**Stability in Liberal Epistocracies**

In this article, I argue that stability is one of the enabling conditions for epistocratic arrangements to function well and justify their claim right to rule. Against this backdrop, I demonstrate that advocates of strategies to allocate exclusive decision-making power to knowledgeable citizens fail to demonstrate that in a context marked by the fact of pluralism, liberal epistocracies will be stable. They could argue that liberal epistocracies will be stable because epistocratic arrangements are better equipped than democratic decision-making bodies to produce outcomes that approximate the common good. They could argue that liberal epistocracies will be stable because there is a shared meritocratic set of values and ideas. Furthermore, they could opt for two standard liberal strategies, such as overlapping consensus and modus vivendi. Yet, in all cases, the argument for the stability of liberal epistocracies is not persuasive.

Keywords: epistocracy, Brennan, stability, pluralism, legitimacy, authority.

Political philosophers, political scientists, and social epistemologists (Arneson 2009; Brennan 2016; Caplan 2007; Jeffrey 2018; Lopez-Guerra 2014; Mulligan 2017; Somin 2013) have argued for the desirability of a return to epistocracy, understood as a society in which decision-making bodies give formally greater weight, if not exclusive entitlement, to politically knowledgeable citizens (Estlund 2003).[[1]](#footnote-1) In societies marked by epistemic vices and cognitive distortions, epistocratic arrangements, we are told, would reduce the probability of making mistakes and maximise the chances of enacting public policy decisions and laws that systematically approximate a shared external standard of moral appropriateness. This is a broadly held view that has already inspired arguments for rescinding universal and equal suffrage and, more specifically, administering a competence test to voters (Brennan 2016), implementing a plural voting system (Mulligan 2018), espousing the legitimacy of hierarchical orders based on moral qualities and merit (Bai 2020; Bell 2015; Bell and Pei 2020), assigning veto power to a council of experts (Brennan 2016, 215–17), using surveys to track the best-educated political preferences (Brennan 2016, 221), associating enfranchisement lotteries with competence-building processes among a selected group of citizens (Lopez-Guerra 2014), or constituting special institutions that issue directives in a conditional form (Jeffrey 2018). These proposals have been met with well-considered criticisms (e.g., Arlen and Rossi 2022; Bagg 2018; Friedman 2019; Gunn 2019; Moraro 2018).

At least in Western political philosophy, today’s advocates of epistocratic arrangements tend not to question the desirability of living in a liberal and diverse society (Achen and Bartels 2017; Caplan 2007; Somin 2013). They blame democracies precisely for their incapacity to deliver on basic liberal promises, such as that of protecting citizens from the harm of bad policies. Therefore, epistocracies, just alike their democratic alternatives, are conceived of as well-functioning liberal societies (Brennan 2016; Caplan 2007; Jeffrey 2018; Manor 2022; Somin 2013).[[2]](#footnote-2) Such proposals for liberal epistocracies will be the target of my article. Advocates (and critics) of epistocratic formulas tend to judge the comparative merit of their proposals taking political legitimacy as a criterion of comparison. So far, most epistocratic arguments have presupposed that since lay citizens are stuck in a dysfunctional political system, they would have motivational resources to comply with an alternative, epistocratic system that truly acts for the common good. Within such a system, high-quality decisions would legitimize institutions and stabilise social interactions. In this article, I argue that stability is one of the enabling conditions for epistocratic institutions to function well and, therefore, justify their claim right to rule. Against this backdrop, I demonstrate that advocates of strategies to allocate exclusive decision-making power to knowledgeable citizens fail to demonstrate that in a context marked by the fact of pluralism, liberal epistocracies will be stable.

The article is organised as follows. Section I explains why stability is something liberal epistocrats should care about. Section II tests the main argument for the stability of epistocracies. Such an argument follows from the instrumentalist justification of the legitimacy of epistocratic bodies. Section III assesses a possible attempt to demonstrate that epistocracies will be stable because of a shared set of values and ideas. Section IV evaluates the compatibility between Brennan’s argument for epistocracy on the one hand and overlapping consensus and modus vivendi on the other. Section V concludes the article.

Two preliminary remarks are on point. First, I follow epistocrats in assuming that epistocratic arrangements are meant to operate in present-day large and liberal societies. Pluralism, understood as the quasi-sociological observation that there is a variety of values, practices, and beliefs, is taken to be a defining trait of liberal societies (Rawls 2005). Second, Vallier and Thrasher (2013 2018) rightly note that the problem of stability does not refer solely to institutions. In the same vein, scholars and the public tend to use the term democracy to capture a large and expanding set of political and social relationships. Against this backdrop, I shall hold that liberal epistocracies are societies in which knowledgeable citizens have exclusive decision-making power. As such, liberal epistocracies are stable when citizens comply with collectively binding laws and, in private and public interactions, can expect other citizens to abide with basic and public rules of cooperation.

# **I. Stability is Something Liberal Epistocrats Should Care About**

In this section, I argue that ifthe stability of liberal societies marked by the fact of pluralism should be seen both as “one of the consequences of*”* and as “one of the enabling conditions for” the exercise of a legitimate right claim to rule, then it becomes important to look at the description of subjected parties and see whether it allows the specific conditions for epistocratic arrangements to strengthen stability.

In contemporary disputes about the justification of democracy, it is commonplace to sidestep the topic of stability. Political theorists tend to claim that when institutions realize all the goods of political associations, citizens will be willing to defer to the guiding norms of the community (Landemore 2020). It seems however inaccurate to treat the justification of the legitimate authority of political institutions and the stability of liberal societies as two separate issues. Empirical research on democratic and nondemocratic systems (e.g., Gerschewski 2013) demonstrates that stability is a system-level property that all political authorities — liberal, illiberal, democratic, and nondemocratic— should cultivate to continue strengthening the force of their claim to rule over time. Nevertheless, it would be incorrect to claim that in liberal political philosophy, the pursuit of stability is justifiable without a discussion of appropriate means to an end (Greene 2017). Given the fundamental liberal commitment to treat all citizens as free and equal, there seems to be something morally relevant in the difference between prolonged stability as a result of intimidation on the one hand and continued stability as a result of the interplay between rightful political authorities and the structural properties of social interactions among free and equal citizens on the other.

There is a relationship of mutual interdependence between the stability of societies and the perceived legitimacy of their institutions. Specifically, positive expressions of the legitimate authority of political institutions can contribute to ensuring the political conditions for a society to be stable. The stability of society, as opposed to disorder and disruption, can contribute to ensuring the contextual conditions for political institutions to strengthen their claim right to rule by making easier the achievement of some morally relevant values, especially when they require a protracted effort. This suggests that if stability is one of the enabling conditions for political institutions to affirm and reaffirm their claim right to rule over everyone within a certain territory, then justifications of democracy should also explain how, in their everyday performances vis-à-vis an evolving social landscape, democratic arrangements can continuously produce the circumstances for stability.

Democratic theorists tend to refer to the relative stability of western liberal democracies. On this ground, they presuppose that societies like ours are stable enough to enable political institutions, if recognized as legitimate, to exercise their claim right to rule. While this strategy is not without its drawbacks, and all serious arguments for the justification of legitimate authority should take into consideration the necessary social circumstances for stability, the liberal case for replacing the “one person, one vote principle” with less egalitarian arrangements calls for an even more careful treatment of the conditions for triggering the mutually reinforcing relationship between stability and legitimate authority. In liberal and democratic societies, where the prevalence of democratic forms of social and political organization shape rules of conducts, mutual expectations, and the modes of relating to one another, and in which the commitment to pluralism of any truly liberal regime compels to pay serious attention to the wide variety of worldviews, one should show that a transition to epistocratic arrangements can grant something more than merely superficial compliance.[[3]](#footnote-3) This transition should ensure that the presence of diverse worldviews, even if they are not channelled through the direct participation of citizens in collective decision-making, will not translate into a disrupting force.

Liberal epistocrats maintain an instrumentalist perspective about political legitimacy, which says that a political regime is more legitimate when it tends to make decisions that approximate an external standard of appropriateness.[[4]](#footnote-4) It is well-known that this way to justify democratic and nondemocratic authority is vulnerable to the presence of different groups of subjected members who deny that there is such a thing like a standard of evaluation and that decisions based on such standard are legitimate (Estlund 2008, 99). Such disagreements are not rare. They also raise questions about how to maintain stability when there are fewer people who decide what stands for the right standard of appropriateness. In his argument against the epistemic critique to epistocracies, Hédoin (2021, 512) notices that liberal epistocracies may be unstable ‘given the members of the population’s values and other normative judgments’. There is more than that, I think. The establishment of epistocratic bodies can be disruptive. It is not like a war or a revolution, but it changes the role citizens play in government, the way politically active and politically inactive individuals think about politics, evaluate their institutions, trust decision-makers, judge each other, and relate to scientific and social scientific evidence.[[5]](#footnote-5) We should indeed consider that in modern liberal societies, correcting (or replacing) the “one person, one vote principle” with epistocratic arrangements is a regressive move. It means to enter uncharted waters: that is, in societies that have been organized around democratic ideals, citizens should willingly accept a transition from a system where the attribution of the right to vote enables them to exercise their authority over other citizens with the same power (on this issue, see Ceva and Ottonelli 2021) to a system where only a knowledgeable few will decide about what apply to themselves and the entire population.

It seems therefore entirely appropriate to explore the ground for accepting the claim that the implementation of epistocratic arrangements will not have a negative impact on the circumstances for stability. One way to study the circumstances for stability is to look at the conceptualization of those agents who may be subjected to a change in the distribution of decision-making power. Alike democrats, liberal epistocrats can take the population of contemporary liberal democracies as the relevant set of subjected parties. Unlike democrats, liberal epistocrats can look elsewhere and investigate why, in other contexts, groups and individuals have supported large-scale epistocratic experiments. When epistocrats opt for the first option, as most of them do, they should prove that citizens of democratic societies like ours are ready to support a liberal epistocracy. It is against this backdrop that the description of lay and knowledgeable citizens, as I shall elaborate in Section II, becomes a very relevant aspect of an argument for the stability of liberal epistocracies. When epistocrats opt for the second option, as I shall explain in Section III, they should prove that those societal attributes supporting epistocratic experiments can also be found across the population of present-day liberal democracies. Alternatively, as I shall explain in Section IV, one may read the proposal for epistocratic arrangements through the lenses of contemporary disputes about stability in normative political theory.

In the following, taking the work of Jason Brennan (2011; 2016) as my point of reference, I now turn to four possible ways to demonstrate that epistocracies will be stable. A stable liberal epistocracy, adapting from the work of Thrasher and Vallier (2015, 935), ‘must have the continuing assent of the diverse population typical of modern liberal democracies’. A stable liberal epistocracy is also a society in which rules of conduct and institutional procedures, if challenged, are flexible enough to achieve new points of equilibrium without forfeiting the most fundamental normative commitments (Thrasher and Vallier 2018). As I have mentioned in the Introduction, there are several proposals for treating the problems of liberal democracies with different epistocratic arrangements. Brennan has so far provided the most systematic case against universal franchise in present-day liberal societies, as opposed to other proposals (e.g., Jeffrey 2018, Manor 2022), which advocate more moderate alterations to standard democratic procedures. For this reason, my focus will be on Brennan’s work.

# **II. Liberal Epistocracies, Instrumentalism, and Stability**

In this section, I argue that within the instrumentalist framework of contemporary arguments for liberal epistocracies (e.g., Arneson 2009; Brennan 2016), Brennan’s description of lay and knowledgeable citizens does not support the claim that epistocratic arrangements will function well and motivate citizens to act systematically in accordance with collectively binding decisions.

The instrumental approach to justification holds that a political decision procedure is legitimate because it is a reliable means to reach the morally best laws and policies, such as, for instance, an ideal of egalitarian distribution (e.g., Arneson 2003). Against this backdrop, some instrumentalist justifications of democracy try to demonstrate that democratic procedures of decision-making have the epistemic qualities to produce outcomes that approximate standards of appropriateness (Goodin and Spiekermann 2018; Landemore 2020). For instance, Landemore argues that ‘inclusive deliberation of all on equal terms followed by inclusive voting on equal terms offers us the safest epistemic bet in the face of political uncertainty’ (Landemore 2020, 7). Against this backdrop, epistemic democrats who favour instrumentalism about legitimacy (Landemore 2013) suppose that democracies will be stable because inclusive decision-making bodies are the best means to reach the best available outcomes. The combination of maximal inclusiveness and morally desirable outcomes motivate citizens to regulate their private and public behaviours such that liberal democracies continue to exist (Landemore 2020, 220).

Following the same instrumentalist logic, liberal epistocracies, even if they renounce the commitment to maximal inclusiveness, will be stable because epistocratic arrangements strengthen the capacity to produce morally desirable outcomes. The argument is straightforward. First, given the existing distribution of political competence in modern large, plural, and liberal societies, allocating decision-making power to knowledgeable citizens is the best way to increase the chances of making decisions that approximate the common good (Brennan 2016, 149–67). Second, liberal epistocracies will be stable because good and repeated collectively binding decisions minimize citizens’ interest in defecting. On the assumption that there are instrumentalist reasons to obey, one could reframe Brennan’s claim in a comparative way. That is, if democracies are stable despite multiple failures in making decisions that approximate the common good, then there are little reasons to doubt that liberal epistocracies, which capitalize on knowledgeable citizens’ capacity to make good decisions, will be at least as stable as their democratic alternatives.

In Brennan’s view, a description of the cognitive differences between knowledgeable citizens (a minority) and lay citizens (a majority) is meant to support the argument for the legitimacy of epistocratic bodies. That same description also lays out essential information about the aggregate of people over which epistocratic bodies claim to have a right to rule. Against that backdrop, this section argues that liberal epistocracies exacerbate a common problem across epistemic democrats who favour pure instrumentalism about political legitimacy.

Epistemic democrats who favour instrumentalism presuppose that everyone could accept answers to divisive political questions, that there is agreement on which decisions should be taken, that there is little disagreement about what constitutes a good policy, and that agreements on single policy issues translate into agreement on how societal and political relations should be organised among the population at large (Ingham 2012, 149). This thesis might be conceptually plausible, but it contradicts the main conclusions of ongoing debates on the problem of disagreement in plural societies.[[6]](#footnote-6) For years, philosophers of all schools have been arguing that certain disagreements are deep and concern fundamental epistemic, moral, and political principles. Accordingly, they are very difficult to eliminate. Brennan’s instrumentalist argument makes all such postulations. It also presupposes that the lay citizens are willing to support a political system that asks them to renounce one of their most fundamental political rights, such as the right to vote. This seems odd, unless one also argues that lay citizens of our liberal democracies are ready to conform to the authority of others. Nevertheless, social scientific research on the rise of right-wing populism demonstrates that supporters of right-wing populist parties are very vocal (Halikiopoulou 2018). Furthermore, research on left-wing populism shows that several citizens want to exercise more control over legislative procedures and democratic decision-making in general (Gerbaudo 2017).

Let us see how Brennan deals with this issue. Vis-à-vis widespread ignorance across the population of present-day liberal democracies, Brennan argue that there exists a superior political judgement and that the capacity to make superior political judgements is not equally distributed across the population (Brennan 2016, 35–36, 121–23). In recent years, both ideas have been subject to critiques (Gunn 2019; Reiss 2019) and defences (Gibbons 2021). Brennan conceptualises the capacity to make superior political judgements as a combination of the capacity to master the best social scientific evidence and the capacity to recognise that things may be otherwise, which can be broadly understood as intellectual humility (Brennan 2007). Even though several philosophers have pointed to the stubbornness and partisanship of experts acting in positions of power (see, for instance, Friedman 2019; Gunn 2019), Brennan posits that the capacity to master the best social scientific evidence cultivates the epistemic virtue of epistemic humility.

According to Brennan, political competence is essentially a mix of knowledge of basic political facts, such as information about what candidates prefer, how political parties behave, and what power different government branches have, as well as social scientific knowledge (with macroeconomic literacy having particular relevance) and awareness of what it means to have political power (Brennan 2011, 169; 2016, 127–28). We can imagine political competence as a scalar property that develops in the same way as technical skills. If pilots are better in the matter of flying planes, and surgeons in the matter of surgery, individuals who have mastered social scientific evidence can be said to have objective competence in political matters (Brennan 2016, 121).

Brennan (2016, 40-42) claims that most voters are ignorant, irrational, and misinformed. They are also ‘partisan and tribalistic despite most of them being non-ideological’ (Brennan 2022, 38). In their capacity as democratic participants, lay citizens tend to be short-sighted, stubborn, incompetent, and gullible to the point that they vote in an entirely expressive manner (Brennan 2018, 64). The long list of cognitive failures and epistemic vices is also described as causing disagreements that would not exist otherwise, as exacerbating the divide among citizens or as making voters vote against their interest (Brennan 2018). Voters, he says, are not necessarily bad at producing the profile of a good candidate. The problem is that even with good standards, lay citizens make irrational decisions (Brennan 2016, 222–26). Moreover, lay citizens ‘are so biased that when they are presented with evidence that they are mistaken, they double down’ (Brennan 2016, 43). The more irrational someone is, Brennan continues, the less likely this citizen, who suffer from confirmation bias and disconfirmation bias, is to be influenced by rational counterarguments (Brennan 2019, 209).

Therefore, the description of lay and knowledgeable citizens entails significant differences both in terms of competence and in terms of intellectual humility. If read through the lenses of stability, the significance of the differences in intellectual humility across society cannot be underestimated. Brennan does not make us believe that most citizens will be willing to support a political system where a minority of knowledgeable citizens has the ultimate authority to decide. It is already difficult to understand why one should believe that knowledgeable citizens, whom Brennan depicts as competent and able to recognise that things may be otherwise, will support an epistocratic social and political architecture over time. For instance, the wealth of scholarly critique of epistocracy is proof that politically competent citizens may reject forms of decision-making that give greater weight to the voices of the politically knowledgeable. Yet, it is even more difficult to understand why lay citizens, who, as Brennan (2016 2019) himself notes, tend to view with concern and suspicion alternative, more enlightened, opinions, will be willing to support a society in which they are systematically excluded from meaningful decision-making.

Brennan, as I said earlier in this section, describes the allocation of decision-making power to knowledgeable citizens as the best available way to find appropriate solutions and ensure stability over time. In other words, well-functioning epistocratic arrangements both solve disagreements on single issues and control the spread of deeper, and perhaps more destabilising, disagreements on how political and societal relations should be organised. The problem is that we do not know the reason why lay (stubborn, irrational, ignorant, and angry) citizens should tone down their most profound disagreements and find ways to coordinate their political and non-political actions so that epistocratic arrangements can function well, make good decisions, and, therefore, contribute to stabilizing a large and diverse society. As a matter of fact, Brennan tells us that decision-making bodies will change. He does not tell us that the society will change (or has changed) accordingly.

Epistemic democrats who favour instrumentalism about legitimacy, I have said earlier in this section, tend to be too simplistic about the depth of disagreements in contemporary liberal societies. Brennan’s description of the difference between lay and knowledgeable citizens makes matters worse. If we follow his view, disagreements are often irrational and pervasive. Moreover, a large majority of the population is reluctant to accept common ground views on what constitutes a good policy, on how societal and political relations should be organized, and on the priorities of decision-making bodies. It remains therefore difficult to understand how such citizens will be ready to conform to a significant reduction of their relevance in collective decision-making and to contribute to the minimal conditions for epistocratic institutions to function in a way that can justify their claim right to rule. And, if epistocratic arrangements are not in condition to function well, they may dissipate their stability conferring function.

# **III. Liberal Epistocracies, Stability, and the Meritocratic Worldview**

Brennan may argue that epistocratic bodies organise our interactions around a shared set of values so that members of a liberal epistocracy develop a practical orientation and systematically coordinate their behaviours on shared terms. Such a shared set of values is *ideological* in the sense that it makes citizens with different worldviews coordinate on a suboptimal (or even optimal) equilibrium and form expectations about how fellow citizens will act (Sankaran 2020, 1448). Seen through these lenses, a system of ideas and values would help to find solutions to social coordination problems and make deviations and exit more costly than conformity (Sankaran 2020, 1449), leading, therefore, to stability. In a more critical spirit, such a system, albeit puzzling, might hide fundamental failings in how societies are organised and work to the advantage of a ruling minority. In this way, ideology serves as a nonrepressive mechanism of social stability. Here, I leave the critical-theoretical approach aside. I try to see whether there is a plausible way to justify the stability of liberal epistocracies through the nonrepressive mechanisms of ideas and values that, by functioning in an ideological way, support epistocratic bodies’ claims to rule.

As Max Weber famously noticed, the discourse on shared systems of ideas and values links with the issue of authority (Weber 1978). It contributes to justify, on the side of institutions, the validity of the claim to rule and, on the side of citizens, the nature of the beliefs that motivate obedience. On this view, a political institution is legitimate, when those subject to it believe that it has valid claim to rule; and, in turn, those subject to it believe that there is enough correspondence between the values they see as the rationale of action and the values expressed by such a political institution (Cozzaglio 2020). Within this framework, the configuration of vertical (*institution-to-citizen*) and horizontal (*citizen-to-citizen*) interactions is influenced by a value system that makes members internalize a certain social order and, therefore, gives preference to coordination and compliance over the pursuit of self-interest.

Even if Brennan argues that most people have irrational and ignorant views about various topics, he may hold that members of a liberal epistocracy will be committed to a shared understanding of political and social life. If this is the case, he should also explain the transition from the present mainstream shared and broadly democratic understanding to another way of organising political and societal relations in a liberal way. Brennan, like other advocates of epistocratic arrangements, tends to prioritise institutional proposals and, in this way, remains silent about how irrational, ignorant, and self-interested people will become a cooperative group of people that share some kind of commitment to political competence. In this respect, Brennan, to borrow Kirun Sankaran’s (2020: 1449) words, neglects that shifting a society from one convention (or any) to another ‘requires more than just convincing everyone of the superiority of the new convention’.

If a shared system of ideas and values can solve coordination problems and contain threats to the stability of a liberal epistocracy, the question is: what would be the system of values and ideas that can play an ideological function in liberal epistocratic societies? Brennan (2016, 141–54) seems to rely on a broad commitment to harm avoidance. No one would deny that harm avoidance is essential to the stability of a liberal society. Yet a commitment to harm avoidance does not seem to be enough to inform either a long-lasting practical orientation on shared terms or a widespread scepticism about the feasibility of radical social change. Liberal democracies, which are *also* loyal to the harm principle, have a sophisticated architecture of penalties and punishments to contain harm, but justifications for their stability are usually grounded on more general normative commitments. It is also for this reason that Brennan should be able to identify the ideas that can explain *both* the preferability of a certain practical orientation *and* the allocation of decision-making power solely (or mainly) to knowledgeable citizens. To be sure, Brennan does not say much about this. Daniel Bell (2015) and Tongdong Bai (2020), in their attempts to advocate a Confucian reorientation of legislative and executive powers inside and outside liberal democratic societies, investigate in greater detail the system of values that can support and stabilise an epistocratic society. They call it ‘a meritocratic worldview’ (Bai 2020; Bell and Pei 2020).

To be sure, a thorough study of contemporary political-theoretical appropriations of Confucius and Mencius is not among the ambitions of this article. For this reason, I focus on the work of Tongdong Bai. In his *Against Political Equality: The Confucian Case*, Bai (2020) offers an epistocratic critique of democracy which is framed in terms of an argument for political meritocracy. His argument is illustrative of the kind of values and ideas Brennan would need to justify the stability of liberal epistocracies through the nonrepressive force of a hegemonic ideology.

According to Bai (2020, ch. 2), political meritocracy justifies the creation of an elite, the selection of leaders according to their virtues, and the allocation of decision-making power to the wisest. As with other epistocratic cases against democracy, the general idea is that an ideal government should provide its people with security, basic goods, and education (Bai 2020, 34–35). Specifically, both Confucius and Mencius, Bai (2020, 46) writes, have an elitist attitude towards political decision-making. Confucius, for his part, as Bai (2020, 47) reports, intends for equal education to reveal different capacities among humans, ‘and after the discovery, different kinds of education should be given to different people according to their capacities’. For his parts, Mencius, as Bai (2020, 47) puts it, accepts that we are all equal but also claims that ‘the difference between a sage ruler and a common person is the effort that they have made’. Against this backdrop, the distribution of decision-making power should mirror the division of labour between lay citizens, who cannot make sound political decisions because of their narrow interests, and the wisest, who have superior moral capacities (Bai 2020, 46, 48). As Bai (2020) himself notices, it is crucial to the Confucian regime that people be instilled with a ‘sense of respect for moral and intellectual excellence’ (84). On the one side, the wise and virtuous should prove their excellence by providing all citizens with all necessary means to have a flourishing life (Bai 2020, 84). On the other side, properly educated lay citizens should be ready to accept the rule of the wise and virtuous willingly (Bai 2020, 84).

The government of the wisest is expected to deliver civic education for all. Education plays two roles in the argument for Confucian meritocracy. On the one side, education is one of the most important public goods. On the other side, education is the driver of stability. By giving all citizens the promise of upward mobility and motivating reverence for those who display more competence and better moral qualities, education helps a meritocratic worldview to percolate through the lay citizenry (Bai 2020, 86). But this process takes time and cannot be exported from one context to another straightaway.[[7]](#footnote-7) For a meritocratic system to function properly, knowledgeable citizens and lay citizens should already have the same view on moral excellence and exemplarity. Education is meant to strengthen and confirm that view. For instance, Confucianism, as Bai (2020, 120–25) writes, considers compassion as an important moral quality. Accordingly, it justifies both the bond among strangers and the claim that the wisest, who are also the most compassionate, will continue to decide in the light of the common good (Bai 2020, 125).[[8]](#footnote-8)

One may immediately notice that compassion is absent from the set of standard liberal values. This absence may complicate the theoretical justification for the expansion and success of a meritocratic worldview in liberal societies. Yet what matters the most is another, more general claim of the argument. Bai suggests that for an epistocratic system to be stable, there must be a widely supported set of values and ideas which make citizens tolerate flaws and see the high costs of exit. Such values and ideas help rulers to frame their decisions in terms of the general interest and give citizens cognitive and attitudinal tools to solve collective action problems. This claim has consequences for a justification of the stability of liberal epistocracies.

If Brennan aims at justifying the stability of epistocracy through the force of ideology, he must show that there is a shared set of beliefs or values that makes trustworthy *both* a system in which decision-making power is distributed according to a competence principle[[9]](#footnote-9) *and* those citizens who are considered as the most competent people in the country. Making such a philosophical argument, as Bai and Bell demonstrate, is not impossible. Making such a philosophical argument in contemporary liberal societies marked by the fact of pluralism, I think, is controversial. Brennan’s epistocratic arrangements are meant to replace democratic decision-making bodies in existing liberal and pluralistic societies. Then, in assessing his proposals, we must always keep in mind that Brennan does not advocate epistocracy as a matter of philosophical possibility. Liberal societies, he says, need epistocratic arrangements now. In a context in which democratic bodies cannot address the maldistribution of political competence in our societies, epistocratic bodies can enact better laws and policies (Brennan 2016, 206).[[10]](#footnote-10) Even if Brennan would downplay the magnitude of this change and, perhaps, claim that it is worth trying some epistocratic arrangements out and see if they might work better, such experiments, as I have already said in Section II, entail changes in the relationship between citizens and political institutions and in how citizens relate to one another.

The idea that epistocratic arrangements can function here and now, especially if combined with Brennan’s (2016, ch. 1) commitment to being descriptively accurate, causes problems for an ideology-based argument for stability. Brennan should demonstrate that in polarised liberal societies, in which ignorance, irrationality, and partisanship exacerbate disagreements, there is something like a nondemocratic, perhaps meritocratic, worldview that can play an ideological function in solving difficult coordination problems. So far, philosophers have built their case for liberal epistocracies on the assumption that many of us mistrust experts, are sceptical of the ‘mainstream narrative,’ and find scientific knowledge suspicious (see, for instance, Achen and Bartels 2017; Caplan 2007; Somin 2013). This description also suggests that inculcating something like a meritocratic worldview might be a surprisingly difficult enterprise. We lack, therefore, a credible explanation for why most citizens of liberal and plural societies would comply with a ruling minority of knowledgeable citizens and systematically ignore opportunities for exit and defection.

One can even doubt that an ideology-based argument is a plausible way to go. To use this argumentative turn, Brennan should offer a more moderate and balanced description of the polarizing environment in contemporary liberal societies and, in this way, weaken a rationale for implementing epistocratic arrangements. Even assuming that Brennan would (could) opt for this way to justify the stability of liberal epistocracies, his argument would have to change in nontrivial ways. One thing is to say that epistocratic arrangements are justified because they are conducive to better outcomes. Another thing would be to say that epistocratic arrangements are justified because they express a shared commitment to a meritocratic worldview.

# **IV. Liberal Epistocracies and Liberal Arguments for Stability**

I have said that at the present stage in the development of the theory of liberal epistocracy, the stability of such a system cannot be justified solely by referring to the instrumental logic of the argument for the legitimacy of epistocratic bodies or through an appeal to the ideological function of a certain set of shared ideas and values. In so doing, I have held that present-day liberal and plural societies are the contexts of application. With the same contexts of application in mind, contemporary political philosophy has developed other strategies to justify the stability of liberal societies despite pluralism and disagreement. In what follows, I shall see whether such strategies can work well with liberal epistocracies as they are conceptualised now.

Contemporary liberal political philosophers tend to adopt two main strategies to justify the stability of liberal societies marked by the fact of pluralism: overlapping consensus and modus vivendi. As liberal epistocracies are framed as liberal projects, it seems sensible to try to see whether their stability could be justified with arguments for overlapping consensus and modus vivendi.

Rawls (2005, 140–50) argues that an overlapping consensus on a political conception of justice can be found among comprehensive doctrines, which, despite fundamental disagreements about the good, share a public political culture built upon basic liberal and democratic values. A conception of justice, as a possible object of an overlapping consensus, Rawls (2005, 156) writes, should be publicly understood and have clear and simple principles. Moreover, citizens should be familiar with the fundamental ideas of the public political culture to recognise the qualities of that specific political conception of justice (Rawls 2005, 141–42). For a democratic regime, Rawls writes, the political conception of justice should be consistent with widespread ideas about the priority of liberal basic rights (Rawls 2005, 156). In keeping with this, political institutions, whose functions are shaped by a political conception of justice that is the object of an overlapping consensus, would leave aside the most divisive issues and contain the risk of serious threats to the bases of social cooperation.

In his work, Brennan does not provide us with an original political conception of justice. Yet, Brennan argues multiple times that decision-making bodies should protect justice and the common good (Brennan 2016, 11–12, 138, 141), but terms such as justice and the common good are not defined in any specific way. If they are to work here and now, or at least in the foreseeable future, liberal epistocratic arrangements, it seems reasonable to presume, are meant to express the same political conception of justice that regulates political and social interactions in existing liberal and democratic societies. This conception functions as a term of comparison between the results of democratic bodies and the possible benefits of epistocratic arrangement. This is a broadly liberal conception, one that, among other things, upholds the priority of liberal basic rights, commits to treat all citizens as free and equal, and accepts the harm principle.

Within this framework, Brennan may argue that liberal epistocracies will be stable because they do not violate the political conception of justice that is already an object of overlapping consensus. For this reason, citizens would continue having the same combination of empirical and normative expectations towards one another and towards their political institutions. The priority of individual rights to political participation, however, is a pillar of practically existing liberal political conceptions of justice. It is possible to accept the promises of such practically existing liberal conceptions of justice without taking on board the priority of individual rights to political participation. This theoretical decision is legitimate, but it comes at a cost. Namely, it brings a very divisive issue back to the centre of social and political interactions and, in this way, can undermine the stability of large-scale liberal societies. For this reason, a plausible justification for the stability of epistocracies through overlapping consensus, I think, should at least demonstrate that in liberal societies there are other political conceptions of justice that, despite denying the equal right to political participation, can be objects of overlapping consensus.

That last claim does not imply either that all broadly liberal epistocracies will be unstable or that overlapping consensus exhausts all available theoretical resources to demonstrate that liberal epistocracies will be stable. Let me, therefore, turn to another possible strategy. Confronted with the fact that principled agreements between citizens in deep disagreement are often difficult to achieve, some political philosophers (e.g., Horton 2006) have returned to the more inclusive alternative of modus vivendi as a way to justify the existence of stable, liberal, and pluralistic societies. A modus vivendi is generally understood as a temporary and inclusive balance of interests that ensures a good basis for avoiding social and political disruption as well as a minimal common ground for living minimally worthwhile lives (Horton 2006, 164).

As Fabian Wendt (2016, 79–83) argues, modus vivendi arrangements are social and political configurations that do not satisfy individual optimality conditions. An arrangement justified as a modus vivendi, albeit second best and open to possible variations, should at least maintain peace and order. If seen through these lenses, liberal epistocracies are plural societies in which lay and knowledgeable citizens endorse epistocratic institutions as a suboptimal way to keep opposing forces in check. On such a view, Brennan does not need to defend the absolute merit of epistocratic arrangements, but rather should demonstrate that allocating exclusive power to knowledgeable citizens can be the best available way to be responsive to the fact of pluralism and, at the same time, avoid both social disruption and political disorder.

One could argue that given their uncommon competence, epistocratic bodies are *better* equipped to make decisions that systematically contain the risk of social disruption and political disorder. As we have seen in Section II, Brennan argues that in contemporary societies, democratic elections involve many tribal and ignorant voters. Against this backdrop, allocating exclusive or greater decision-making power to knowledgeable citizens is a way to divert representatives from exacerbating social tensions. And, without the need to be responsive to irrational voters, elites could work together to solve problems. I believe that this is a very plausible defense of liberal epistocracies. Yet, it leaves open a more fundamental conceptual problem in the justification of the stability of liberal epistocracies as modus vivendi. Protecting a society from disruption seems to be the minimum threshold for a law and policy to be justifiable through instrumental lenses. The issue is that Brennan’s argument for legitimacy demands more than mere protection from disruption. On his view, the reason to favour one political system over another is that it ‘it is more effective at producing just results’ (Brennan 2006, 11) according to standards that are taken to be universally valid. Such an objectivist moral theory clashes with the commitment of modus vivendi to accommodate deep disagreements. Accumulating decision-making power in the hands of a knowledgeable minority is indeed intended to overcome disagreements and reorient individual behaviours and views towards an allegedly shared ideal of a just society. This fundamental tension between the pluralist character of modus vivendi and Brennan’s objectivist moral theory casts more doubt on the idea of justifying the stability of liberal epistocracies through modus vivendi. To do so, Brennan would have to either coin a less pluralistic modus vivendi theory or reframe the comparative merit of liberal epistocracies merely in terms of protection from social disruption.

**V. Conclusion**

Given an ignorant, irrational, and misinformed body of citizens, political power, Brennan argues, should be formally allocated to knowledgeable citizens. Political philosophers and social epistemologists have rebutted this claim on several grounds: by stressing that disenfranchising citizens on grounds of incompetence is likely to produce epistemically suboptimal decisions, by questioning the legitimacy of epistocratic bodies, by exposing the partial character of political knowledge, by noting that democracies are about much more than making decisions and selecting policies, and by saying that there are no such things as political facts and objective political competence. In this article, I have argued that advocates and critics should pay more attention to the issue of stability within liberal epistocracies. By shifting the analytical focus from political legitimacy to stability, it is possible to realise that in their current forms, liberal epistocrats fail to explain how liberal societies can be stable enough to ensure the conditions for epistocratic arrangements to function well. One could argue that good policy outcomes will lead to more compliance. One could argue that a meritocratic worldview will provide the necessary common ground of values and ideas for liberal epistocracies to resist over time. Furthermore, one could opt for two standard liberal strategies, such as overlapping consensus and modus vivendi. Yet, these strategies, as I have demonstrated in this paper, are not fully convincing and reveal other problems in the theory.

I want to conclude by expressing a limitation of my study. My argument has assumed that lay and knowledgeable citizens already possess voting rights. This is consistent with the logic of epistocratic arguments. As Brennan (2016, ch. 1) argues, liberal epistocracy is a solution to problems exacerbated by the universal franchise. Even recognising that epistocratic arrangements could be implemented in regimes in which people do not have equal voting rights, my argument would remain valid insofar as such a society is broadly liberal in spirit and marked by the fact of pluralism, by irrationality, and by ignorance.

**References**

Achen, C. and Bartels, L.M. 2017. *Democracy for Realists: Why Elections Do Not Produce Responsive Government*. Princeton, NJ: Princeton University Press.

Arlen, G. and Rossi, E. 2022. ‘Is this What Democracy Looks Like.’ *Inquiry* 65(1): 1-14.

Arneson, R.J. 2003. ‘Defending the Purely Instrumental Account of Democratic Legitimacy.’ *Journal of Political Philosophy* 11(1): 122-32.

Arneson, R.J. 2009. ‘The Supposed Right to a Democratic Say.’ In T. Christiano and J. Christman (eds.), *Contemporary Debates in Political Philosophy*. Oxford: Wiley-Blackwell, 197-212.

Bagg, S. 2018. ‘The Power of the Multitude: Answering Epistemic Challenges to Democracy.’ *American Political Science Review* 112(4): 891–904.

Bai, T. 2020. *Against Political Equality: The Confucian Case*. Princeton, NJ: Princeton University Press.

Bell, D.A. 2015. *The China Model*. Princeton, NJ: Princeton University Press.

Bell, D.A and Pei, W. 2020. *Just Hierarchies: Why Social Hierarchies Matter in China and the Rest of the World*. Princeton, NJ: Princeton University Press.

Brennan, J. 2007. ‘Modesty without Illusion’. *Philosophy and Phenomenological Research* 75(1): 111-28.

Brennan, J. 2011. *The Ethics of Voting*. Princeton, NJ: Princeton University Press.

Brennan, J. 2016. *Against Democracy*. Princeton, NJ: Princeton University Press.

Brennan, J. 2018. ‘Does the Demographic Objection to Epistocracy Succeed?’ *Res Publica* 24: 53-71.

Brennan, J. 2019. ‘Democracy as Uniformed Non-Consent.’ *Journal of Applied Philosophy* 36(2): 205-11.

Brennan, J. 2022. ‘Giving Epistocracy a Fair Hearing.’ *Inquiry* 65 (1): 35-49.

Caplan, B. 2007. *The Myth of the Rational Voter*. Princeton, NJ: Princeton University Press.

Ceva, E. and Ottonelli, V. 2021. ‘Second-personal Authority and the Practice of Democracy.’ *Constellations* online first.

Cozzaglio, I. 2020. ‘Political Realism, Legitimacy, and a Place for External Critique.’ *Philosophy and Social Criticism* 47(10): 1213-36.

Estlund, D. 2003. ‘Why not Epistocracy.’ In N. Reshotko (ed.), *Desire, Identity and Existence: Essays in Honor of TM Penner*. Kelowna, BC: Academic Printing & Publishing, 53-69.

Estlund, D. 2008. *Democratic Authority*. Princeton, NJ: Princeton University Press.

Friedman, J. 2017. ‘The Problem of Epistocratic Identification and the (Possibly) Dysfunctional Division of Epistemic Labor.’ *Critical Review* 29 (3): 293-327.

Gastil, J. and Wright, E. O. 2019. *Legislature by Lot*. London: Verso.

Gerbaudo, P. 2017. *The Mask and the Flag: Populism, Citizenism and Global Protest*. Oxford: Oxford University Press.

Gerschewski, J. 2013. ‘The three pillars of stability: legitimation, repression, and co-optation in autocratic regimes.’ *Democratizatio*n 20(1): 13-38.

Giavazzi, M. 2020. *Rule of the Knowers. The Epistocratic Challenge to Democracy*. Unpublished doctoral dissertation. University of Warwick. Coventry, UK.

Gibbons, A. 2021. ‘Political Disagreement and Minimal Epistocracy.’ *Journal of Ethics and Social Philosophy* 19 (2): 192-201.

Goodin, R.E. and Spiekermann, K. 2018. *An Epistemic Theory of Democracy*. Oxford: Oxford University Press.

Greene, A.R. 2017. ‘Legitimacy without Liberalism: A Defense of Max Weber’s Standard of Political Legitimacy.’ *Analyse & Kritik* 39(2): 295-324.

Gunn, P. 2019. ‘Against Epistocracy.’ *Critical Review* 31 (1): 26-82.

Halikiopoulou, D. 2018. ‘A Right-wing Populist Momentum? A Review of 2017 Elections Across Europe.’ *Journal of Common Market Studies* 56: 63-73.

Hédoin, C. 2021. ‘The ‘Epistemic Critique’ of Epistocracy and Its Inadequacy.’ *Social Epistemology* 35: 502-14.

Horton, J. 2006. ‘John Gray and the political theory of modus vivendi.’ *Critical Review of International Social and Political Philosophy* 9: 155-69.

Ingham, S. 2012. ‘Disagreement and Epistemic Arguments for Democracy’. *Politics, Philosophy and Economics* 12(2): 136-55.

Jeffrey, A. 2018. ‘Limited Epistocracy and Political Inclusion.’ *Episteme* 15(4): 412–32.

Landa, D. and Pevnick, R. 2020. ‘Representative Democracy as Defensible Epistocracy.’ *American Political Science Review* 14(1): 1-13.

Landemore, H. 2013. *Democratic Reason: Politics, Collective Intelligence, and the Rule of the Many*. Princeton, NJ: Princeton University Press.

Landemore, H. 2020. *Open Democracy: Reinventing Popular Rule for the Twenty-First Century*. Princeton, NJ: Princeton University Press.

Lepoute, M. 2021. *Democratic Speech in Divided Times*. Oxford: Oxford University Press.

López-Guerra, C. 2014. *Democracy and Disenfranchisement*. New York, NY: Oxford University.

Moraro, P. 2018. ‘Against Epistocracy.’ *Social Theory and Practice* 44 (2): 199-216.

Mulligan, T. 2018. ‘Plural Voting for the Twenty-First Century.’ *The Philosophical Quarterly* 68: 286-306.

Rawls, J. 2005. *Political Liberalism. Expanded Edition*. New York: Columbia University Press.

Reiss, J. 2019. ‘Expertise, Agreement, and the Nature of Social Scientific Facts or: Against Epistocracy.’ *Social Epistemology* 33 (2): 183-92.

Sankaran, K. 2020. ‘What’s New in the New Ideology Critique.’ *Philosophical Studies* 177: 1441-62.

Somin, I. 2013. *Democracy and Political Ignorance: Why Smaller Government Is Smarter*. Palo Alto: Stanford University Press.

Thrasher, J. and Vallier, K. 2015. ‘The Fragility of Consensus: Public Reason, Diversity, and Stability.’ *European Journal of Philosophy* 23(4): 933-54.

Thrasher, J. and Vallier, K. 2018. ‘Political Stability in the Open Society.’ *American Journal of Political Science* 62(2): 398-09.

Valentini, L. 2013. ‘Justice, Disagreement and Democracy.’ *British Journal of Political Science* 43(1): 177-99.

Weber, M. (1978). *Economy and Society: An Outline of Interpretive Sociology*. Berkeley: University of California Press.

Wendt, F. 2016. *Compromise, Peace and Public Justification: Political Morality Beyond Justice*. Basingstoke: Palgrave MacMillan.

1. The term epistocracy has been recently used with reference to representative democracy (Landa and Pevnick 2020). Yet, according to Brennan (2016, 208), a system is said to be epistocratic when it formally (as a matter of law or policy—that is, *de jure*) allocates decision-making power on the basis of political competence. By law, such a political system distributes fundamental political power to the most competent people. [↑](#footnote-ref-1)
2. To be sure, epistocrats support different variants of the liberal tradition. Yet, a common ground can be found in the fundamental commitment to two liberal pillars: that is, the idea that all citizens should be treated as free and equal, and the harm principle (Brennan 2016, 9, 127, 137). [↑](#footnote-ref-2)
3. For another argument on the transition to epistocratic arrangements, see Lepoutre (2021). [↑](#footnote-ref-3)
4. To my knowledge, the only non-instrumentalist defense of epistocratic arrangements is Giavazzi (2020). [↑](#footnote-ref-4)
5. This claim is also valid for attempts at reforming democratic decision-making processes. It is also for this reason that some advocates of lottocratic experiments envision a slow and gradual process of expansion from a limited set of powers in existing legislations (Gastil and Wright 2019). [↑](#footnote-ref-5)
6. On the connection between disagreement and normative justifications of democracy, see Valentini (2013). [↑](#footnote-ref-6)
7. There is disagreement on the exportability of the meritocratic model. Bell (2015) thinks that it is exportable, while Bai (2020) is skeptical. [↑](#footnote-ref-7)
8. To borrow from Estlund’s Demographic Objection, it may be the case that decision-makers, who are legitimated by a meritocratic worldview, have epistemically damaging features, such as implicit biases, which neutralize the benefit of education (Estlund 2007, 215-16). Brennan (2016 2018) addresses this objection by recalling the idea that voters lack the knowledge to evaluate how representatives perform. I believe that in certain cases, a meritocratic worldview can be so dominant to cover up a long series of bad decisions. It is also for this reason that it is important to study the role of ideology in discourses on authority and whether a meritocratic worldview is hegemonic in present-day liberal democracies. [↑](#footnote-ref-8)
9. The competence principle holds that ‘high-stakes political decisions are presumed to be unjust, illegitimate, and lacking in authority if they are made incompetently or in bad faith, or by a generally incompetent decision-making body’ (Brennan 2016, 21). [↑](#footnote-ref-9)
10. ‘We instead should ask,’ as Brennan (2016, 206) puts it, ‘given what we know about political behavior, including what we know about rent seeking, corruption, and abuses of power, which is likely to deliver better results, some form of epistocracy or some form of democracy?’ [↑](#footnote-ref-10)