

THE RULE OF THE (IN)COMPETENT: DEMOCRACY, EXPERTISE AND COMPETENCE IN POLITICAL THEORY

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Time & Venue:	Mondays, 5.20pm–7pm, N13 Building, Rm. 223
Office hours:	Rm. 408/B (only by appointment: please drop me an e-mail to ensure 24 hours' notice)
No. of Credits:	2 (ECTS: 4)
Course level:	MA elective

The rise of populism throughout the Euro-American world has renewed both popular and academic interest in an age-old challenge to democracy: Why should citizens who are incompetent, ignorant, uneducated, or easy to manipulate, have a right to participate in political decision-making? Contrary to this spirit, at the same time, the past decade after the 2008 crisis has seen a mounting challenge to technocratic governments and institutions: Why should we grant experts authority over political decisions? This course builds on recent literature in democratic theory and political morality, as well as some legal sources, to examine how competence, expertise, democratic rights, and democratic duties should be related to one another—and how they should *not* be related.

The course will follow this structure: First, we will examine whether (and why) competence and expertise should—or should not—have a defining role in the distribution of political participatory rights, focusing on the rekindled epistocracy vs. democracy debate. Second, assuming that democracy is the justified alternative, we will concentrate on the desirable kinds and roles of expertise *within* democratic political decision-making. Third, we will assess justifications of, and objections to, some of the historic and still existent competence-based restrictions on political participation, including education requirements, age thresholds, and mental incapacity. Finally, we will examine what moral duties citizens have to cast competent and informed votes, and what moral duties of truth-telling are incumbent on politicians, with special emphasis on the avoidance of populism, propaganda, and outright lies, as well as reluctance to respond to criticism. Throughout the course, we will pay attention to the implications of our normative findings for the various institutional roles of political decision-making in a representative democracy.

LEARNING OUTCOMES:

By the end of this course, students will be able to...

- identify some of the most important philosophical theories of democracy, epistocracy and political participatory rights
- identify and comparatively evaluate strengths and weaknesses of particular theories of democracy, epistocracy and political participatory rights
- distinguish between arguments for and against restricting voting rights, on the one hand, and arguments for and against moral principles of ethical voting, on the other hand
- distinguish between the moral obligations of voters, legislators, executive agents and judges
- reconstruct and criticize some of the most important arguments for and against democracy, for and against restricting the right to vote on grounds of competence or education, and for and against the most important theories of ethical voting and political responsibilities

- apply concepts, arguments and theories from the study of democratic theory, and political theory more broadly, in the evaluation of real-life political institutions, electoral regulations, and the behavior of political actors
- apply concepts, arguments and theories from the study of democratic theory, and political theory more broadly, in order to clarify and evaluate arguments for and against populism and technocracy
- apply results in the political economy of information and voting in political theory
- apply the concepts and theories discussed in class to policy debates over democratic institutions, interpret the latter debates in light of the concepts and theories discussed
- form arguments to justify a form of government over another one in moral terms

REQUIREMENTS AND ASSESSMENT:

(A) **Active class participation** 15%

Classes in this course will be interactive, and they will only be conducive to the learning outcomes if you **actively and regularly participate** in class discussions. Accordingly, **attendance is mandatory**. Participation may range from asking questions to telling others and the instructor what you do not understand to voicing your concerns or criticism of the texts and ideas we will study, to arguing for or against a particular position, to challenging fellow students' and the instructor's arguments. (Notably, active participation also includes active listening to fellow students—though it is not exhausted by it.)

(B) **Reading set texts** before the class they are due for.

Readings are available here: [\[E-LEARNING SITE course link\]](#)

(C) **Questions / comments related to the readings.** 15%

You are also expected to **provide at least 3 (three) substantive questions or comments concerning the set texts for 3 classes** out of the 12 altogether, throughout the semester. Please upload your answers by 9am on the day before class, **in a Google Doc: [GOOGLE DOC QUESTIONS]** Questions for a particular class should be numbered consecutively in the Class Minutes (so, if you are the 2nd person uploading your questions for a particular class, do *not* number them [1], [2], [3], *but* [4], [5], [6].) Please also write your initials (e.g.: ["MA"] for Mráz, Attila) after each of your questions, in brackets.

Please **sign up for the 3 classes that you choose to provide questions or comments for, by midnight on the day following the day of our first class. You can sign up** using this Google Sheet: [\[GOOGLE SHEET SIGNUP\]](#) Please take into consideration that there should be student-prepared questions for all classes. If this condition is not met spontaneously, the instructor may assign some students—after consulting them—to provide questions and comments for classes that have no sign-ups. (Of course, should this happen, everyone will still need to prepare questions or comments for no more than 3 classes altogether.)

Pre-class questions or comments may be critical (criticizing an argument in the set text), or comparative (comparatively analyzing an argument or concept in the set text in relation to one found in a reading for an earlier class); they may point out the incompleteness, incoherence, or inconsistency of the argument in the set text; or they may bring attention to an implicit (or explicit) premise and / or why a premise is controversial. More positively, questions or comments may focus on a particularly important insight in the text, or show how some argument or insight developed in the readings can be used fruitfully elsewhere.

(D) Mid-Term Examination

30%

A written, in-class examination will serve to ensure that you have mastered in breadth, and some depth, the knowledge and skills this course aims to help you acquire. This will be a closed book exam, conducted in 50 minutes. It will consist of three parts:

- (i) **Theoretical essay question** (40%): A question bank will be provided 2 weeks before the exam, at the latest, containing questions that check your ability to identify, reconstruct, compare and evaluate theories, arguments and concepts that we have learned in class. One question will be drawn from this question bank, and you will be asked to answer it in a 500w long essay. Grading criteria will be provided together with the question bank.
- (ii) **Test questions** (30%): completion / fill-in-the-bank items, multiple choice questions, true/false (+justify!) items, matching test items, logical relationship analysis (Antecedent: true or false? Consequent: true or false? Is the logical relationship between the two propositions correctly conveyed?)
- (iii) **Application / case analysis essay** (30%): You will be provided with a simplified description of a case study. You will have to elaborate in a shorter, 300w long essay, on how some specific concepts, arguments, ideas, theories we have covered in class bear on the given case. The evaluative emphasis will be on the relevant and precise application of principles and on your argumentative skills—no further empirical background knowledge of the case will be required in order to write an excellent essay.

(E) Research paper & paper proposal

40%

You will be expected to write a **2000 words** long argumentative *research essay* for this course. Paper submissions will only be accepted on topics that the instructor has approved and commented on in the form of a written paper proposal. *Paper proposals* should be roughly two paragraphs long. They are expected to contain the following: (i) research question, (ii) significance of and motivation for the research question, (iii) clear and specific thesis (your tentative answer to the research question which you will aim to argue for), (iv) identification of the argumentative directions, or even main arguments that you wish to make and/or criticize, in broad strokes, (v) a preliminary bibliography of relevant academic works you have consulted or will consult for your paper, comprising at least 3 bibliographical items.

You will have the opportunity to receive *preliminary feedback* on your paper if you submit a full paper draft by an earlier date than the official deadline. This way you may have a chance to further improve your paper until the submission date, if it is necessary or you so wish, based on the instructor's comments.

Please feel free to contact the instructor with any further questions, doubts or comments regarding the course.

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DETAILED SYLLABUS INCLUDING SET READINGS:

(M) = mandatory reading

(R) = recommended reading

I. Should the Smartest Rule? Epistocracy v. Democracy

In this part of the course, we will examine general arguments that touch upon the fundamental question: Should the (most) competent citizens share political authority (epistocracy), or should *all* citizens share instead, and share equally, in it (democracy)? What reasons do we have to prefer democracy?

1. Introduction & Back to the Platonic Ideal: Epistocracy Full-Blown, Historical PrecursorsReadings:

- THIS SYLLABUS, IN DETAIL (M)
- Plato. (360 B.C.). *The Republic*. Trans. Benjamin Jowett. Books. 7–8. Available online at <http://classics.mit.edu/Plato/republic.html> (M)
- Ober, Josiah. (2009). Epistemic democracy in classical Athens: Sophistication, diversity, and innovation. *Princeton/Stanford Working Papers in Classics*. pp. 1–35. Available online at <https://www.princeton.edu/~pswpc/pdfs/ober/080901.pdf> (R)

2. Platonism Reloaded: Epistocracy vs. Political EqualityReadings:

- Brennan, Jason. (2016). Brexit, Democracy, and Epistocracy. *Princeton University Press Blog*, June 24, 2016. Available online at <http://blog.press.princeton.edu/2016/06/24/ethicist-jason-brennan-brexit-democracy-and-epistocracy/> (M)
- Brennan, Jason. (2011). The Right to a Competent Electorate. *The Philosophical Quarterly* 61(245): 700–724. (M)
- Brennan, Jason. (2016). *Against Democracy*. Princeton, NJ: Princeton UP. Ch. 8 ("The Rule of the Knowers"): pp. 204–230. (M)

3. Political Equality and Participation as a Fundamental RightReadings:

- *Reynolds v. Sims*, 377 U.S. 533 (1964) (M)
- Brighouse, Harry (1996). Egalitarianism and Equal Availability of Political Influence. *The Journal of Political Philosophy* 4(2): 118–141. (M)
- Rawls, John. (2005). *Justice as Fairness: A Restatement*. Cambridge, MA–London, UK: The Belknap Press of Harvard UP. §32 ("The Equal Basic Liberties Revisited"), §45 ("The Fair Value of the Equal Political Liberties"): pp. 111–115, 148–150. (M)
- Christiano, Thomas. (2008). *The Constitution of Equality. Democratic Authority and Its Limits*. Oxford: Oxford University Press. pp. 75–102. (M)
- Rawls, John. (1993). *Political Liberalism*. New York: Columbia UP. §§5–6 ("Priority of Liberties"): pp. 310–324. (R)

- *Buckley v. Valeo*, 424 U.S. 1 (1976) (R), *Citizens United v. Federal Election Commission* 558 U.S. 310 (2010) (R)

II. The Role of Expertise and Competence *within* Democracy

In this part of the course, we will concentrate on the proper 'site' of competence within democracy: what should be competently decided, and who should be competent, within the complex institutional structure of democratic decision-making? We will try to establish a democratic division of epistemic labor for representative democracies, and examine the role of expertise in the rights and authorizations of voters, legislators, (executive) administrative agents and courts (judges).

4. Technocracy vs. Democracy: Should we decide democratically anything at all that can be competently decided?

Readings:

- Peter, Fabienne. (2016). The Epistemic Circumstances of Democracy. In Michael S. Brady and Miranda Fricker (eds.), *The Epistemic Life of Groups. Essays in the Epistemology of Collectives*. Oxford: OUP. Penultimate draft available at: https://www2.warwick.ac.uk/fac/soc/philosophy/people/peter/research/epistemic_circumstances_peter.pdf (M)
- Somin, Ilya. (2013). *Democracy and Political Ignorance. Why Smaller Government Is Smarter*. Stanford, CA: Stanford University Press. Chapter 6. (M)
- Christiano, Thomas. (2012). Rational Deliberation among Experts and Citizens. In John Parkinson and Jane Mansbridge (eds.), *Deliberative Systems. Deliberative Democracy at the Large Scale* (pp. 27–51). Cambridge: Cambridge University Press. (R)

5. Smart Voters vs. Smart Politicians: What should competent voters and legislators be competent in, and what rights and entitlements should they accordingly have?

Readings:

- Christiano, Thomas. (1996). *The Rule of the Many. Fundamental Issues in Democratic Theory*. Boulder, CO: Westview. Ch. 5 ("A Normative Conception of Citizenship"): pp. 165–204 (M)
- Waldron, Jeremy. (2000). Votes as Powers. In Marilyn Friedman, Larry May, Kate Parsons and Jennifer Stiff (eds.), *Rights and Reason. Essays in Honor of Carl Wellman* (pp. 45–64). Dordrecht—Boston—London: Kluwer Academic Publishers. (M)
- Brennan, Jason (2011b). *The Ethics of Voting*. Princeton, NJ and Oxford, UK: Princeton University Press. Ch. 5 ("For the Common Good"): pp. 112–135. (M)
- Kis, János. (2009). Constitutional Precommitment Revisited. *Journal of Social Philosophy* 40(4): 570–594. (R)
- Waldron, Jeremy. (2009). Representative Lawmaking. *Boston University Law Review* 89: 335–355. (R)
- Waldron, Jeremy. (1995). The Dignity of Legislation. *Maryland Law Review* 54: 633–665. (R)

6. The Right to Vote vs. The Right to Rule: Who should have the right to hold public offices?

Readings:

- *Rajbala and Others v. State of Haryana and Others*, 671/2015, (Supreme Court of India, December 10, 2015) (M) *Russian Conservative Party of Entrepreneurs v. Russia*, 55066/00 and 55638/00 (European Court of Human Rights, January 11, 2007) (M), *Tanase v. Moldova*, 7/08 (European Court of Human Rights, April 27, 2010) (M), *Adamsons v. Latvia*, 3669/03 (European Court of Human Rights, June 24, 2008) (M)
- López-Guerra, Claudio (2014). *Democracy and Disenfranchisement: The Morality of Electoral Exclusions*. Oxford, UK: Oxford University Press. Ch. 6.4: "The Significance of Passive Enfranchisement": pp. 152–159. (M)
- American Bar Association (ABA). (2003). *Justice in Jeopardy. Report of the American Bar Association Commission on the 21st Century Judiciary*. Chicago: ABA. pp. 51–86. Available online at <https://www.americanbar.org/content/dam/aba/migrated/judind/jeopardy/pdf/report.authcheckdam.pdf> (R)
- Bentham, Jeremy (1843). Principles of International Law. In Bowring (ed.), *The Works of Jeremy Bentham*. Edinburgh: William Tait. pp. 537–571. (R)

III. The Competence-Based Restrictions on Political Participatory Rights

In this part of the course, we will evaluate justifications for the present as well as historic limits of universal franchise that have been (typically) grounded in an assumption of some kind of incompetence.

7. Mental Incapacity / Disability

Readings:

- Competency Assessment Tool for Voting (CAT-V) [Please have a look at the questions and the evaluation criteria of respondents' answers], widely available online, e.g., as an *Appendix* here: http://www.virginia.edu/aginginstitute/events/Voting_with_Alzheimers.pdf, pp. 2099–2100. (M)
- European Union Agency for Fundamental Rights (2010). *The right to political participation of persons with mental health problems and person with intellectual disabilities*. Vienna: FRA. Introduction & Ch. I ("International and European standards"): pp. 7–31. Available online at https://www.google.hu/url?sa=t&rct=j&q=&esrc=s&source=web&cd=9&cad=rja&uact=8&ved=0ahUKEwiw8ID6nf_VAhWBY1AKHS2xDdEQFghgMAg&url=http%3A%2F%2Ffra.europa.eu%2Fsites%2Fdefault%2Ffiles%2Ffra_uploads%2F1216-Report-vote-disability_EN.pdf&usg=AFQjCNEld-2UPAs2XBSljfjFGkVv9BQIhA (M)
- Claudio López-Guerra (2012). Enfranchising the Minors and the Mentally Impaired. *Social Theory and Practice* 38(1): 115–138. (M)
- Christiano, Thomas. (2008). *The Constitution of Equality. Democratic Authority and Its Limits*. Oxford: Oxford University Press. pp. 128–130. (M)
- *Doe v. Roe*, 156 F. Supp. 2d 35, 51 (D. Me. 2001) (R), *Alajos Kiss v. Hungary*, 38832/06 (European Court of Human Rights, May 20, 2010) (R), *Oregon v. Mitchell*, 400 U.S. 112 (1970) (R)

- Nussbaum, Martha. (2009). The Capabilities of People with Cognitive Disabilities. *Metaphilosophy* 40(3–4): 331–351. (R)
- Goldman, Alvin I. (1999). *Knowledge in a Social World*. Oxford: Clarendon Press. Ch. 10: "Democracy": pp. 315–349. (R)

8. Childhood

Readings:

- Clayton, Matthew. (2006). *Justice and Legitimacy in Upbringing*. Oxford: OUP. Ch. 5.2. "The Voting Age": pp. 191–196. (M)
- Chan, Tak Wing and Matthew Clayton. (2006). Should the Voting Age Be Lowered to Sixteen? Normative and Empirical Considerations. *Political Studies* 54: 533–558. (M)
- The Association of Directors of Education in Scotland (ADES) et al. (2016). *Scottish Elections (Reduction of Voting Age) Act 2015: Political Literacy and Engagement*. Available at https://www.electoralcommission.org.uk/__data/assets/pdf_file/0009/196839/Political-Literacy-Doc-SP-election2.pdf pp. 1–6. (M)
- Fowler, Timothy. (2014). The Status of Child Citizens. *Politics, Philosophy and Economics* 13(1): 93–113. (M)
- Scottish Elections (Reduction of Voting Age) Act 2015. (Stage 1). *Extract from the Minutes of Proceedings*. Vol. 5. No. 9. pp. 49–85. Available online at [http://www.parliament.scot/S4_Bills/Scottish%20Elections%20\(Reduction%20of%20Voting%20Age\)%20Bill/SPPB216.pdf](http://www.parliament.scot/S4_Bills/Scottish%20Elections%20(Reduction%20of%20Voting%20Age)%20Bill/SPPB216.pdf) (R)
- Rehfeld, Andrew. (2011). The child as democratic citizen. *The Annals of the American Academy of Political and Social Sciences* 633(1): 201–222. (R)

9. Education and Competence

PAPER PROPOSAL DUE

Readings:

- Pettit, Philip. (2016). Debate: Is Democracy Overrated? No. *LearnLiberty Blog*, November 7, 2016, available online at <http://www.learnliberty.org/blog/is-democracy-overrated-no/> (M)
- Estlund, David M. (2008). *Democratic Authority. A Philosophical Framework*. Princeton, NJ: Princeton University Press. Ch. XI: "Why Not the Epistocracy of the Educated?" pp. 206–222. (M)
- Christiano, Thomas. (2008). *The Constitution of Equality. Democratic Authority and Its Limits*. Oxford: Oxford University Press. pp. 116–128. (M)
- John Stuart Mill (1861). *Considerations on Representative Government*. Ch VIII: "Of the Extension of the Suffrage", available, e.g., at http://lf-oll.s3.amazonaws.com/titles/234/0223.19_Bk_Sm.pdf (R)
- Keyssar, Alexander. (2000). *The Right to Vote. The Contested History of Democracy in the United States*. New York: Basic Books. "Educated Voters": pp. 141–146. (R)

10. Education and Competence cont'd+ **MIDTERM EXAM** (50 mins)Readings:

- Somin, Ilya (2013). *Democracy and Political Ignorance*. Stanford, CA: Stanford Law Books, Stanford University Press. Ch. 7 ("Can Voter Knowledge Be Increased?"): pp. 170–191. (M)
- Satz, Debra. (2007). Equality, Adequacy and Education for Citizenship. *Ethics* 117: 623–648. (M)
- Caplan, Bryan. (2008). *The Myth of the Rational Voter. Why Democracies Choose Bad Policies*. Princeton, NJ and Oxford, UK: Princeton UP. Ch. 5 ("Rational Irrationality"): pp. 114–142. (R)

IV. Epistemic and Alethic Duties in Democracy

In this part of the course, we take the distribution of participatory rights as well as their limits as given: we proceed to examine what *moral* duties citizens and politicians have in exercising what we take to be their justified *legal* rights.

11. The Citizen's Side: Should incompetent or ignorant voters abstain?Readings:

- Brennan, Jason (2011). *The Ethics of Voting*. Princeton, NJ and Oxford, UK: Princeton University Press. Ch. 3 ("Wrongful Voting") and Ch. 4 ("Deference and Abstention"): pp.68–94, 95–111. (M)
- Brennan, Jason (2009). Polluting the Polls: When Citizens Should Not Vote. *Australasian Journal of Philosophy* 87(4): 535–549. (R)

12. The Politician's Side: Duties of truth-telling vs. propaganda, populism, lies.**OPTIONAL 1st PAPER DRAFT DUE** (**only if** you want preliminary feedback on your project)Readings:

- OSCE Office of the Representative on Freedom of the Media / Dunja Mijatović. (2015). *Propaganda and Freedom of the Media*. Vienna: Organization for Security and Co-operation in Europe. Ch. 3 ("Definitions"), pp. 31–38. Available online at <http://www.osce.org/fom/203926?download=true> (M)
- Beerbohm, Eric. (2015). The Ethics of Electioneering. *Journal of Political Philosophy* 24(2): 1–25. (M)
- Stanley, Jason. (2015). *How Propaganda Works*. Princeton, NJ: Princeton UP. Ch. 2 ("Propaganda Defined"): pp. 39–80. (M)
- Lipsitz, Keena (2004). Democratic theory and political campaigns. *Journal of Political Philosophy* 12: 163–89 (R)
- Black, Jay. (2001). Semantics and Ethics of Propaganda. *Journal of Mass Media Ethics* 16(2–3): 121–137. (R)

- Stanley, Jason. (2015). *How Propaganda Works*. Princeton, NJ: Princeton UP. Ch. 3 ("Propaganda in Liberal Democracy"): pp. 81–124. (R)
- Waldron, Jeremy. (2016). Accountability and Insolence. In his *Political Political Theory. Essays on Institutions*. Boston, MA: Harvard University Press. (R)
- Thompson, Dennis F. (2005). *Restoring Responsibility. Ethics in Government, Bureaucracy and Healthcare*. Cambridge, UK: Cambridge UP. Ch. 9 ("Hypocrisy and Democracy"): pp. 209–226 (R)
- Bok, Sissela. (1978). *Lying. Moral Choice in Public and Private Life*. New York: Vintage Books. Ch. XII. ("Lies for the Public Good"): pp. 174–191. (R)
- Mudde, Cas and Cristobal Rovira Kaltwasser. (2017). *Populism: A Very Short Introduction*. Oxford: Oxford UP. Ch. 1 ("What populism is"), Ch. 5 ("Populism and democracy"). (R)
- Lichtenberg, Judith. (1987). Foundations and Limits of Freedom of the Press. *Philosophy and Public Affairs* 16(4): 329–355. (R)