



Does Brennan's Refutation of the Demographic Objection Succeed?

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Abstract

In this paper I react to a recent article of Jason Brennan, *Does the Demographic Objection to Epistocracy Succeed?* (2018). In an epistocracy political power is legally granted based on political knowledge. Politically knowledgeable people will have more political power than politically uninformed people. The demographic objection against epistocracy states that political knowledge is not distributed evenly: advantaged members of society have more political knowledge than disadvantaged members. An epistocratic electorate will overrepresent white, rich men, while historically oppressed members of society will be underrepresented. Brennan develops several arguments to support his view that the demographic objection to implementing an epistocratic government is not as strong as democratic theorists claim it is. Instead, he explains that democracies are vulnerable to the objection as well, and that some forms of epistocracy still perform better with regards to this pressing worry. In this paper I investigate the research question: does Brennan's reply to the demographic objection succeed?

I draw on philosophers Iris Marion Young and Linda Martín Alcoff to analyze the arguments Brennan provides. Young wrote on the nature of oppression and on social groups and Alcoff wrote on the problem of speaking for others. My method to answer the research question is to make use of these relevant frameworks that Young and Alcoff provide to evaluate Brennan's arguments against the demographic objection. Young and Alcoff help to see that political knowledge is not a neutral term but instead determined by dominant social groups, and that perpetuation of the oppression that disadvantaged groups experience is lurking in epistocratic systems. In light of these insights, I conclude that Brennan fails to discharge the demographic objection.

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1. Introduction.

One of the best-documented features of contemporary politics is the ignorance of the American voter. Several books have been written on the topic (Brennan, 2016, p. 25). Even though philosopher and economist Jason Brennan acknowledges that liberal democracies are currently the best places to live, he argues they come with great flaws. A large group of people who know little about politics holds power over the lives of many through universal suffrage. They may vote for politicians who implement laws that harm innocent people. Brennan notes that it should be justified that everyone holds political power over everyone, as uninformed people now have the power to impose harmful laws on policies on you. He proposes that we implement an epistocratic system instead of a democracy. In an epistocratic system political power is legally distributed in such a way that politically knowledgeable people have more political power, while politically ignorant people have little or no power. He believes such a political system provides better outcomes than a contemporary democracy does and has written several critiques of contemporary democracies in which he presents forms of epistocratic government as 'morally superior' (Brennan, 2011; Brennan, 2016; Brennan 2018).

There is a serious challenge to epistocracies that has not escaped Brennan's attention: the demographic objection. According to the demographic objection we should not implement an epistocratic form of government because what we call 'political knowledge' is not distributed evenly among different demographic groups. In an epistocratic electorate the advantaged members of society will likely hold more political power, as they more often possess political knowledge, while disadvantaged groups will have less political power¹. The results of such underrepresentation of disadvantaged groups in an epistocratic system may cause more harm than a democratic system. Therefore, democratic theorists suggest that the demographic objection is a devastating reply to implementing an epistocracy. In *Does the Demographic Objection to Epistocracy Succeed?* (2018) Brennan reacted extensively to this objection. His main argument is that the demographic objection is not as challenging as democratic theorists claim, and that it applies to democratic systems as well.

The aim of this paper is to investigate the research question: does Brennan's reply to the demographic objection succeed? I will do so through a thorough critique of his arguments against this objection. Earlier criticisms on Brennan's paper have focused on practical issues regarding the implementation of an epistocratic regime (Landa & Pevnick, 2019) or on

¹ Versions of this objection are put forward and endorsed by David Estlund (2003), Piero Moraro (2018) and Dragan Kuljanin (2019), among others.

epistemic injustice (Bhatia, 2018; Blunt, 2019). My method to evaluate his arguments is to provide a richer, more complex understanding of the demographic objection using the work of Iris Marion Young, who wrote on oppression and social groups in *Justice and the Politics of Difference* (1990), and the work of Linda Martín Alcoff, who wrote on speaking on behalf of others and the problem of representation in *The Problem of Speaking for Others* (1991). Drawing upon their philosophies I analyze if Brennan's arguments withstand this more thorough critique of an epistocratic system. Their philosophies reveal important aspects of the demographic objection that I believe Brennan has overlooked or simplified in his arguments. My response to the research question of this paper is that Brennan fails to refute the demographic objection and it still poses a significant problem to almost all forms of epistocracy.

The aim of this paper is not to provide a positive account of what our polity should look like, though I do suggest that one form of epistocracy partially addresses the worries that philosophers concerned with oppression of disadvantaged groups have. Neither will I defend contemporary democracy.

In chapter two, the exposition, I will introduce Brennan's argument in favor of epistocracy, followed by a clearer formulation of the demographic objection and his critique of this objection. Furthermore I will introduce the philosophies of Young and Alcoff. In the third chapter I will analyze and criticize the arguments Brennan provides against the demographic objection by drawing on the philosophies of Young, Alcoff and philosopher Suzanne Dovi – whom I will introduce there. I will wrap up the third chapter by laying bare and discussing an assumption that Brennan holds when it comes to overcoming oppression. In the fourth chapter I discuss two forms of epistocracy that Brennan argues are only mildly affected by the demographic objection, if at all. I argue that the first form, *government-by-simulated-oracle*, certainly is problematic from a perspective of oppression while the second form, *enfranchisement lottery*, may be a promising way to overcome problems that Brennan, Young and Alcoff see with a one-person-one-vote system. The fifth chapter repeats the main points and forms the conclusion to this paper.

2. Exposition

In this chapter, I will first summarize the epistocratic argument, the demographic objection and Brennan's criticisms to this objection. Furthermore, I introduce Young who writes on oppression and Alcoff who writes on the problem of speaking for others.

2.1 The Epistocratic Argument.

An epistocracy differs from a democracy because it legally grants more political power to politically knowledgeable people. An important assumption in the epistocratic argument is that our polity should be evaluated in terms of its real-world outcomes, instead of the fairness of the procedure. Epistocrats hold that some political outcomes are objectively better than others. Brennan states that proponents of an epistocratic system are committed to a common set of claims². He provides a general outline of it, consisting of five components (Brennan, 2017, p. 56). Since this is the line of argument that Brennan subscribes to as well, I will repeat it here.

(1) Proponents of epistocracy argue that in a democracy the electorate is made up of mostly ignorant voters. Brennan and other epistocrats tap into a vast body of empirical research that shows that voters are on average poorly informed or even misinformed with regards to many basic political facts and estimates on how their country spends the national budget (Brennan, 2016, pp. 23 – 30). Because the ignorance of the average voter is so well documented, this is a step in the epistocratic argument that democratic theorists usually agree with.

(2) Since the electorate is not sufficiently politically informed, they tend to be in favor of policies, measures and candidates that produce poor outcomes. An epistocrat then often argues that the electorate would vote differently if they were well-informed. This claim too is backed up by empirical evidence³ (Brennan, 2016, p. 34).

(3) Epistocrats argue that political leaders give in to the wishes of this poorly informed electorate to a considerable degree. Therefore the poor policies that produce unfavorable outcomes get implemented often enough.

(4) Epistocrats do not believe that democracy is somehow intrinsically just. As was mentioned before, epistocrats are mostly interested in the outcomes of a political system. The fourth step in their argument is to state that polities should merely be seen as a tool to produce the right outcomes.

² Examples of epistocrats that (partially) subscribe to this line of argument are philosophers Thomas Mulligan and Claudio López-Guerra and economist Bryan Caplan. Brennan recognizes that there are fewer epistocrats than democratic theorists, but democratic theorists now recognize that they should explain why an epistocratic system would not work as well.

³ High information voters have systematically different policy preferences from low information voters.

(5) Finally, Brennan explains that “despite whatever problems and abuses it will suffer in the real world, [epistocracy] will produce more substantively just results than democracy does (López-Guerra, 2014; Brennan, 2011; Brennan, 2016; Mulligan, 2017)” (Brennan, 2017, p. 56). He concludes that since the real-world outcomes of an epistocratic system are better than the results of a democratic system, we should implement a form of epistocracy.

Brennan subscribes to this line of argument. Moreover, he argues that proponents of a democratic system should justify why politically incompetent people may hold power over him. He says “[j]ust as it would be wrong to force me to go under the knife of an incompetent surgeon, or to sail with an incompetent ship’s captain, it is wrong to force me to submit to the decisions of incompetent voters.” (Brennan, 2011, p. 700). Anyone casting a vote holds political power over everyone residing in the country their vote is cast. This requires justification according to Brennan.

In short, the epistocratic argument goes as follows: the epistocrat argues that voters are generally politically incompetent and favor bad or suboptimal policies. Political leaders – as a result – push these poor policies that produce poor outcomes. Epistocrats then argue that some form of epistocracy will produce better results because it is less influenced by the politically incompetent part of the electorate. They deny that democracy is somehow intrinsically just. Brennan states that our polity should be evaluated as a tool. Whichever tool produces the best outcomes should be implemented – and the epistocrat argues that the better tool is an epistocratic system⁴.

2.2 Concrete Forms of Epistocratic Government.

Brennan proposes six forms of epistocracy worth discussing: values-only voting, epistocratic veto, plural voting, restricted suffrage, the enfranchisement lottery and government-by-simulated oracle (Brennan, 2017, p. 55 – 56). According to Brennan, the demographic objection poses a problem for the first four forms of epistocracy, but not for the latter two. Therefore, for chapter two and three of this paper I only consider the first four forms of epistocracy. In chapter four I introduce the enfranchisement lottery and government-by-simulated oracle and consider if they are indeed immune to the demographic objection. For now, I will first briefly explain each of the four forms of epistocracy that the demographic objection does pose a problem to.

⁴ Note that Brennan often mentions that if it somehow turns out that a democracy produces better outcomes, then we should keep our democratic system instead.

(1) *Values-only voting*: this form of government was introduced by Thomas Christiano. He recognized that the average citizen does not possess enough political knowledge to cast an informed vote on policies. Therefore citizens should not be allowed to vote on specific policies but only on the goals that political parties should pursue. Citizens may only vote on the ends and not on the means of political parties or politicians.

(2) *Epistocratic veto*: this form of government takes the form of a direct or indirect democracy with universal suffrage, while it introduces an epistocratic council. Ideally this council is made up either of appointed experts, or of people who can pass a rigorous test of basic political information. This council holds the right to veto democratically passed legislation.

(3) *Plural voting*: this form of government grants all its citizens at least one vote. However, some citizens that either have a certain level of education or can pass tests on political knowledge are granted more than one vote. In this system everyone is allowed to vote, and those who can show they are (politically) knowledgeable are granted extra votes.

(4) *Restricted suffrage*: this form of government is one that Brennan defends himself in *The Right to a Competent Electorate* (2011). By default, no citizen has the right to vote. Only those who have a certain level of education or those who can pass a political competence exam (or some other marker for political competence) can obtain the right to vote.

In three out of the four types of epistocratic systems, all citizens still have the right to vote. Only a system with restricted suffrage denies some citizens the right to vote completely. The demographic objection is strongest against plural voting and restricted suffrage regimes, as they explicitly grant more power to those who are more politically knowledgeable – usually those who are more advantaged. In a regime with epistocratic veto, the demographic objection too forms a problem because the epistocratic council will most likely consist of advantaged members of society. Now that I have provided a brief overview of the epistocratic argument and some concrete forms of epistocracy, I will move on to a more detailed definition of the demographic objection.

2.3 The Demographic Objection.

Most forms of epistocracy will cause unequal political representation of different demographic groups. Specifically, disadvantaged groups will be granted proportionately less political power, because disadvantaged groups are generally less politically knowledgeable. As a result, most epistocratic electorates will be constituted of mostly advantaged members of society. Brennan formulates the demographic objection as follows:

“Most epistocratic systems give more knowledgeable citizens greater political power than less knowledgeable citizens. However, surveys of basic political knowledge routinely find that political knowledge is not shared equally by members of all demographic groups. Some demographic groups, particularly *advantaged* groups, tend to have more political knowledge than other, *disadvantaged* groups. In particular, whites tend to know more than blacks, the rich more than the poor, the employed more than the unemployed and men more than women (Delli-Carpini and Keeter, 1996, pp. 135-177). Thus, the epistocratic electorate will tend to be whiter, richer, better employed and more male than a democratic electorate. For this reason, epistocracy is unjust.” (Brennan, 2017, p. 54).

It should not come as a surprise that the main proponent of implementing an epistocratic system does not think this objection succeeds. There are several reasons why the demographic objection is not as strong as it may seem, Brennan explains. In the following section I will briefly recap the arguments he provides against the demographic objection.

2.4 Why the Demographic Objection Is Not As Strong As We Think.

Brennan agrees that there will indeed be overrepresentation of advantaged groups and acknowledges the truth of the demographic objection. In *Against Democracy* (2016) he remarks, however, that “rather than insist that everyone vote, we should *fix* those underlying injustices. [...] excluding the bottom 80 percent of white voters from voting might be just what poor Blacks need.” (p. 228). Even though epistocracies lead to overrepresentation of privileged groups, Brennan argues that granting politically knowledgeable people more power is a more effective tool than democracy to overcome the underlying oppression that disadvantaged groups suffer. He first criticizes an ambiguity in the demographic objection before he provides arguments to show that this objection is not that strong. I first repeat his criticism, followed by four arguments he provides against the demographic objection.

2.4.1 Ambiguity in the Demographic Objection.

The problem that Brennan finds is that the demographic objection does not specify *why* unequal representation is unjust. Since this is unclear, Brennan outlines two versions of the demographic objection that his opponents may provide. The first version he calls *the unfairness version* of the demographic objection. The second version he calls *the bad results version*. He defines these versions as follows:

“1. *The Unfairness Version*: The fact that epistocracy would lead to systematic overrepresentation of some groups and underrepresentation of others in the epistocratic electorate is unjust in itself, regardless of the policy consequences or outcomes it generates.

2. *The Bad Results Version*: Because epistocracy would lead to systematic overrepresentation of some groups and underrepresentation of others in the epistocratic electorate, it will likely produce substantively unjust outcomes, outcomes that tend to favor advantaged groups and tend to disfavor disadvantaged groups.” (Brennan, 2017, p. 57)

Brennan argues the unfairness version of the demographic objection is less challenging to epistocrats than the bad results version since the former rests on a premise that epistocrats do not accept. It states that unequal representation is intrinsically unjust. As was mentioned in section 2.1, epistocrats deny that politics can have intrinsic value and evaluate them in terms of their outcomes. The focus of this paper will therefore be on the bad results version of the demographic objection – which I will henceforth refer to as ‘the demographic objection’. I will discuss the four objections Brennan has against this more challenging version in the next subsection.

2.4.2 Brennan's Four Objections Against the Demographic Objection.

(1) A first problem that Brennan finds, is that democracies, too, suffer from disproportionate representation. Regardless if a country implements a compulsory voting regime or not, the trend is that democracies do not have proportional representation. From disadvantaged groups a relatively lower percentage gets to the polls than from advantaged groups (Brennan, 2017, p. 58). Consequently, Brennan argues that the demographic objection should not be read as attacking epistocracy only. Instead, the objection is that epistocracies have less proportional representation than democracies.

(2) A second problem that Brennan finds is that the demographic objection assumes that people tend to vote in their own favor. If advantaged groups are overrepresented then this poses

a problem to epistocracies because advantaged groups have a majority and can establish more policies that will make them even more advantaged, while disadvantaged groups only hold a minority of the votes and are unable to improve their situation. Brennan's response to this is very simple: the assumption that people vote in their own favor is false. Research overwhelmingly concludes that voters do *not* vote in their own interests per se (Brennan, 2016, p. 49). Instead, people vote for what they *perceive* to be in the national interest.

(3) Third, another hidden assumption in the demographic objection is that people who receive less or no political power in an epistocratic system would know how to vote in their own interests. It would make sense to implement proportional representation if that means that the interests of all social groups were adequately considered. The problem is that in some groups – usually disadvantaged groups – the average person has less political knowledge than in other groups. They may be aware of the type of political outcomes that would improve their situation, but they are not able to say which policies, or which politicians, can bring about these outcomes. As a result, Brennan argues, proper representation does not necessarily help bring about the right outcomes for disadvantaged groups.

(4) The last argument that Brennan provides against the demographic objection is an analogy. This argument is actually aimed at the unfairness version of the demographic objection, but it works against the bad results version as well. He explains that we have a similar problem in medical licensing. Doctors are disproportionately white, male and middle-class. In the case of medical licensing, most will agree that we should not allow everyone to perform surgeries in order to make being-a-doctor more just. We do not grant everyone a medical license because that would harm innocent people. Brennan explains that this should be the case for voting too. By granting poorly informed and misinformed people the right to vote, we allow the democratic electorate to implement laws that harm innocent people – and so produce worse outcomes than an epistocratic electorate.

2.4.3 The Epistocratic Side.

So far I have described the epistocratic argument, the demographic objection, and the arguments that Brennan provides against this objection. Brennan found a flaw in the demographic objection as it does not explain *why* unequal representation is unjust. After outlining two versions of the demographic objection he provides four arguments against the bad results version of it – the version that this paper will focus on too. In the second half of the exposition I introduce two new philosophers – Young and Alcock. Where Young provides insights on social groups and oppression, the work of Alcock that I will here focus on discusses

the phenomenon of speaking for others. These topics are relevant to gain a deeper understanding of the demographic objection. The frameworks that these authors provide are therefore used to analyze Brennan's arguments against the demographic objection one by one in the third chapter.

2.5 Young on Oppression.

Young was a political theorist and socialist feminist. Her research focuses on the nature of social justice and group differences. She identifies ways to recognize and overcome oppression of social groups. Since Brennan's bad results version of the demographic objection explains how disadvantaged groups may suffer more disadvantage as a result of an epistocratic regime, Young's theory is well-suited to get a detailed understanding of the type of problems disadvantaged groups may experience. In this section I discuss her conception of social groups, followed by her definition of structural oppression and social justice. After considering these terms I will introduce a philosophical concept that Young criticizes: the ideal of impartiality – the ideal to reason from an impartial, objective point of view.

2.5.1 Social Groups.

An important component of Young's theory that needs to be clarified first is her understanding of groups. She holds a non-essentialist view of groups – belonging to a certain social group does not mean that you have an essence of some kind. Groups are to be understood as social groups that can help shape the identity of a person, and that a person can enter in and out of. Group identification arises because members of a group have a similar experience of life in certain aspects that they share with their group members (Young, 1990, p. 43). This results in an affinity towards those group members with whom a person shares experience. Groups such as women, Blacks, gays and lesbians, but also professionals, the religious and the rich form a social group according to this definition, because members of these groups share their experience in the way they live (Young, 1990, p. 43).

2.5.2 Structural Oppression and Social Justice.

Another important insight that Young provides is a renewed understanding of the concept 'oppression'. Oppression is *structural*, and at play between groups. Concrete situations in which individuals oppress others are merely a symptom of formal structures and institutions in society that are organized in an unjust, oppressive way. "Oppression refers to structural phenomena that immobilize or reduce a group," Young explains (Young, 1988, p. 273). She further departs from the traditional definition of 'oppression' by explaining that an oppressed

group does not necessarily need an oppressing group (Young, 1990, p. 41). For every oppressed group, however, there is a *privileged* group, which does not necessarily consciously oppress the oppressed group. This understanding of oppression is very important for her definition of social justice:

“The concept of social justice includes all aspects of institutional rules and relations insofar as they are subject to potential collective decision. The concepts of domination and oppression, rather than the concept of distribution, should be the starting point for a conception of social justice.” (Young, 1990, p. 16).

Young further defines oppression as an inhibition of the ability to develop and exercise your capacities and express your needs, thoughts and feelings – in the most general sense (Young, 1988, p. 271). Social justice requires us to evaluate our institutions to find out if they contain and reproduce oppressive structures. In order to achieve social justice for all, our institutions should be organized in such a way that no one experiences these inhibitions.

2.5.3 Ideal of Impartiality.

Now that Young's understanding of groups and oppression is clear, we will move on to her criticism of the philosophical ideal of impartiality. She explains that the ideal of impartiality “is the result of this search for a universal, objective “moral point of view”.” (Young, 1990, p. 100). It is related to Enlightenment thought, where philosophers describe the public realm of politics in terms of “the universality of the general will that leaves difference, particularity and the body behind in the private realms of family and civil society.” (Young, 1990, p. 97). When we engage in the public debate or moral reasoning we should abstract from our personal history, situatedness and the effect of embodiment on our experience. Ideally, we pursue a type of moral reasoning that transcends our partiality so that we can reason in objective, impartial terms⁵. Young describes the impartial reasoner as follows:

“The impartial reasoner is detached: reason abstracts from the particular experiences and histories that constitute a situation. The impartial reasoner must also be dispassionate, abstracting from feelings, desires, interests and commitments that he or she may have regarding

⁵ An example of a thought experiment that expresses this need for an impartial reasoner is Rawls's *original position*, where a group of people who construct society are separated by a *veil of ignorance* that hides the identity of themselves and others from them. Young mentions that philosophers Thomas Nagel, Bruce Ackerman, Susan Okin, Jürgen Habermas and Stephen Darwall support a similar ideal (Young, 1990, pp 102 - 103; 105; 106).

the situation, or that others may have. The impartial reasoner is, finally, a universal reasoner. The moral point of view abstracts from the partiality of affiliation, of social group or group perspective, that constitutes concrete subjects" (Young, 1990, p. 100).

Young criticizes the ideal of impartiality. She states that "the ideal of impartiality serves ideological functions. It masks the ways in which the particular perspectives of dominant groups claim universality" (Young, 1990, p. 97). Her worry is that dominant social groups do not realize that they reason from their partial point of view, and instead claim that their perspective is neutral. She explains that the ideal of impartiality seeks to produce an 'objective', unified way of reasoning about (moral) situations. However, this unified way of moral reasoning is always a situated, partial way of reasoning because no one is able to abstract completely from their own situation, history or body. She rejects the idea of a 'neutral point of view'.

When we pursue an ideal of impartiality, what happens according to Young is that a dominant social group generalizes their own partial perspective. As a result, non-dominant groups find themselves in a moral and political discourse that they feel estranged from and does not fit nor describe their experience. Young explains that in the will to reduce plurality to unity, impartiality seeks one transcendental moral experience (Young, 1990, p. 100) – usually the subjectivity of the dominant group. Oppressed groups are forced to explain their perspective – which differs from the supposed 'neutral standpoint' – in terms of the perspective of the dominant group in order to be 'neutral'.

2.6 Alcoff on The Problem of Speaking for Others.

A consequence of most types of epistocratic systems is that those who are granted political power will have to make decisions on behalf of those who have little or no political power. Since advantaged groups often have more political knowledge, they will probably have to make decisions that affect disadvantaged groups, and so decide on their behalf. In the previous section I introduced some concepts of Young that I will later use to analyze Brennan's arguments against the demographic objection. I will complement Young's view with Alcoff's analysis on the problem of speaking for others, which I introduce in this section.

Alcoff's position offers two points that are relevant for this paper which I will introduce here. First I explain the concept *social location* that Alcoff uses and the impact this has on the epistemological evaluation of a person's statements. After that, I discuss the problem of representation and further difficulties that Alcoff finds in speaking on behalf of others.

2.6.1 Social Location.

In her paper *The Problem of Speaking for Others* (1991), Alcoff introduces the concept *location of the speaker*. She emphasizes that by location she means the *social* location. The fact that you are a woman or man, black or white, gay or heterosexual, matters for how your statements are evaluated – if they are taken to be true and well-informed, or not⁶. By means of an example Alcoff explains that when a statement is uttered by a woman it is generally taken less seriously, and granted less epistemic authority, than if the same statement is uttered by a man. Young, too, argues that this is the case and refers to a study on how black people and women are evaluated on the labor market:

“A number of studies have shown, for example, that many whites rate black job candidates more negatively than whites with identical credentials (McConohay, 1986). Similar studies have shown that the same resume receives a significantly lower rating when it has a woman's name than when it has a man's (Rhode, 1988, p. 1220).” (Young, 1990, p. 206).

The studies that Young refers to are somewhat outdated, as they were conducted over thirty years ago. However, as more recent research presented by Vox and The Clayman Institute for Gender Research suggests, the bias against black job candidates, as well as against women is still present today (Lopez, 2017; *Why Does John Get the STEM Job Rather than Jennifer?*, 2018). The substantiated claim that Alcoff makes is that your social location affects if you are taken seriously, and to what degree. The content of your speech cannot be separated from your social location.

Alcoff, like Young, endorses the view that there is no neutral standpoint. She explains that “though we cannot maintain a neutral voice we may at least all claim the right and legitimacy to speak.” (Alcoff, 1991, p. 15). Alcoff states that some groups, by virtue of their race, gender, sexuality or other, have been taught that they are more likely to hold the truth, while others have been taught that they are probably wrong. According to Alcoff the latter group will speak more apologetically and haltingly, if they speak at all (Alcoff, 1991, p. 24). She further argues that feeling the need to speak on behalf of another group should be carefully evaluated. Even though it is not always wrong to speak for others and may at times be helpful, she states the following:

⁶ This approach is similar to Miranda Fricker's influential work, *Epistemic Injustice* (2009).

"I would stress that the practice of speaking for others is *often* born of a desire of mastery, to privilege oneself as the one who more correctly understands the truth about another's situation or as one who can champion a just cause and thus achieve glory and praise. And the effect of speaking for others is often, though not always, erasure and a reinscription of sexual, national, and other kinds of hierarchies." [italics added] (Alcoff, 1991, p. 29).

She argues that speaking for others, when a dominant group speaks on behalf of an oppressed group, reinforces imperial power structures. Alcoff advises that we should instead adopt an attitude of *listening to* and *speaking with* others. She urges that we should create conditions where people can speak with each other wherever possible, to counteract the 'imperialist speaking ritual'⁷ that takes place when the advantaged speak on behalf of the disadvantaged (Alcoff, 1991, p. 23). Another problem it will counteract is the problem of representation, which I will explain in the next section.

2.6.2 The Problem of Representation.

Even if you mean well when speaking on behalf of others, it is a difficult endeavor. When doing so, you need to represent the needs, desires and goals of this other person or group. It is hard to *completely* grasp and explain someone else's partiality, from your own particular perspective. The problem of representation entails exactly this difficulty of representing another person or group from your social location.

Alcoff provides the example of the white Canadian author Anne Cameron who wrote several semi-fictional works about the lives of Native Canadian women. Even though everyone recognized that the intentions of Cameron were good, at the 1988 International Feminist Book Fair in Montreal a group of Native Canadian writers asked Cameron to stop writing about Native Canadian women because it was disempowering for Native authors. Cameron agreed. In this case, the oppressed (Native Canadian women) wish to speak on behalf of themselves.

Alcoff argues "that both the study of and the advocacy for the oppressed must come to be done principally by the oppressed themselves" (Alcoff, 1991, p. 7). She requires that the oppressed actively take part in overcoming oppressive structures, rather than having them be represented by privileged groups. She does stress that representation of an oppressed group is not always wrong – it can be helpful at times to have a messenger (Alcoff, 1991, p. 29). However, in our current way of deliberation, we implicitly hold that some social locations have

⁷ A speaking ritual is a term of Foucault that Alcoff uses. It refers to the entire context in which a conversation takes place. It includes the social location of both speakers and hearers, where the conversation takes place and what power structures are in place among conversational partners, et cetera.

a greater claim to the truth than others. When our practice becomes to let advantaged people speak on behalf of a disadvantaged person, these power relations are reinforced instead of breached.

3. An Analysis of Brennan's Arguments.

In the exposition I discussed the general epistocratic argument to which Brennan subscribes. I explained a major objection against implementing an epistocratic system: the demographic objection. Brennan provided some arguments against this objection. The research question I investigate in this paper is if Brennan's refutation of the demographic objection succeeds. The philosophies of Young and Alcock can provide important insights for replying to this question as they wrote with oppressed groups in mind. I draw on them to gain a deeper understanding of the concerns that the demographic objection expresses.

I will use the first four sections of this chapter to reply to Brennan's arguments one by one. Overall I question if an epistocratic regime indeed functions better than a democratic system with regards to the outcomes for disadvantaged groups. In the last section to this chapter I establish a general difference in the approach of overcoming oppression between Brennan and Young, Alcock and Dovi.

3.1 Brennan's First Argument: One-Person-One-Vote Does Not Work.

Brennan's first argument against the demographic objection is that democracies, too, suffer from disproportional representation. I suppose that this may be problematic for a democratic theorist that adheres to a one-person-one-vote system, or a similar democratic system that requires proportional representation. Of course Brennan reacts to democratic theorists, and in this context his reply is quite sensible. However, proportional representation is not a prerequisite from a perspective of oppression. Philosophers of oppression do usually subscribe to a democratic system, but do not claim that such a system should have representation proportional to the population (Dovi, 2009; Young, 1990).

To see how this works, I will first explain the distinction that Young makes between discrimination and oppression. Through this distinction she explains that discrimination in itself is not wrong and even argues that discrimination, leading to disproportional representation, may be required in order to better overcome oppression. Young opts for a democratic system of group perspective representation, rather than the one-person-one-vote system. I will complement her view with some remarks of philosopher Suzanne Dovi, who promotes a similar

view. I conclude that Brennan's first reply to the demographic objection does not make epistocratic systems more appealing than a democratic system with regards to oppression.

3.1.1 Discrimination and Oppression.

Representation is important according to Young but the type of representation she is after is a representation of group experience, perspectives and interests – not proportional representation. She argues that pursuing proportional representation may leave little room for some perspectives, while others are overrepresented (Young, 1990, pp. 187 – 188). In order to achieve representation where there is enough room for different perspectives and interests, discriminating against certain groups so that they are *not* proportionately represented is a requirement.

Oppression should be understood as an inhibition of the ability to develop and exercise your capacities and express your needs, thoughts and feelings – in the most general sense. Discrimination can be understood in two ways: as “unconscious biases, prejudices, and assumptions that disadvantage” oppressed groups, or as “conscious preferential practices that favor group members on grounds of their group membership” (Young, 1990, p. 195). The former way reinforces oppression, while the latter is not necessarily unjust. It is sometimes preferable to discriminate in order to bring about a more just political system where all perspectives are heard. Young explicitly mentions that we should devise a results test of discrimination, rather than intent tests (Young, 1990, p. 196). If the result of a certain policy is that there is strong underrepresentation or overrepresentation of a certain group perspective, that policy is wrong even if the procedure – the intent – was just.

What is interesting to note is that Brennan and Young seem to agree here: discrimination is not wrong. Discrimination may actually help to overcome oppression that is present in our democratic institutions, and make way for the perspectives of members of oppressed groups. What they disagree on is *how* we should discriminate. Where Brennan argues we should discriminate on the basis of (political) intelligence, Young vouches for affirmative action such as policies that discriminate against the dominant group in a society. These policies should “mitigate the influence of current biases and blindnesses of institutions and decisionmakers” (Young, 1990, p. 198).

3.1.2 Discrimination and Democracy.

Similar to Young, philosopher Suzanne Dovi (2009, p. 1172) claims that we should take on a *perspective of exclusion* to help oppressed groups express their perspectives. She explains that we should recognize that power and influence must be taken away from privileged groups in order to improve the representation of historically disadvantaged groups. Brennan proves that members of advantaged groups in society indeed hold proportionately more political power than members of disadvantaged groups; currently a member of an advantaged group has relatively more power both due to disproportional representation⁸ (2017, p. 58) and because policy makers are more responsive to the preferences of high-income voters⁹ (2017, p. 67).

In her article *In Praise of Exclusion* (2009) Dovi devises the oppression principle which she defines as follows: “[t]he oppression principle has two parts: democracies need to marginalize (1) those who oppress and (2) those whose privileged status sustains oppression” (p. 1182). The type of democracy that philosophers who write on oppression are after is a democracy in which *group perspectives* are represented – not individual perspectives. Instead of requiring proportional representation, we should discriminate against the dominant social group so that the perspective of disadvantaged groups can be heard and their needs can be considered. Overcoming oppression – and so allowing every person to fully develop their capacities and express themselves without inhibition – requires oppressed groups to speak and explain their perspectives. In section 3.2 I will further explain the damaging consequences it can have if the perspectives of groups have to be represented by members of other groups. For now, I will look at what remains of Brennan's first argument against the demographic objection.

3.1.3 What Remains of Brennan's First Argument?

I remarked that Brennan and Young seem to agree that discrimination in itself is not unjust. They agree that a one-person-one-vote system does not work. However, the ways in which they propose we should discriminate differ radically. Where Brennan's discrimination results in overrepresentation of advantaged groups, Young – as well as Dovi – argue for a discrimination that mitigates the influence of members of overrepresented, advantaged groups that already possess more effective political power than members of disadvantaged groups.

Brennan's first argument may work against someone who specifically favors a democratic one-person-one-vote system. Like with epistocracies, however, there are different

⁸ Brennan explains that members of advantaged groups form a disproportionately large part of the voting electorate both in voluntary- and compulsory-voting democracies. This leads to overrepresentation of advantaged groups even in democratic systems.

⁹ High-income voters are often members of advantaged groups.

forms of democracies. The form of democracy that philosophers concerned with oppression and disadvantaged groups are after is different from the current application because they, too, acknowledge that contemporary democracy is far from ideal. Brennan's statement that democracies also suffer from disproportional representation does not respond to the concerns these authors discuss. Instead, he verifies that political power is distributed disproportionately among different groups, and that members of advantaged groups receive more attention of political leaders and decisionmakers than others. In the next two sections I will explain why philosophers concerned with disadvantaged groups emphasize that representation of perspective is so important.

3.2 Brennan's Second Argument: Well-Intended Misrepresentations.

The second argument Brennan brings in against the demographic objection is that people do not vote selfishly. He explains that this is an assumption on which the demographic objection rests. This assumption is proven false by empirical research (Brennan, 2016, p. 227). It is understandable how this assumption can be read into the demographic objection, as it states that an electorate that is disproportionately made up of advantaged members of society will likely promote the interests of the advantaged more than the interests of underrepresented groups. However, as I make clear in this section, the response Brennan provides is too shallow.

From a perspective of oppression, the fear is not that people vote selfishly but that the electorate misrepresents other groups. Young explains "[i]t is not necessary for the privileged to be selfishly pursuing their own interests at the expense of others to make this situation unjust. Their partial manner of constructing the needs and interests of others, or of unintentionally ignoring them, suffices" (Young, 1990, p. 116). Additionally, Alcoff explains that this structure where the advantaged speak for the disadvantaged is a 'ritual of speaking' in which the advantaged are empowered, and believe they hold the truth over another's situation, while the other group is disempowered and taught that they cannot adequately explain and improve their situation (Alcoff, 1991, p. 24). These are worries that Brennan's remark that people do not vote selfishly does not address. An advantaged electorate can have damaging consequences for disadvantaged social groups *even* if the members of the electorate are well-meaning. In order to invigorate these worries, I will here turn to an example of a misconstruction of the needs of African peoples by the West, followed by a discussion of what remains of Brennan's second argument in light of this problem of representation.

3.2.1 'Clothes of Calamity'.

Perhaps one of the most striking examples where the needs and desires of a disadvantaged group are misconstrued, and where that group feels disempowered, is in the donation of clothing. In the Netherlands, containers for donating clothes can be found in virtually any city. Rather than throwing old clothes in the bin – which is much easier to do – they can be useful to others. We construct the needs of African peoples and believe that by giving them clothes we will improve their situation. The advantaged group represents and helps the disadvantaged group. Except we do not help them. The East African States announced in 2015 that from 2019 on, they would ban second-hand clothes and shoes from their markets (Deutsche Welle (www.dw.com), 2018). The aim of donating clothes is to help poor African people, but what it really does is destroy the local clothing market. Local tailors are unable to sell the clothes they make and as a result, few locals exercise that profession. African countries become dependent on the West's hand-me-downs for clothing, and do not develop their own clothes. They are kept in a dependent state.

And this is not the only problem that the well-intended help of Western advantaged groups brings to 'poor' Africa. The president of Rwanda explained that they no longer want the second-hand clothes because, apart from destroying the national clothing market, these hand-me-downs compromise "the dignity of its people" (Freytas-Tamura, 2017). In the words of Alcoff, the African people are disempowered by the well-meant help of the West. The clothes Africans receive are referred to as 'clothes of dead white people' in Kenya, and the 'clothes of calamity' in Mozambique – as the clothes are the unwanted left-overs of the West that are shipped off to the African people. The point of this example is to show that even when a group of socio-economically advantaged people mean well, it is hard to properly interpret the needs of other groups. Misrepresentation can have damaging consequences for the represented group.

3.2.2 What Remains of Brennan's Second Argument?

The problem of representation reveals that an electorate that is made up of mostly advantaged members of society can cause damage to disadvantaged groups, even if the members of the electorate are well-intentioned. This problem touches upon two arguments of Brennan's refutation. First, Brennan's second argument against the demographic objection is that people do not vote selfishly, while the demographic objection accuses them of doing so. What Alcoff and Young reveal is that the danger of injustice does not only lie in a dominant group selfishly pursuing their own interest. Instead, injustice can also occur in a well-intentioned politically powerful group that misconstrues or only partially constructs the needs

of others, and by reinforcing a 'ritual of speaking' where a dominant group holds the truth while the oppressed groups do not.

Second, Brennan's third argument against the demographic objection is that the politically incompetent, who will be made up disproportionately of disadvantaged groups, do not know how to vote in their own favor. What Young and Alcoff remark is that the politically competent do not know how to vote in ways that help the disadvantaged *either*. They are likely to misconstrue or only partially construct their needs. Of course, Brennan acknowledges that epistocracies are not necessarily perfect. He simply argues that some forms of epistocracy would have better results than universal suffrage. In light of the problem of representation, however, it is not clear that epistocracies would produce better outcomes. Simple misunderstandings or misconstructions can lead to the destruction of a national market, and cause harm to the dignity and claim to truth of the misrepresented group.

3.3 Brennan's Third Argument: Incompetent Voters and the Myth of Merit.

Brennan's third response to the demographic objection, that the politically ignorant do not know how to vote in ways that promote their interests, has already been partially addressed in the previous section: the politically knowledgeable do not necessarily know how to promote the interests of the politically ignorant either. Harmful consequences, precisely what Brennan is trying to reduce through an epistocratic system, are lurking for oppressed groups when they are represented by others.

Of course, this does not address Brennan's objection fully. Explaining how the politically competent can misrepresent other groups still allows that the politically incompetent do not know how to promote their own interests, and that the politically competent do a better overall job in serving the interests of the politically incompetent. In this section, I show that there is reason to doubt Brennan's claim that those who are marked 'politically incompetent' do not know how to promote their own interests. I will first briefly repeat Young's criticism of the ideal of impartiality, and explain another phenomenon she describes that originates from this ideal – the myth of merit. Next, I show how the assumptions on which the myth of merit rests partially apply to the epistocratic argument. I explain how introducing an epistocratic electorate might perpetuate oppression by labelling the oppressed as 'incompetent', and conclude that it is not as clear as Brennan suggests that an epistocratic regime provides better outcomes.

3.3.1 The Ideal of Impartiality and the Myth of Merit.

The ideal of impartiality is a remnant of Enlightenment thought where a person, when they enter the public debate, leaves behind their partiality, personal history and embodiment, so they can take on the role of an impartial reasoner. Young argues that this ideal is problematic. Pursuing such an ideal masks the way in which the 'impartial viewpoint' is actually the viewpoint of the dominant group in a society. The privileged position of the dominant group allows them to universalize their own perspective as the norm. The 'impartial viewpoint' is still a partial viewpoint. The perspectives of the oppressed groups that engage in moral reasoning or enter the public debate should speak in terms of this universalized, yet partial perspective. I would like to emphasize that this 'seizing' of the neutral viewpoint by the dominant group is not a conscious malicious act. Young argues, and I subscribe to her argument, that it is only natural to assume that your own partial viewpoint is universal until you are confronted with alternative partial viewpoints.

A phenomenon resulting from this ideal of impartiality is what Young calls the myth of merit. This myth entails that positions should be awarded to those individuals that have the greatest aptitude and skill for performing the tasks required in that position (Young, 1990, p. 200). Even though we often assume that this is a reasonable way to distribute positions and the corresponding perks, Young points out that distribution through merit rests on two unquestioned assumptions:

“Philosophers and political policymakers usually assume as given, and thus as not unjust, a hierarchical division of labor with scarce positions of high income, power, and prestige at the top, and less privileged positions at the bottom. They also assume that these positions should be distributed according to merit, by measuring the individual technical competence of persons and awarding the most competitive positions to those judged most qualified according to impartial measures of such competence. I question both these assumptions.” (Young, 1990, p. 193).

These two assumptions that (1) a hierarchical division of power is just and (2) that these positions of power should be distributed according to merit through impartial measures of competence, are both more or less present in the epistocratic argument, as I will show in the next subsection.

3.3.2 The Myth of Merit and the Epistocratic Argument.

Young explains the myth of merit in the context of the labor market, yet the underlying assumptions are partially shared by epistocrats. The first assumption – that a hierarchical division of power is just – is weakly present in Brennan's argument. Brennan argues that democratic theorists should justify why every person over seventeen years old holds political power over us, as is the case in a universal suffrage system (Brennan, 2011, p. 700). He furthermore states that “[a] form of epistocracy with restricted suffrage is morally superior to democracy with unconditional universal suffrage” (Brennan, 2011, p. 701). However, he only argues that this hierarchical division of power is *more just* than universal suffrage – not ultimately just.

The second assumption consists of two components: (1) the hierarchical positions of power should be distributed according to merit and (2) merit can be measured by impartial measures. The first component of this assumption is certainly present in the epistocratic argument, and Brennan subscribes to this. In its broadest form Brennan describes an epistocracy as a system where “greater knowledge and the good faith to act on this knowledge are *de jure*, legal prerequisites for holding power or are legal grounds for being granted greater power through law” (Brennan, 2017, p. 54). The merit by which the hierarchical positions of power are distributed is ‘greater knowledge and the good faith to act on this knowledge’. In plural voting schemes, epistocratic veto regimes and restricted voting regimes¹⁰ there are positions of greater political power that are distributed according to merit – in the form of casting a vote in plural voting or restricted voting regimes, or being able to veto a passed law in epistocratic veto regimes¹¹. The required merit is political competence, education or a similar heuristic.

The second component is not present in Brennan's argument. He does not claim that epistocratic systems measure by impartial standards. He makes explicit that such a system does not necessarily function perfectly, simply better than a system of universal suffrage. This does not require the merit criteria to be perfect and impartial. The only requirement is that implementing merit criteria for holding political power provides better political outcomes than no criteria at all.

¹⁰ Descriptions of these forms of epistocracy can be found in the exposition.

¹¹ In plural voting and restricted voting schemes it is technically speaking possible that the entire public is so well-educated that everyone gets an equal share of political power through their vote, but I will assume that such an ideal situation will never be the case in the real world and not consider this here.

3.3.3 The Problem of the Myth of Merit.

The fact that these assumptions also partly underlie Brennan's argument is not wrong in itself. However, Young provides reasons to believe that such assumptions are not justified, and should be questioned. As I discussed in the previous subsection, the first component of the second assumption in the myth of merit is most strongly present in Brennan's argument. In this subsection I will focus on Young's criticism of that assumption. Furthermore, I will briefly point to some problems regarding Brennan's assumption that a hierarchical division of power as he envisions is more just than a democratic system.

Brennan proposes a system that effectively – not intentionally – bars disadvantaged groups from holding significant political power. Advantaged social groups will be overrepresented in a first epistocratic electorate. A problem with the epistocratic approach lies in who decides what political competence is. Suppose that we use the current government – again, mostly advantaged members of society – to devise an epistocratic test. They determine which merit criteria a person needs to pass in order to be politically competent. The criteria are determined by a specific social group, and so they are not objective. The criteria are likely to acknowledge qualities that members of this group have and deem necessary for apt performance in a position of political power, while they are less likely to select for qualities that members of other social groups generally possess.

To illustrate the point: when Brennan explains that citizens are largely ignorant, he provides examples of facts that citizens do not know like “[s]eventy-three percent of Americans do not understand what the Cold War was about”, “[f]orty percent of Americans do not know whom the United States fought in World War II” (Brennan, 2016, p. 26). This points to limited knowledge of American history in Americans at best, but they are clearly important from a certain *cultural* perspective. Moreover, it is not clear why such historical facts matter to such an extent that a person should be barred from voting or holding political power. Possibly, there is reason to take effects of the second world war (or similar historical events) into account when deciding what is best for the country, but I think this is already quite a Western view of which facts should matter. I doubt that these events matter much for the socio-economic position of every social group. Purposefully, I have taken two examples from Brennan's list that are obviously culturally-laden. I suggest that culture is intertwined in such criteria in a much more subtle way. Since Brennan remarks that political competence is largely found in advantaged groups, I deem it realistic that the epistocratic demarcation criteria will be devised by members of advantaged groups too. What they regard to be objectively important political information is their partial view. This view is then, through allowing them to devise this test, universalized.

The perspectives of other groups are not considered in the same dominant way – rendering members of these groups ‘incompetent’.

The structure in which advantaged members of society hold more political power than disadvantaged members is reproduced in following ‘iterations’ of selecting an epistocratic electorate. Since those in the electorate are the ones that possess (most) political power, they will also have most power over what the merit criteria will be for future electorates. The overrepresentation of one group allows that group to universalize their own experience as the objectively right way to think about politics. While there is little space for other social groups to “mitigate the influence of current biases and blindnesses of institutions and decisionmakers.” (Young, 1990, p. 198).

Regarding the first assumption that Brennan weakly makes: that a hierarchical division of power in the form of an epistocratic government is *more just* than a democratic form of government, I would like to remark that this statement is not so clear in light of my above comments. An epistocracy might actually be less just, and perhaps provide worse outcomes for a significant group of people by continuing their oppression.

3.3.4 What Remains of Brennan's Argument?

To return to the point of this section: Brennan argues that the politically incompetent would not know how to vote in their own favor. In the previous section I already explained that it is not necessary that the politically competent *do* use their political power in ways that help disadvantaged groups. Instead it is realistic that they may only partially represent, ignore or misrepresent the needs of disadvantaged groups. This can have damaging consequences for this latter group. In this section I want to make clear that additionally, the entire concept of ‘political competence’ in an epistocratic system is already shaped by an advantaged group that understands political competence in terms of the skills and knowledge they possess about the world, while they unintentionally overlook valuable skills and an alternative understanding of the world that other groups generally possess because they are not aware of the contribution that their knowledge can make. Since the merit criteria are likely to be devised by members of advantaged groups from the start, an epistocratic system is likely to perpetuate oppression. Dominant group members are placed in a position where they can further universalize their perspective, while there is little room for oppressed group members to confront the advantaged with the partiality of their perspective.

3.4 Brennan's Fourth Argument: The True Perspective.

I have discussed Brennan's first three arguments in the previous sections and made clear there are reasons to doubt the refutation of the demographic objection he provides. Perhaps the most intuitive argument that he provides is the analogy with medical licensing – his fourth argument. Handing out the right to vote, Brennan explains, is similar to handing out medical licenses. With the right to vote a person holds power over the lives of innocent people just as a doctor with a medical license does. In medicine, like in an epistocratic electorate, the members are largely white and male. Brennan argues that this overrepresentation of an advantaged group does not mean that we should instead hand out medical licenses to everyone so that the representation among doctors is proportional. Instead, we want doctors that are educated. We should want an electorate that is educated as well.

The analogy is meant to draw out the intuition that universal suffrage should be justified. It is wrong to leave innocent people in the hands of mostly incapable voters, just as it would be wrong to have a person undergo surgery by unqualified person. In this section I will point to two problems that medical licensing experiences which help prove earlier points I have made. First, I will briefly describe the negative consequences that this white male dominated field has for oppressed groups as patients, drawing on recent critiques of medicine. Second, I will point to some factors that make the field of medicine – as well as other academic studies – less accessible to disadvantaged groups while it favors the typical lifestyle of the dominant group. I use these criticisms of medicine to make a link to epistocracies and conclude that overrepresentation of one group should be actively mitigated, instead of implemented.

3.4.1 Medicine and the Neutral Viewpoint.

In earlier sections I explained that the dominant group within a society will universalize their perspective. In Brennan's analogy we find an example of this phenomenon. Critiques of the medical sciences have recently been developed. These critiques include a criticism of the male bias in medical trials (Jackson, 2020a; Jackson, 2020b). Women are still often misdiagnosed by a diagnosis method that favors male biology (Burrowes, 2021). Women, throughout history, have been excluded from clinical trials for several reasons – including the fact that the menstrual cycle and varied release of hormones would introduce too many variables in the study. “Male-only studies were justified by a belief that what would work for men would also work for women” (Burrowes, 2021). Systematically excluding women from these trials has led us to the situation that our diagnosis system is male-oriented. Diseases that manifest in

a different way in women are often missed or misdiagnosed, and diseases that affect mainly women remain understudied (Jackson, 2020a).

Racialized groups suffer under the universalization of the body of this dominant group in medicine too. It turns out that medicines are more or less effective depending on race¹² (Burroughs, Maxey & Levy, 2002). Since the norm we use in diagnosis is a white male body, people of racialized groups do not receive the appropriate amount of medicine needed.

On top of these physical differences that are under-considered in medicine, oppressed groups are also stereotyped. The research of Dr Kate Young, a public health researcher at Monash University in Australia uncovers that “doctors fill knowledge gaps [about women] with hysteria narratives. This is particularly prevalent when women keep returning to the doctor, stubbornly refusing to be saved.” (Jackson, 2020a). Similarly, Black people are stereotyped in different ways in medicine. A belief that is still too prominent is the belief that black people can endure more pain due to a thicker skin. This belief is thought to be a remnant of America's past of slavery and is still (implicitly) persistent among white doctors, white medicine students and laymen today (*The US medical system is still haunted by slavery*, 2017; Burroughs et al, 2002). A study by Burroughs et al (2002) suggests this may be part of the reason why Black patients receive less adequate pain treatment than white patients.

As the bodies of privileged members in society have been universalized in the past to be the norm, our diagnosis method caters to their particular needs while oppressed groups receive less adequate care and are stereotyped. I suggest that these problems are a result of the overrepresentation of the dominant group. We should prevent such overrepresentation and instead consider affirmative action to mitigate these consequences.

3.4.2 Accessibility to Studying Medicine.

The problems that oppressed groups experience in medical licensing is not only as patients, but as doctors-to-be as well. Regarding the medical licensing system, I argue that it does not only select on merit criteria that are needed to fulfil the tasks in the job, it also selects for elements of the typical lifestyle of the dominant group. A clear example of this is that the medical licensing system is not compatible with rearing children – which is still often thought to be a woman's responsibility. Instead, medical licensing education takes many years of full-time commitment. The required background conditions for a person who wants to obtain a

¹² There is an important debate in medical science about whether we should include race in medical trials and diagnoses. There are reasons that some want to prevent this, including fear of what health insurances may do with the information, and those who want to stimulate this differentiation to provide more specialized care. The point of this paper is not to go into this debate but to point to the current white male bias that is present in medicine.

medical license make it extremely hard to combine with bringing up children. A person bringing up children, however, is not by definition worse at performing the tasks involved in practicing medicine than a person who does not bring up children. This is a merit criterium that benefits the lifestyle that is typical of the dominant group within the field of medicine, while an oppressed group experiences more obstacles as the system does not cater to their typical lifestyle.

Another group whose lifestyle is not catered to in academia in general is the group of people with a disability. In a report on experience of disability and chronic illness from 50 doctors and medical students it is stated that “most felt that they had experienced discrimination and lack of equal opportunities, as well as hostile or unhelpful attitudes and behaviours by colleagues” (Mercer, 2003). Reports of such attitudes and behaviors can still be found all over Twitter when one follows the recently launched *#DocsWithDisabilities*. Many state that it is not the disability that disables a person, but the attitude of others and the way the medical system is organized around a lifestyle typical of someone who does not have a disability.

My aim here is to show that the medical system (as well as other fields in academia) favor a lifestyle that is more typical of the dominant group. This selection makes it relatively harder for people from other groups to join into this profession, while child-rearing or living with a disability for example do not indicate that a person is incapable of practicing medicine. I suggest that this too happens due to the overrepresentation of the dominant group in positions that devise the merit criteria for becoming a doctor. Skills or needs of other social groups are not considered equally, or even overlooked. We will consider in the next subsection what exactly this has got to do with epistocratic systems.

3.4.3 What Has This Got to Do With Epistocracy?

In the previous subsections I have argued that the medical licensing system fails members of oppressed groups both as patients and as students or doctors. I have not argued that medical licensing is wrong altogether. Instead I want to indicate that Brennan's analogy can be used to show that overrepresentation of dominant groups has harmful consequences in two ways. First, the body of the dominant group is universalized in medicine while the bodies of other groups are less well-researched and the needs of members of those groups are taken less seriously. Second, the system of medical licensing is set up to cater more to the typical lifestyle of the dominant group than to the lifestyle of other groups. The analogy holds, I suggest, in the case of an epistocratic system that results in overrepresentation of the dominant group. A system that overrepresents one group is prone to stereotype and undervalue the needs of other groups.

This system is self-reproducing in the sense that members of the overrepresented group are in charge of the criteria that place persons in positions of power. These criteria will likely cater more to the lifestyle of this dominant group, and will disregard valuable qualities that other groups have.

3.5 Breaking out of Rituals of Speaking.

In the past few sections I have pointed to concerns with regards to oppression that Brennan's reply to the demographic objection fails to address. In this section my aim is to call attention to an underlying assumption he has in how we should overcome oppression. The assumption is that oppression can be overcome when the oppressed groups remain passive. I will first explain why this assumption underlies Brennan's defense of epistocracy. Thereafter, I will explain how this assumption contrasts with the more active approach that Young, Alcoff and Dovi suggest to overcome oppression. I conclude that we should prefer the method of the latter philosophers.

3.5.1 Brennan's Passive Approach.

Effectively, implementing an epistocratic system leads to overrepresentation of advantaged groups. When Brennan reacts to this phenomenon in his book he explains that it is due to underlying injustices. "My view is that rather than insist everyone vote, we should *fix* these underlying injustices," he explains (Brennan, 2016, p. 228). The 'we' that he speaks of refers to an electorate made up of mostly members of advantaged groups. He acknowledges that there is oppression, but argues that an epistocratic system that diminishes or excludes the voices and perspectives of oppressed group members probably works better than a democratic system. Effectively, disadvantaged groups have little political power while advantaged groups decide what to do to improve the situation of these oppressed groups.

3.5.2 An Active Approach from a Perspective of Oppression.

Young, Alcoff and Dovi, on the other hand, emphasize time and again the importance of allowing disadvantaged groups to speak. The philosophers on oppression defend affirmative action where members of oppressed groups are encouraged to speak and given the space to do so. Dovi and Alcoff remark that members of dominant groups should sometimes be stopped from speaking for others – Alcoff provides a guide for developing an 'impedance to speak', while Dovi defends a perspective of exclusion where advantaged groups may be stopped from

speaking by others. In all three, it is important that the oppressed groups have a say and learn that their voice is also valuable.

3.5.3 Passively or Actively Overcoming Oppression?

Perhaps not surprisingly, I argue that members of oppressed groups should take part in overcoming their structural oppression. Throughout this paper I have provided reasons why we should be wary of allowing the dominant group in a society to speak and decide for non-dominant groups. Since Brennan acknowledges that he views our polity as a means to reach good political outcomes, I argue that it is not as clear as he suggests that the outcomes of his preferred 'tool' are better than the outcomes of universal suffrage. Ideally, from a perspective of oppression, different group perspectives within a society should be better represented than they currently are so that the diverse perspectives can mitigate the biases that policymakers have. The type of system Brennan proposes does the opposite, and allows for misconstructions and the universalization of the partial perspective of one social group. Members of disadvantaged groups are again stuck in an imperialist ritual of speaking where mostly members of advantaged groups decide over them while they are left relatively powerless¹³. As I have argued before, the merit criteria to achieve political power are devised by the advantaged group that starts off in a position of power. As their perspective is only partial the criteria they devise are likely to favor skills that are prominent in members of their own social group, while not acknowledging valuable skills that may be present in another group.

I suggest that these concerns should at least be overcome before we can consider implementing an epistocratic system where oppressed members are passive in overcoming their own oppression. The outcomes of such a system are probably worse for oppressed social groups. For now, these concerns lead me to conclude that we should favor a more active approach where oppressed members of society are given an effective voice so they can express their perspective. This includes listening to people who would else be marked 'politically incompetent' and granting them political power.

¹³ One might suggest that politically incompetent members of society - mostly disadvantaged groups - can speak to the politically competent in the form of focus groups, so that the advantaged can take their perspective into account. This should reduce the negative consequences of the problem of representation. However, when the opinion of these groups is still a mere option - as is the case in a focus group - the problem of representation is still present in milder form. Furthermore, a focus group too keeps the imperialist ritual of speaking in place where disadvantaged groups whose claim to truth is diminished are governed by advantaged groups who do have a strong claim to truth.

4. Epistocracies the Demographic Objection Does Not Apply To.

In the previous chapter I have provided reasons for why an epistocratic system may have less favorable outcomes than universal suffrage. When considering oppression of disadvantaged groups, an epistocratic system in which the electorate is made up of mostly advantaged members of society likely produces worse outcomes than contemporary democracies. However, Brennan argues that there are two types of epistocratic systems that the objection does not apply to: *government-by-simulated-oracle* and the *enfranchisement lottery*. Both systems grant disadvantaged groups more political power than contemporary democracies do. Even though the latter form has promising qualities for both an epistocrat and a philosopher of oppression, I will first explain what government-by-simulated-oracle entails, and then argue that the demographic objection definitely applies to it from a perspective of oppression. Thereafter I will discuss if the enfranchisement lottery is a more positive alternative than contemporary democracy if we keep oppression of disadvantaged groups in mind.

4.1 Government-By-Simulated-Oracle.

Brennan describes the epistocratic form government-by-simulated-oracle as follows:

“Every citizen may vote. When citizens vote, they (a) indicate their policy preferences or their preferred political outcomes while (b) indicating their demographic information, and (c) taking a test of basic political knowledge. The government then uses data sets (a), (b), and (c) to determine, statistically, what a fully informed electorate would want, while correcting for the influence of race, income, sex, and/or other demographic factors on the vote. In short, government-by-simulated-oracle estimates what a demographically *identical* but *fully informed* electorate would want, and then implements that instead of what the uninformed electorate in fact wants” (Brennan, 2017, pp. 55 – 56).

What should jump into sight from this definition is that government-by-simulated-oracle determines what a fully informed electorate would want and *corrects* for the influence of demographic factors such as race, income, sex and similar factors that influence a vote. Perhaps I am stating the obvious, but it seems that in this form of epistocracy the political ‘power’ that disadvantaged groups gain is only superficial. They are allowed to cast a vote, but depending on their demographics and a political knowledge test their vote is corrected. The perspective of one group is explicitly universalized as the objective, impartial perspective

through this algorithm. Criticisms provided throughout this paper clearly apply to a system that explicitly 'corrects' for the demographic factors of disadvantaged groups.

4.2 The Enfranchisement Lottery.

While the aim of this paper is only to provide a critique of Brennan's refutation of the demographic objection, I suggest the enfranchisement lottery is a positive option that partly meets the requirements of philosophers of oppression as well as Brennan's own requirements. In this system thousands of citizens are selected randomly while correcting for representation to become pre-voters. These pre-voters can earn the right to vote through participating in and passing certain competence-building exercises (Brennan, 2017, p. 55). From a perspective of oppression, there are two main aspects that are relevant: (1) the possibility of group perspective representation and (2) the criteria for 'passing' a competence-building exercise.

4.2.1 Perspective Representation.

In contemporary democracies, members of disadvantaged groups have relatively less political power than members of advantaged groups for two reasons. Relatively fewer members from disadvantaged groups come to the polls, and decisionmakers respond more to members of advantaged groups (Brennan, 2017, pp. 58 & 67). Through implementing an enfranchisement lottery, the first of these problems can be better addressed than in contemporary democracy. There is opportunity to tweak how many members of which social groups become pre-voters. With regards to group perspective representation this form of epistocracy is more promising than contemporary democracy *if* enough selected pre-voters of disadvantaged groups pass the competence-building exercises.

4.2.2 Passing Competence-Building Exercises.

What is problematic about this form of epistocracy is that the competence-building exercises and criteria have to be devised by someone. A group of people has to decide which criteria should be passed for pre-voters to become voters. Apart from the practical objection that the system is open to abuse from political parties, we may fear that the set criteria select for a type of 'competence' that is typical of a specific social group rather than objective criteria that predict apt performance. This would still lead to overrepresentation in the selected electorate. Young suggested that we should make use of a results test of discrimination, meaning that if a certain group is overrepresented or underrepresented we should understand this outcome as an indicator that the system or criteria are wrong. In order to make the

enfranchisement lottery worth considering, I suggest such a results test of discrimination should be implemented in two places: there should be group perspective representation both in (1) the group that creates the competence-building exercises to mitigate biases from a dominant group in those exercises, and in (2) the final electorate. If it turns out that members of a certain group are systematically underrepresented in either the devisors of competence-building exercises or in the final electorate, this should be interpreted as a flaw in the system and the criteria should be corrected accordingly.

I acknowledge that the system is open to abuse, and it is beyond the scope of this paper to provide a positive account of what our government should look like. As the aim of this paper is to provide a critique on Brennan's refutation of the demographic objection, I will not go into depth on what the implementation of the enfranchisement lottery would look like. All I suggest is that this form of government is an option worth considering for both epistocratic and democratic theorists – but only if the right measures are put in place.

5. Conclusion.

The research question of this paper was to evaluate if Brennan's refutation of the demographic objection succeeds. In order to respond to this question I provided a more complex understanding of the demographic objection against epistocracy by drawing on the philosophies of mainly Young and Alcoff. With this deeper understanding I have analyzed and criticized four arguments that Brennan – one of the main proponents of implementing an epistocratic system – provides against this objection and discussed two forms of epistocracy that Brennan claims the demographic objection does not apply to. Brennan did not react to Young or Alcoff. However, since the demographic objection concerns disadvantaged groups their insights in structural oppression and problems with speaking for others form a relevant contribution to this debate.

I conclude that Brennan, overall, does not succeed in refuting the demographic objection. If we focus on the outcomes of the forms of epistocracy that the demographic objection applies to it is not clear that an epistocracy really provides better outcomes. From a perspective of oppression the outcomes of an epistocratic system are probably worse because oppressed groups are effectively and systematically barred from political power and unable to overcome the oppression they suffer, while they can only hope that the politically powerful group properly reconstructs their needs, situation and desires. Considering the two forms of epistocratic government that Brennan claims the demographic objection does not apply to, I

argued that government-by-simulated-oracle reinforces the perspective of the dominant group through 'correcting' a vote for race, income, sex et cetera. The enfranchisement lottery, on the other hand, may be a promising form of epistocracy even if we take a perspective of oppression into account – if measures to ensure group representation are in place.

In this paper, I have made several assumptions to frame the discussion that I suggest future work could evaluate. First of all, I have copied Brennan's formulation of the demographic objection. A brief look at the work of democratic theorist David Estlund (2003) reveals that alternative formulations express different worries – such as harmful biases held by 'politically informed' people – that deserve a similar analysis. Second of all, I have uncritically assumed the split between political outcomes and (intrinsic) procedural fairness that Brennan proposes exists. There is reason to believe that this dichotomy does not exist, and future work may therefore look into this split. Apart from these assumptions, future papers may also focus on more specific constraints that should be placed on the enfranchisement lottery in order to make it a viable option for government which takes the concerns mentioned in this paper into account, or on more practical issues that this polity runs into such as abuse by political parties. Concludingly, I hope that this analysis of the epistocratic case against the demographic objection from a perspective of oppression can be a source of further discussion, and has provided a more complete understanding of the demographic objection.

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