect for individual autonomy. There are other ways in which, though the decision-making procedure respects such autonomy, its outcomes may be autonomy-violating on substantive grounds. This is among the correct intuitions driving the epistocratic project and is (partly) why we need institutional safeguards such as judicial review to help protect individual rights and prevent majority-sanctioned injustices. Be that as it may, equal control is a necessary condition for establishing non-domination and

<sup>45</sup> For a discussion of democracy as self-government, see Christiano (1996), p.15-46.

<sup>46</sup> Viehoff, p.357.

relational equality. Laws generated by a procedure that does not grant an equal say to those bound by its outcomes cannot be considered autonomy-respecting.

### **2.3. Conclusion**

Democracy realises relational equality by granting every citizen equal control over political decision-making procedures. Such equal control means that no citizen is in the position of being dominated by any other with regard to those procedures. Therefore, when a dissenter is coerced into obeying a law generated by such procedures and with which she disagrees, she is not being dominated by her fellow citizens. Through her vote, she had no less control in shaping the very law that is now coercing her. As such, her autonomy, understood as non-domination, and the basic equality that underscores it, are not violated by democratic coercion. This appears to be a plausible solution to the problem of coercion.

In the following section, we shall see how epistocracy fails at offering an adequate solution of its own.

### CHAPTER THREE: Epistocratic Coercion

How does a liberal epistocrat respond to the problem of coercion? So far we have seen the following: the question that needs to be resolved is whether the law's coercion upon dissenters violates their autonomy; autonomy entails non-domination; non-domination is achieved when individuals have equal control over the terms of their relationship; democracy achieves this by granting citizens an equal say in the procedures that result in laws and policies governing their society; as such, coercion under a democracy is compatible with non-domination.

What I aim to show in this section is that the ways in which liberal epistocrats address the problem of coercion fail to respect autonomy by either (a) relying on implausible notions of basic equality that ignore non-domination; or (b) attempting to justify its violation by appealing to reasons that both disregard our equal moral status and fail to take disagreement seriously.

Such approaches are highly problematic and betray fundamental inconsistencies at the heart of liberal epistocracy. First, our liberal epistocrat acknowledges a need for public order, and with it the tension between equality and disagreement. The epistocrat must, and in fact *does*, aim to solve the twin problems of pluralism and coercion to which this tension gives rise. As such, a failure (to use Wall's phrase) to *give disagreement its due*<sup>47</sup> is a failure to account for a fundamental issue underlying the problems that epistocracy aims to solve.

Second, if basic equality entails autonomy, a failure to respect autonomy denies our equal moral status. By definition, the liberal epistocrat values basic equality, and even claims that

<sup>47</sup> See Wall, esp. from p.434.

the authority of epistocracy lies in its greater ability, compared to democracy, to respect and protect equal rights. So by disregarding the autonomy of disenfranchised dissenters, liberal epistocrats ultimately fail to uphold a principle the respect of which underpins their own claim to authority.

Finally, the solution that epistocrats offer to the problem of coercion, which aims to compensate for disenfranchised citizens' loss of political equality, involves reasons that are highly controversial and unlikely to be acceptable to the dissenters they should aim to persuade. As such, the epistocratic justification of coercion denies the moral status of dissenters as individuals who are owed reasons that they can in principle accept.

Before going on to analyse these failings, I should clarify that the above points are only failings for an epistocracy that claims to value liberal ideals. Illiberal epistocracy does not have such issues. If my claim is that a certain portion of the population is *inherently morally inferior* to the rest, then it may indeed follow that such portion not be granted equal rights. This is an unpleasantly (and unfashionably) authoritarian stance, but it is in principle coherent. My intuition is that by appealing to liberal values, epistocrats put themselves in a bind, as these values are ultimately incompatible with the authoritarian streaks that run throughout the epistocratic project.

### **3.1. *Epistocracy and Autonomy***

As a declared liberal, our epistocrat is committed to the ideal of fundamental moral equality. As discussed above, basic equality entails autonomy as non-domination, which in turn requires that in a political context, we each have an equal say. This point bears emphasis. Liberal epistocrats are able to build their edifice by denying the connection between basic equality, which they acknowledge, and political equality, which they don't.

There are a few ways in which they try to achieve this.

First, by relying on conceptions of basic equality, sometimes borrowed from democratic instrumentalists, in which the concept of autonomy is either given short shrift to, or is curiously absent.<sup>48</sup> As I have shown however, autonomy must be squarely addressed by any theory that takes basic equality seriously.

Second, even when epistocrats do acknowledge the importance of autonomy, they try to show that democracy does not really respect or promote it in any meaningful way. One way epistocrats achieve this is by presenting conceptions of autonomy that are stripped of the aspect which democracy manifestly achieves — non-domination. Jason Brennan in particular focusses on “*autonomy as difference-making*”.<sup>49</sup> On this understanding “*an agent has autonomous control over some object or state of affairs only to the degree that their actions can change, affect, or make a difference regarding that object or state of affairs*”.<sup>50</sup> Of course democracy can hardly grant every citizen such awesome power. It is not just a matter of practicality but of principle — for anyone to have such a decisive say over matters influencing other citizens would *de facto* place them above the rest, in violation of relational equality. But by raising the bar so high Brennan makes the case for autonomy seem far harder than it is. Autonomy as non-domination does not require that we have such a high degree of influence, but simply that others do not have more power than us to determine the norms that govern our lives. As I have argued in Chapter Two, democracy does achieve this.

<sup>48</sup> See Arneson (2009), and Wall.

<sup>49</sup> Brennan (2017), p.90.

<sup>50</sup> Ibid., p.90-94.

These epistocratic arguments fail to sever the connections from basic equality to non-domination to autonomy. In any event, for the epistocrat to deny that our equal moral status entails autonomy as non-domination, she would need to show either that respect for basic equality is compatible with a lack of autonomy, or that an individual's autonomy is compatible with her being subjugated by another. If I am correct, I have already shown in Chapter Two that such positions are implausible.<sup>51</sup>

The next move the epistocrat has concerns the step from non-domination to equal control over the procedures that produce laws and policies, in other words political equality. The epistocrat can do one of two things: (1) deny that non-domination requires political equality; or (2) concede the point, but argue that in its case, the violation of political equality is justified. With respect to the problem of coercion, the first strategy aims to show that epistocratic coercion is compatible with autonomy as non-domination; the second strategy aims to show that the domination is justified. I will deal with both responses in turn.

### **3.2. Epistocracy and Non-Domination**

One way for the epistocrat to deny the right to political equality is to deny that non-domination requires equal control over the binding norms governing a political relationship. Yet were this not the case, it is unclear what we might possibly mean by non-domination. Remember, non-domination is directly entailed by relational equality, which in turn is a fundamental aspect of our equal moral status. A generous reading of the epistocrat's denial might be that non-domination simply requires that we be allowed *some* rather than *equal* control over the procedures producing the decisions that affect us. But as I have shown in Chapter Two

<sup>51</sup> Note that the relevant set of morally equal persons must include all members of the community. This is one reason why the epistocrat cannot object that slaves are equal among themselves, yet at the same time they lack autonomy. In such a social structure it is precisely the presence of one unequal member of the set, the master, that is depriving the slaves of their autonomy.



above, as long as others have *more influence than we do* over those procedures, non-domination and relational equality are violated. In any event such an avenue is not open to our epistocrat. As an advocate for restricted suffrage, she must justify not why certain individuals should have *less* control over the laws that bind them, but why they should have *none*.<sup>52</sup> If the epistocrat agrees, as she should, that non-domination requires that citizens have at least some control over political decisions affecting them, then the denial of their right to political equality must take a different route.

Another option is to argue that non-domination demands merely that civil liberties be protected, so that citizens (including the disenfranchised) be free to live as they see fit. Epistocracy may not grant equal control to every citizen, but its epistemic properties are such as to promote better liberal outcomes, so that citizens can pursue their best conceptions of the good life. But this disregards the fact that a dissenter might disagree as to what constitutes the best circumstances for her to exercise her autonomy. If she is among the disenfranchised citizens, decisions regarding what those best outcomes are, entirely bypass her agency. As I have argued above, autonomy as non-domination is not a matter of being able to choose between a wide range of possible actions, it is a matter of who has a say in those choices and actions — a free man on a small desert island might have fewer choices, but greater autonomy than an Emperor's slave with free rein throughout Rome. The epistocrat might object that the dissenter is not like a slave, because she acts not by permission but in accordance with her protected rights. Yet if the dissenter is not in a position to have a say in decisions about what those rights should be, and what laws permit or restrict her actions, then her freedom of action is not liberty, but at best a license granted by others.

<sup>52</sup> As mentioned in the Introduction, in this essay I am taking aim specifically at restricted suffrage. However, if I am correct that non-domination requires equal control, then this route is also closed to advocates of plural voting.

As Rostbøll notes, “[c]itizens lack autonomy and are dominated when others decide on their behalf what their purposes should be”.<sup>53</sup>

A popular argument put forth by Brennan is that even if non-domination is required by our equal moral status, democracy fails to clear even that low bar. Because our individual vote is so inconsequential, it makes no actual difference to outcomes whether we vote or not. As such, depriving any single individual of the vote does not expose them to being dominated any more than their voting would.<sup>54</sup> This is similar to the objection regarding negligible control that I addressed in Chapter Two.<sup>55</sup> As we have seen, domination is not a matter of ability to affect outcomes, it is primarily a relational concept. Similarly, Dworkin notes that political equality is not a matter of political *power* but of political *standing* — it is about the relation we stand to one another in.<sup>56</sup> If you have more of a say than I do in procedures that result in decisions that bind us both, the relational equality that should hold between us is not preserved. Relational equality and non-domination are best respected by granting individuals equal, if negligible, control over the terms of their relationship, an angle that Brennan’s objection fails to address.

So far, we have focussed primarily on epistocracy’s negative arguments against certain assumptions underlying liberal democracy. I believe that such arguments fail to show how non-domination can be achieved without equal control over decision-making procedures, which is to say political equality. Without such control, the law’s coercion of dissenters violates their autonomy and is therefore presumptively unjust from a liberal perspective. The

<sup>53</sup> Rostbøll, p.270.

<sup>54</sup> Brennan (2017), pp.94-99.

<sup>55</sup> See above, pp.30-31.

<sup>56</sup> Dworkin, p.588.

next move for the liberal epistocrat, and the core of her positive argument, is to show that this violation is somehow justified.

Before getting to the substance of the argument, let us briefly consider the trade-off that it suggests. The epistocrat claims that by giving up political equality, whether or not this is a valuable resource, we stand to gain in terms of equal rights overall. The sacrifice of this right is worthwhile, given the benefits of a more just and effective system of government.

But the kind of liberal democracy I am defending here is equipped with institutions and procedures such as judicial review, the purpose of which is to provide safeguards against majority decisions that might adversely affect basic rights. As such, equal rights are just as protected under a liberal democracy as they would be under epistocracy. On top of this, by granting citizens political equality, democracy can claim to provide greater and more comprehensive equality overall to its citizens — not just substantive, but procedural as well. Given such ‘epistocratic’ elements already in place in our democracy, the loss of autonomy brought about by restricted suffrage seems like a large sacrifice for a meagre gain.

Let us now see how epistocracy attempts to justify this sacrifice.

### ***3.3. Justifying Domination***

What the epistocrat offers us in exchange for the violation of individual autonomy is better outcomes. As a general project, liberal epistocracy claims that a constituency made up entirely of informed and competent voters is more likely than its democratic counterparts to

identify and produce just outcomes.<sup>57</sup> Therefore, a dissenter should comply with epistocratic laws that she disagrees with because it is likely to be better for her and society as a whole. Relatedly, while her being coerced into obedience might violate her autonomy, *it is justified by it being for her own good*.

The problems with this approach should be obvious. Our starting point was that we disagree about politics. Specifically, we disagree as to what constitutes a good political outcome. As Rostbøll notes, “*the fact that we lack shared standards for judging outcomes is part of the reason why democracy cannot be justified instrumentally*.”<sup>58</sup> But it is not just democracy that cannot be justified so. Any instrumental account of authority, including the epistocratic account, at best opens us to the accusation that we are failing to take disagreement seriously, and at worse is simply implausible.

There are a number of issues raised by a system claiming authority based on its ability to produce good outcomes. But for our purposes the main problem is that any answer such a system can offer to the problem of coercion is simply inadequate.

Consider how remarkable a claim it is to suggest that we might justify a dissenter being coerced by a public decision, not because she had a say in its determination, *but because it might be the right answer*. This is precisely the thing that she disagrees about. The implication then must be that she does not have the capacity to assess this — someone

<sup>57</sup> An analysis of this claim is beyond the scope of this essay, but numerous objections might be raised — notably Estlund’s “*demographic objection*” (pp.215-219), according to which the wise may have epistemic flaws that end up being counterproductive to the rights that epistocracy purports to protect; the related notions of epistemic blindness or lack of responsiveness to the needs of the disenfranchised; and the fact that we have little reason to believe that more educated people are any less prone to irrationality and bias than the politically incompetent. Perhaps it is also worth noting that throughout most of history, with the notable exception of democracy, most governments could feasibly be characterised as epistocratic.

<sup>58</sup> Rostbøll, p.269.

else's opinion has greater authority than hers in evaluating what is best, including what ends are best for her. This is manifestly a violation not just of her autonomy, but of basic recognition and respect for her capacity to set her own goals as a bearer of moral status.

Note, it is not the suggestion that some may be more competent than her that is injurious to her equal moral status. We routinely interact with people — doctors, plumbers, lawyers — whose greater competence in a given area we acknowledge with no detriment to our dignity. However, such experts at best advise us as to what they believe should be done in a situation concerning their field, they do not force us to accept their advice. For all their expertise, they neither have the authority, nor the epistemic qualification to tell you that your reasons for disregarding their recommendations should be set aside in favour of their reasons for giving them.<sup>59</sup> It is a condition of the respect that we are owed as bearers of equal moral status, not that we be considered as competent as experts, but that we be deemed competent to decide for ourselves whether or how we should act on their advice.

Yet the epistocrat's justification fails to accord such respect. In the presence of disagreement as to what is in your own interest, the epistocrat's response is "*I am right*". In the second instance, her answer to the question of why her belief regarding your own interests should take precedence, she responds "*because you don't know any better*". The epistocrat is not like a doctor, whose advice you are free to ignore. Rather, the epistocrat is a doctor who performs surgery on you against your own wishes, hands you the bill, and to your remonstrances simply responds that were you less foolish, you would understand. The insult does not lie in the recognition of the doctor's greater expertise in matters of medicine, but in

<sup>59</sup> As Christiano (1996, p.75) points out, there may be reasons other than incompetence to disregard expert recommendations. Certain aspects of our interests are simply more accessible to us than to others, regardless of their expertise — my doctor may accurately assess the pros and cons of a surgical procedure, but only I know what my appetite for the risk is.

this twofold implication: first, that you are not capable of setting your own ends — “*To treat a person as incompetent in discerning her interests*” Christiano notes, “*amounts to treating her as an inferior*”;<sup>60</sup> second, that you are not owed an explanation that is in principle acceptable to you for why your preferences should be disregarded. Such an insult cannot be a fruitful basis for obtaining the allegiance of someone who disagrees that the correct outcome has been reached, whether she is enfranchised or not.

Yet her allegiance is precisely what is needed. For the violation of her autonomy to be justified in accordance with liberal principles, that justification must demonstrate respect for her as a bearer of equal moral status. In particular, it must respect her capacity to be responsive to reasons, including reasons why she should be coerced in spite of her disagreement and her exclusion from political participation. The liberal project is predicated on authority not being imposed from above, but being subject to scrutiny “*at the tribunal of reason*”<sup>61</sup> and accepted and rejected on that basis.

It seems almost inconceivable that epistocracy might be able to meet this standard given the fact of disagreement. The following scenario drives the point home.

### **3.4. The ‘Best Case’ For Epistocracy**

Imagine a functioning restricted suffrage epistocracy in which God appears, clearly, indubitably and most importantly, *exclusively* to every single individual eligible for political participation (the ‘*Competent*’). Nobody else receives the visitation, the ignorant disenfranchised are excluded. In these apparitions, God delivers a series of divinely sanctioned solutions to a number of important and controversial social, political and

<sup>60</sup> Christiano (1996), p.74.

<sup>61</sup> See Waldron (1993), p.44.

economic issues, such as the correct amount of taxation that should be applied to individuals and corporations, whether or not abortion is immoral, what the most moral attitudes should be with regards to smoking, drinking, and consuming animal products etc. These are not instructions to be obeyed, merely factual statements about the fact of the matter regarding these issues. God reveals however, that if these truths are acted upon and enshrined in laws, transgression of which is to be met with the usual punishments (such as imprisonment, fines, etc.), then within five years, the entire population will see their healths improve and their incomes rise. Prosperity, material, physical and psychological wellbeing will increase exponentially for every citizen, including criminals and other transgressors. Not only that, but every citizen, regardless of any such transgressions, will be rewarded with eternal salvation. However, if laws are not passed in accordance with the divine truths revealed by God, then such earthly benefits and heavenly rewards will fail to materialise.

What we have here is a best case for epistocracy. The most common and obvious objection to epistocracy takes aim at two of its core assumptions — that there are right and wrong answers to at least some political questions (what David Estlund calls the *truth tenet*); and that such truths are knowable by some people (the *knowledge tenet*).<sup>62</sup> These assumptions are highly controversial. One can plausibly argue that there is no such thing as right or wrong answers to such questions; or that even if there are objective truths about politics, that these are irrelevant.<sup>63</sup>

Yet the ‘best case’ dispenses with all of these objections — here there actually *are* objective truths about the common good, and thanks to God’s infallible guarantee, the Competent are in a position to know them. Not only that, but they also know exactly what will be achieved

<sup>62</sup> Estlund, p.30.

<sup>63</sup> Waldron (1999), pp.164-187.

by implementing the laws that God has suggested, and justified certainty that their policies will eventually satisfy everyone, including dissenters, beyond their wildest imagination. In short, in this scenario the Competent actually have the kind of complete, absolute and infallible knowledge about the common good that real-life epistocrats could never hope to attain.

Overjoyed at their fortune, the Competent immediately elect a government charged with implementing the various policies reflecting God's suggestions. Those excluded from political participation (the "Incompetent") are divided. Some, whose religious or political beliefs broadly mirror the implemented policies, are satisfied with the government's actions. Some don't hold the same beliefs, but assume that if the Competent have chosen this course of action, then it is for the best. Others simply don't care one way or the other.

Among the Incompetent however, we also find our dissenter. She holds certain beliefs that are at odds with the new laws, disagrees that the suggested policies will produce just outcomes, and is also unconvinced that the Competent should be in charge of these decisions in the first place. Crucially, she doesn't believe that some divine being has appeared to the Competent and revealed to them the truths of the universe. In short, we might say that the dissenter believes that the rule of the Competent is an obstacle to her ability to live in accordance with her own conception of the good life. Yet she is forced to act in accordance with the law. How can epistocracy justify this?

Again, this is only a problem so long as the Competent cling to liberal values. "*God wills it, whether you believe it or not*" has long been a perfectly acceptable answer in many a theocratic regime. But the Competent owe the dissenter the kind of justification that demonstrates respect for her equal moral status.



I think it is clear that they cannot give her one. At first they might provide content-related reasons — they will argue the finer points of this or that policy decision, and why it represents the course of action best placed to promote her own, and the greater good. They might explain for instance that a higher corporate tax rate will allow government to inject more money into public services like healthcare and education. But this is precisely the issue she disagrees about. She might respond that in her opinion, increasing corporate tax will push companies to move to other jurisdictions, depriving the economy of that tax income, jobs, and other related benefits. The debate could go back and forth on this basis, with exchanges of arguments, data, sources and so on. But at some point, unless the dissenter is convinced, then an impasse will be reached. At this point, in order to take this disagreement seriously, the Competent must give the dissenter some content-independent reason for accepting their decision as binding, and the coercion that this entails as justified. They cannot. Unlike the democrat, who can say “*you lost an election that you participated in*”, or “*next time your position may win and the law may be changed*”, the best that the epistocratic Competent can offer is “*because God said so*”. Even in the best case for epistocracy, the ultimate justification available to the Competent is an appeal not to reasons, but to authority.

Perhaps we could say that the dissenter only disagrees because she is unreasonable. Were she more reasonable, she would agree with the Competent, despite not having the same evidence that they have regarding the truth of their claims. But this misses the point that on controversial issues, precisely the issues that are the object of political decision-making, reasonable disagreement isn’t just possible — it is a fundamental premise of the circumstances of politics. The fact that in our case a certain portion of the population knows the truth about some of these issues does not make them any less controversial. Here one might point out, as Richard Arneson does, that there are certain issues that are beyond

controversy. These are instances where ordinary people might disagree, but “*reasonable, well-informed, competent judges*” do not.<sup>64</sup> In such cases, Arneson states, there may be a case for “*curtailing or limiting or even abolishing democratic political rule*”.<sup>65</sup> But such cases do not add anything to our understanding of the above situation. It may well be, that in certain cases (and certainly in our ‘best case’) that there is unanimity among the wise as to the justice of a certain outcome. But this does not resolve the problem of justifying that outcome to a dissenter who is forced to abide by it, yet may not have access to the reasons that elucidate why it is just. For such a dissenter to be treated with equal respect, it is not enough to tell her that her betters agree that the coercion is justified. It is she who, acting reasonably, must agree that it is justified. Arneson’s case does not help us resolve this issue.<sup>66</sup> In any event, there are vanishingly few issues that are generally voted on and which are genuinely beyond the possibility of reasonable disagreement. As long as any issue is at least controversial enough to give grounds for such disagreement, then liberals are committed to giving that disagreement its due by providing adequate reasons for accepting another’s views over one’s own.

Another objection that could be levied against the ‘best case’ example — I could be accused of stacking the deck against the Competent by involving a God that has appeared only to a select portion of the population. By doing so I have deprived the Competent of the ability to provide the best evidence for their position. But this is always the case for outcome-based justifications. Given that the appeal to authority is inevitably future-regarding, it is unclear what could ever constitute evidence strong enough to overcome any reasonable disagreement. How do I *prove* today what may happen tomorrow? In addition, the objection

<sup>64</sup> Arneson (2009), p.206.

<sup>65</sup> Ibid.

<sup>66</sup> Note, we may concede that adopting that outcome in spite of the dissenter’s remonstrances might be a good solution. The point is, it is not a *liberal* solution.

disregards the nature of political decisions more generally. For many of these — those generally referred to as *matters of aggregation* or *preference* — there is nothing that would count as evidence. What evidence should I bring in support of my choice to eat pizza tonight rather than Chinese? For the rest — *matters of justice* — any evidence is at best contentious. It is obvious why this should be the case. If evidence for any given position were truly incontrovertible, that is beyond the scope of reasonable disagreement, then there would be no reason to subject that issue to a vote.<sup>67</sup> Indeed one might argue that voting on an issue the truth of which is clearly discernible from evidence would be pointless at best and irresponsible at worst — imagine an engineering firm taking a vote on the correct geometric models for building a bridge. Remaining matters range from the highly contentious, for which no conclusive evidence is available, to the relatively settled, which not coincidentally, are rarely the subject of a vote.<sup>68</sup>

The point of the ‘best case’ is to show how when it comes to controversial issues where the truth is not unanimously known, i.e. the circumstances of politics, a liberal justification must involve content-independent reasons for accepting coercion. Democracy offers such reasons by virtue of its procedure. Note how in a democratic version of the ‘best case’, the Competent would not need to appeal to God’s higher knowledge, but simply pointing out that the dissenter participated as an equal in the procedure that generated the laws that she disagrees with. Conversely, epistocracy offers reasons related to outcomes, precisely the matter of contention, accompanied by a paternalistic assurance that those outcomes are

<sup>67</sup> See Peter (2016).

<sup>68</sup> The paradigmatic case here is climate change. But we should note that presenting this issue as settled is a move primarily dictated by ideology. While there is preponderant scientific consensus as to there *being issues* with our climate that need to be resolved, it is precisely the *lack of consensus* within the scientific community as to the nature and scope of the problem and how to resolve it that allows climate change deniers to gain footing.

*probably* for the best despite the disagreement. This hardly seems to be a solution, let alone a liberal one, to the problem of coercion.

### **3.5. Conclusion**

A commitment to basic equality creates real headaches for epistocracy. If I am correct that equal moral status entails non-domination, then epistocrats have to choose between some rather unattractive options.

Their first strategy is to sever the connection between basic equality and political equality, by disregarding or disputing some of the crucial links in the derivation — in turn relational equality, autonomy or non-domination. I have argued that such a strategy does not work, and as such that epistocrats cannot demonstrate that epistocratic coercion is compatible with autonomy. Epistocrats opting for this strategy, simultaneously holding to and downplaying the value of autonomy, appear to be in the throes of a struggle with self-identity, one from which they emerge with greatly diminished liberal credentials.

This leaves open the second strategy — to claim that while epistocratic coercion violates autonomy, it does so justifiably. Yet this justification must ultimately appeal to paternalistic authority which disregards the addressee's equal moral status. Epistocrats who adopt this strategy reveal that they have nothing to offer in exchange for the sacrifice in autonomy, save a highly controversial position that downplays the fact of disagreement, promises little improvement upon our liberal conception of democracy, and most importantly, seems almost designed to be rejected by the very people whose acceptance is required for it to count as a liberal justification of authority.

## Concluding Remarks

I believe that with the foregoing I have shown that an adherence to liberal values, in particular the foundational value of basic moral equality, commits us, if not to democratic government, at the very least to rejecting epistocracy. Liberal epistocracy is simply too contradictory to be plausible, and appears to cling to the very elements that make it incoherent, possibly in an embarrassed retreat from acknowledging the markedly authoritarian sentiment at its core.

On the other hand, we find our poor, battered, slightly out of shape democracy, struggling to grapple with the pluralism of an increasingly global world. Admittedly, real-world democracy has many flaws. Some of those are partially addressed by solutions based on the same intuitions that drive the epistocratic project. Others concerns, such as the voter incompetence that epistocrats rightly point out, also must be addressed in order to more closely realise the aims and potential of liberal democracy. If such a solution exists however, I do not believe it consists in restricting citizens' right to political participation. As I have hopefully shown, this is a betrayal of the foundational ideals that underlie democracy. Instead perhaps the focus should be on developing institutions and cultural mores to improve citizens' education and commitments with regards to matters of sociopolitical concern. Not to exclude the incompetent but to elevate them to competence. Such a challenge, if correctly taken on, may do much to bridge the gap between the types of society that liberal democrats and epistocrats envisage. For the time being however, imperfect as it may be, democracy is still the system of government that most closely realises the relational equality that lies at the heart of liberalism. As such, liberals ought to prefer it to epistocracy. If nothing else, *because I say so*.

## References

Locke, John (1980). *Second Treatise Of Government*. Cambridge: Hackett Publishing Company. Originally published in 1690.

Rousseau, Jean-Jacques (2012). *Of The Social Contract and Other Political Writings*. London: Penguin Classics. Originally published in 1762.

\*\*\*\*\*

Arneson, R.J (1999). "What, if Anything, Renders All Humans Morally Equal?". In *Singer and His Critics*, edited by D. Jamieson. Oxford: Blackwell.

Arneson, R.J. (2009). "The Supposed Right to a Democratic Say". In *Contemporary Debates in Political Philosophy*, edited by Thomas Christiano and John Christman. Chicester: Wiley and Blackwell.

Berlin, Isaiah (2002). "Two Concepts of Liberty", in *Liberty: Incorporating Four Essays of Liberty*, edited by Henry Hardy. Oxford: Oxford University Press.

Brennan, Jason (2011). "The Right to a Competent Electorate". In *The Philosophical Quarterly*, Vol. 60, no. 245: 700-724.

Brennan, Jason (2017). *Against Democracy*. Princeton: Princeton University Press.

Christiano, Thomas (1996). *The Rule of the Many*. Boulder: Westview Press.

Christiano, Thomas (2004). "The Authority of Democracy", in *The Journal of Political Philosophy*, Vol. 12, no. 3: 266-290.

Dworkin, Ronald (2011). *Justice For Hedgehogs*. Cambridge: Harvard University Press.

Estlund, David (2008). *Democratic Authority: A Philosophical Framework*. Princeton: Princeton University Press.

Kis, János (2020). "On the Core of Distributive Egalitarianism: Towards a Two-Level Account", in *The Oxford Handbook of Global Justice*, edited by Thom Brooks. Oxford: Oxford University Press.

Peter, Fabienne (2016). "The Epistemic Circumstances of Democracy", in *The Epistemic Life of Groups: Essays in the Epistemology of Collectives*, edited by Michael Brady and Miranda Fricker, First edition. Oxford: Oxford University Press.

Raz, Joseph (1988). *The Morality of Freedom*. Oxford: Clarendon Press.

Ripstein, Arthur (2009). *Force and Freedom: Kant's Legal and Political Philosophy*. Cambridge: Harvard University Press.

Risse, Mathias (2009): "On the Philosophy of Group Decision Methods: The Non-Obviousness of Majority Rule". In *Philosophy Compass*, Vol.4, no.5: 793-802.

Rostbøll, Christian F. (2015). "The Non-instrumental Value of Democracy: The Freedom Argument." In *Constellations*, Vol. 22, no. 2: 267-278.

Scanlon, T.M. (2018). *Why Does Inequality Matter?*. Oxford: Oxford University Press.

Scheffler, Samuel (2015). "The Practice of Equality". In *Social Equality: On What It Means to be Equals*, edited by Carina Fourie, Fabian Schuppert and Ivo Wallimann-Helmer. Oxford: Oxford University Press.

Steinhoff, Uwe (2014). "Against Equal Respect and Concern, Equal Rights, and Egalitarian Impartiality". In *Do All Persons Have Equal Moral Worth?: On 'Basic Equality and Equal Respect and Concern*, edited by Uwe Steinhoff. Oxford: Oxford University Press.

Viehoff, Daniel (2014). "Democratic Authority and Political Equality", in *Philosophy & Public Affairs*, Vol. 42, no. 4: 337 - 375.

Waldron, Jeremy (1993). *Liberal Rights*. Cambridge: Cambridge University Press.

Waldron, Jeremy (1999). *Law and Disagreement*. Oxford: Oxford University Press.

Waldron, Jeremy (2006). "The Core of the Case Against Judicial Review". In *Yale Law Journal*, Vol. 115, no. 6:1346-1406.

Waldron, Jeremy (2016). "Principles Of Legislation". in *Political Political Theory: Essays On Institutions*. Cambridge: Harvard University Press.

Wall, Steven (2007). "Democracy and Equality". In *Philosophical Quarterly*, Vol. 57, no. 228: 416-438.