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Elitism

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Elitism as a political doctrine can take many forms. This chapter considers the claim that those who know the political truths that determine what choices of laws and other public policies are correct, and they alone, are entitled to a share of political rule. A related view is that those whose political knowledge and judgment are superior to that of others are presumptively entitled to be political rulers of society, the presumption being overcome if they are corrupt or otherwise disqualified by political faults outweighing their political qualifications.

How might a principled advocate of political democracy respond to this elitist claim? One possible response is epistemic. If knowledge relevant for political decisions is dispersed widely across the population, then decision procedures such as majority rule with a single equal vote for each person might elicit the dispersed information needed for sound public policy choice and so generate better political decisions than would be generated by non-democratic decision procedures that confine political power to the more knowledgeable. This might be a fine response, but in this chapter I set it aside. (In passing, note that it is not clear why a knowledgeable elite concerned to base decisions on all relevant information could not gather the dispersed bits of knowledge possessed by the less knowledgeable by opinion polls or other social science techniques of information collection.) The assumption framing this inquiry is that there might be an identifiable group of political experts, and that confining political power to this group might reliably bring about better laws and public policies than would otherwise be attainable.

Another possible response appeals to doubts about feasibility. This says that in practice no political constitution we could devise and implement in current conditions could succeed in restricting political power to a select knowledgeable group that would predictably rule better than political leaders chosen by ordinary democratic processes. Either the screen that

selects the members of the elite will be inaccurate in selecting the genuine experts, or the selected group of experts will overrepresent certain segments of the population (women over men, whites over blacks, rural residents over residents of cities) in ways that will predictably lead to political decisions biased in the interests of the overrepresented groups—women, whites, and rural folk, for example.

Again, skepticism about feasibility might be an adequate reason for disfavoring any elitist political proposals here and now. However, I suppose that principled democrats will find it unsatisfactory. The argument appeals to contingent facts that might in some circumstances fail to hold, and one might hope to find a more principled and less contingent support for the moral right of each adult person in any modern society to an equal democratic say.¹

Section 1 of this chapter introduces the topic and rebuts two arguments against the claim that political expertise might entitle one to political rule. Section 2 presents an argument against the position that each person has a non-instrumental right to a democratic say and considers some objections. Section 3 distinguishes two versions of elitism, the claim that the experts should rule. One appeals to a natural aristocracy ideal, which this chapter does not endorse. The other says we should put in place whatever form of government would deliver best results and denies that democracy would deliver best results. It is noted that even if democracy delivers worse laws and public policies than some feasible non-democratic alternatives, democracy might yet bring about better results overall by indirect means. Section 4 considers and rejects another possible justification of rule by experts—namely the idea that each of us has a right not to be imposed on coercively by incompetent persons. Section 5 defends the idea that the political truths relevant to political decision-making include moral truths and that there might be moral experts who have better knowledge of these moral truths than others. Section 6 argues that Rawlsian political liberalism does not point toward a sound argument that political rule by experts is morally unacceptable. Section 7 is a brief inconclusive conclusion.

¹ I assume that if someone has a moral right to do X, then she is morally at liberty to do X and others have duties not to interfere with her doing X (the nature of the duties of non-interference varying with the type of right in question). Having a moral right is compatible with the right being overridden by other considerations in specific circumstances so that in those circumstances, all things considered, one is not morally at liberty to do X and others are not duty bound to refrain from interfering. The objection to instrumentalist justifications for democracy is not just that they are contingent on some empirical facts, but that these contingencies do not reflect our convictions as to when democracy would and would not be justified. Those who regard democracy as an intrinsically fair procedure and justifiable in whole or in part in virtue of its fairness will press this objection.

1. CLAIMS OF EXPERTISE VERSUS THE RIGHT TO A DEMOCRATIC SAY

Suppose that there is a group of A type people in society alongside a group of B type people. The A people believe, and let us assume they are right to believe and have epistemic warrant for believing, that on the important matters that the government is called on to decide, they know better than the B type people what the government ought to do, what public policies should be established. In this situation, does superior knowledge confer any entitlement to rule?

Surely, the answer is not obviously “Yes.” There is a gap here that needs to be filled in by argument, and perhaps there is no sound argument that fills the gap. On the face of it, the statement that some identified members of society have greater political knowledge than others is consistent with the further statement that these knowledgeable individuals have no special entitlement to rule. The claim that knowledge confers any sort of moral entitlement to exercise political coercion elicits a skeptical response from David Estlund. He calls the argument from possession of knowledge to legitimacy of rule the expert/boss fallacy. As he puts the point: “You may be the expert, but who made you the boss?” Along the same line he observes that even if the Roman Catholic pope has a pipeline to God, that would not give the pope the moral right to make Roman Catholicism the established religion and use state power in other ways to favor this particular religious doctrine over others including Marxism and atheism (Estlund 2008). Many political philosophers agree.

Philip Pettit takes a stronger stance (Pettit 2015). He argues that political justice should take priority over social justice. By that he means that when there is disagreement about social justice—about what the content of public policies and the shape of basic institutions should be—we should all agree that the decision about what should be done in the face of disagreement should be made according to a fair political process. Of course there will likely be disagreement among citizens on the issue, what qualifies as a fair political process, but then this disagreement, too, must be resolved by a fair and mutually agreeable higher-order political process. Moreover, once we notice that theories of social justice are addressed as recommendations to citizens, we must acknowledge that the theories must presuppose that those addressed are competent to understand, assess, and decide on the recommendations. So if we scratch the surface we see that implicit in any sensible theory of social justice is the qualification that the substantive proposals being recommended should be implemented only by a fair political process and that a fair political process must be a democratic process that treats

all citizens as equals and thus gives equal political power by way of an equal franchise to all.

The relationship of Pettit's claim to the suggestion that those with knowledge of the political truths that are required to identify just laws are entitled to a greater share of political rule than others is that if Pettit is correct, the suggestion must be wrong. If democracy requires that all are entitled have an equal share of political power (an equal democratic say), then an elite in possession of political truths is not entitled to a greater share of political rule than others.

Estlund is right. From "I know better than you what you should do," it does not follow that "I am entitled to decide what you should do and to bring it about, by threat of force if need be, that you conform in your conduct to my decision." Nor is there any readily identifiable plausible premise that one could insert into this bad argument to render it sound. One simple explanation of the difficulty we face here is that perhaps it is false that possession of knowledge about what another person should do confers a right to control the conduct of another so that it conforms to what we know it is right for that person to do.

For purposes of this chapter I shall assume that there are moral constraints on what we may do to advance our ends, even moral ends. So the facts that I know that B should do X and that the state of affairs that will be brought about if I force B to do X would be better than the state of affairs that would result if I refrain from this forcing and indeed better than if I do anything else instead do not suffice to show that it is permissible for me to force B to do X. For a start, consider that B's action may bring about negative consequences only for herself and others who voluntarily consent to be involved with her, and perhaps, at least up to a point, we should respect people's freedom to live as they choose given that the interests of non-consenting others are not adversely affected.

Besides being right, Estlund is also wrong. Suppose the pope really does have a pipeline to God, hence warranted true beliefs of the utmost importance for all of us. Suppose that each human person can attain eternal salvation but only if she lives according to the dictates of the Roman Catholic Church. In this case the pope is surely entitled, and probably morally required, to coerce the rest of us for our own good, if he happens to have sufficient military force at his disposal. Too much would be at stake. What blocks the pope's entitlements is that, in fact, there is no reason to believe he has such a pipeline or in other words warranted true beliefs to the effect that outside the Church there is no salvation.

In a similar way, the argument that political justice demands democracy and takes priority over social justice falls flat. The idea that the fact of disagreement about substantive matters of social justice forces us to accept

that we must subordinate our campaigns for social justice to a fair procedure and that the fair procedure is democracy runs afoul of a point that Pettit notices: we disagree about which political procedures would be fair. Ascending to the claim that we need to accept a fair procedure for settling on first-order fair procedures does not solve the problem, it just initiates a regress.

Setting that point aside, I submit that it would be making a fetish of fair procedures to insist that one's social justice recommendations must always be advanced subject to the condition that they should be implemented only if they gain majority vote in fair democratic elections. Consider social justice recommendations to the effect that we should desist from racist discrimination in economic life, the oppression of women involving failure to protect them against sexual violence, and policies of genocide directed at unpopular ethnic minorities. It would make more sense to flip the priority and insist that fair political procedures are whatever procedures would best promote the fulfillment of individual moral rights weighted by their importance (rights other than the supposed right to a democratic say). But this issue is somewhat delicate. One might think that among the rights we possess is a right not to be subject to non-democratic government, so the formulation just given begs the question against someone who holds that our basic moral rights include democratic citizenship rights. But this claim is a far cry from a claim of priority for political rights over all other rights.

Let's assume at least provisionally that among our moral rights is a right against being subjected to non-democratic political government. Since this would be one moral right among many, this assumption still allows the possibility of conflict and trade-off. Under some conditions fulfillment of one's right to a democratic say might be inimical to fulfillment of important moral rights of other people, so that all things considered, one's right to democracy is outweighed by the combined weight of the social justice rights of others that would be placed in jeopardy by respecting one's political right.

If a group of people in a country possesses superior knowledge of the truths that legislators must know in order to identify the laws and public policies the establishment of which would best promote human rights fulfillment, they may also be in a position to know that if they alone control the legislature, the laws and public policies chosen and implemented will be morally better than they would be if the legislature were controlled by majority vote among all adult citizens. If the gap between the moral rights fulfillment that elite rule would induce and moral rights fulfillment that democratic rule would induce is sufficiently large, and favors elite rule, then elite rule is morally preferable even though it involves violation of people's rights to a democratic say.

Return to Pettit's claim that when advocates of social justice theories address others and present arguments to others in support of their favored theories, the advocates have to be presupposing that the people they are addressing are competent, reasonable agents, capable of understanding assertions and assessing arguments. From this presupposition Pettit thinks one can tease out the implication that one cannot consistently address other people and propose social justice theories to them without acknowledging that the others are competent to rule on the merits of the proposals and arguments one is making. From there Pettit thinks that with a short reasonable hop one can conclude that social justice proposals ought to be instituted across a community of agents only via a fair political procedure in which all competent adult community members have equal participation rights.

One problem with this ingenious line of thought is that its initial presupposition is false. In addressing an agent and presenting arguments to that agent in favor of some normative conclusion one is not thereby committing oneself to acknowledging the agent one is addressing as a fully competent interlocutor in the discussion one is trying to initiate. Examples come ready to hand. Suppose one has been abducted by pirates and is about to be sold into slavery, or robbed and then killed. Given a chance, one proceeds to proclaim to the pirates that what they are planning to do is morally wrong, and provides arguments in support of this claim. One's speech will be pointless if there is no chance one's words will be understood by one's intended audience, but even a chance that some of the pirates might understand the language in which one is speaking can give point to one's making the attempt to be heard. Moreover, one might have good reason to address the pirates as described even if one reasonably believes there is zero chance that they will accept one's arguments and no chance that even if they did accept the arguments, they would be motivated to desist from their piratical plans. Nor does addressing a person and making an argument to that person necessarily carry the implication that one believes the person addressed is fully rational and competent and that her opinions and judgments should have the same epistemic weight as one's own in the joint determination of what should be done. One might with good reasoning believe that a life of piracy causes the moral theory mental faculties to rust, or that the fact that one has chosen a life of piracy is some evidence that one is less than ideally competent at moral reasoning, and so on. And whatever negative judgments one might make about the judgmental competence of the pirates who are attacking one, can find a parallel in negative judgments that a member of political society might make about other members of his political society, especially if they show dull-mindedness, or oddball, or

corrupt normative inclinations, or disinterest in questions concerning what we owe to one another. Of course, these confident judgments of one's epistemic superiority might in any given case be false or even delusional. But they might also be fully correct.

2. AN ARGUMENT AGAINST THE RIGHT TO A DEMOCRATIC SAY

Section 1 argued that even if there is a right to a democratic say, it might give way to claims of expertise when the consequences of upholding the right to a democratic say would be sufficiently bad. This section presents an argument against the existence of a right to a democratic say and considers some (inconclusive) reasons to reject the argument (see also Arneson 2009).

Consider people's fundamental moral rights. Each of us has a duty to respect and promote these. The duty to promote might not be maximally stringent; each of us might also have a Scheffler prerogative to live as we choose, within limits. But arguably the standing duty to rescue others from suffering violations of their fundamental rights is a duty, within one's prerogative, to act effectively to this end.² Here's a comparison: in a situation of disaster in which we all have a duty to pitch in and rescue people from peril, the duty to rescue might not require heroic measures but does require that we maximize the saving of people from peril from the sacrifices we have a moral duty to make. If in a disaster situation someone takes charge and issues orders, and we can see that this person has expertise and that following her lead will bring about greater rationally expected saving of people from peril, we are not at liberty to refuse her commands, and if she sizes up the situation correctly, she is definitely at liberty and perhaps under a duty to coerce the recalcitrant and bring about a rationally coordinated rescue effort. The case of members of a community claiming a right to a democratic say might be like that of individuals in the set of those who have duties to rescue protesting to the persons who take charge, "You may be expert, but who made you boss?" The protest is unjustified.

Here I would appeal to other cases in which one has a moral duty and must choose a means to fulfill it. One is obligated to fulfill the duty if one can, not merely make a try at fulfilling it. One is thus under a duty to find

² The claim in the text here might be wrong. Perhaps one's duty is to do enough, achieve a certain amount of good, and whether one does it efficiently or inefficiently is not a matter of concern. In the plane crash rescue example, perhaps it is acceptable to decline the orders of those who reasonably take charge provided that by one's own efforts one does enough to advance the rescue effort and save lives.

out what means would be best suited to the task, and adopt them, unless other moral considerations intrude or one is willing to pursue an inefficient means at greater cost to oneself but will definitely fulfill the duty by one's chosen means. When moral rights of others are at stake, it is wrong to insist on following one's own lights when there are good and sufficient reasons to believe that deferring to the judgment of another person will be more likely to bring about fulfillment of the duty at acceptable cost. Nor would it be right to resist coercion by another that will bring about greater fulfillment of the moral rights at stake, so long as the harms of coercion are not disproportionate to the matter at hand. The same goes when the issue is a matter of what political regime to establish, I would say. Here is a challenge to the idea that each of us has a moral right to a democratic say.

As I am using the term, what is at issue is the existence of a non-instrumental right to a democratic say—a right to be governed by a political system in which legislators and top public officials are selected by majority rule in elections with an equal franchise open to all permanent adult members of society, against a backdrop of freedom of speech and of association. In contrast, an instrumental right to a democratic say would be possessed by people just in case according them that right would bring about better outcomes impartially assessed than not according it.

The argument against a non-instrumental right to a democratic say can be stated in this way:

1. Each of us has a duty to contribute toward sustaining a political system that protects people's moral rights and advances the general welfare.
2. This duty to contribute toward sustaining is a duty to act in ways that increase, rather than decrease, the extent to which the system functions well over time to protect people's rights and advance the general welfare.
3. If one's claiming and exercising a share of political power would decrease, rather than increase, the degree to which the system functions well over time to protect people's rights and advance the general welfare, it would be wrong for one to claim and exercise a share of political power, and wrong for others to press these claims to political power on one's behalf.
4. If there were a non-instrumental, intrinsic moral right to a democratic say, it would not be wrong for one to make the claims for a share of political power described in premise 3, and it would not be wrong for others to press these claims on one's behalf.
5. None of us has a non-instrumental, intrinsic moral right to a democratic say.

There is a certain looseness in the argument just stated that reveals itself when we ask for clarification of the duty "to contribute toward sustaining a

political system” that carries out the moral functions proper to states. Is this duty inherently a duty to support a state in the territory one inhabits, or rather a duty to contribute to good governance everywhere, which might be discharged by helping promote good governance abroad rather than where one lives? This is the problem that in recent literature is called the problem of “particularity.” I take no stand on this issue and assume that the arguments advanced in this chapter do not depend on answering it one way rather than another.

As stated, the argument seems to beg the question against one who affirms that there is a non-instrumental, intrinsic right to a democratic say. Premise 2 says one has a duty to help to promote fulfillment of people’s moral rights, but the right to a democratic say might be among them. If so, then one has a right to a democratic say, and the duty to promote people’s rights will be a duty to promote a set of rights that includes the right to a democratic say. Sometimes to promote rights fulfillment overall one might be required to sacrifice one right held by some to protect rights held by others, but this could be true for any moral right, so the claim that the right to a democratic say (like any right) might be outweighed in some circumstances by the balance of rights considerations provides no reason at all to doubt that there is a moral right to a democratic say. Moreover, the moral rights one has might limit the actions one must take to promote rights fulfillment, and so actions taken by others to promote overall rights fulfillment that violate one’s own right to a democratic say might be impermissible.

In reply: as I understand the argument, it proceeds on the understanding that initially we are not sure exactly what moral rights people have. We suppose people have moral rights and that we should both respect them and promote their fulfillment. We have some incomplete views about the content of moral rights—for example, that innocent non-threatening people have a right not to be targeted for physical attack. In the same way, we believe that we have some duty to advance the general welfare, but we do not possess a full understanding of what constitutes the general welfare.

In this epistemic context, premise 3 asserts that if we have a serious duty to establish a system that protects people’s rights, we have a duty to subordinate whatever interest we might have in having power within that system to the duty to contribute to making the system effective, given the moral importance of its goal. In contrast, if premise 3 had stated, if one’s insistence on defending oneself against predatory attacks by others would decrease, rather than increase the degree to which the system functions well over time to protect people’s rights and advance the general welfare, it would be wrong for one to insist on defending oneself against predatory attack, and wrong for others to support one’s insistence, or assist in one’s defensive

effort, premise 3 would be much less plausible. Maybe there is some right to defend oneself against wrongful attack even when doing so would hinder the overall degree to which people's rights are fulfilled. In a similar way, in the rescue example, if it were the case that the rescue effort would be most effectively advanced if one allowed oneself to be killed, it would not be implausible to deny that therefore it would be wrong for one to act in certain ways to protect oneself against being killed even to the detriment of the successful rescue.

If we accept premise 3, we are accepting a partial specification of what are, in actual fact, people's moral rights. The claim is simply that politics and forms of governance are really just the rescue scenario writ large. Anarchy is a disaster, from the standpoint of (any credible view of) fulfillment of people's moral rights. We have a duty to contribute to escaping from anarchy and to preventing its return. The duty here is to act with others and form institutions with others in ways that are effective (without excessively running a steamroller over people's uncontroversial, basic moral rights). The claim to a say in how the process is run or in how the institutions will function borders on self-indulgence, if regarded as a claim to a non-instrumental, intrinsic moral right. Regarded as an instrumental claim, taking democracy to be in many circumstances a large boost to the effectiveness of government regarded as a mechanism for delivering rights fulfillment, the claim to a right to a democratic say is plausible and might be true.

One possible ground for disputing the argument just stated is to hold that each person is morally at liberty to act to advance her own interests even at some cost to the interests of others, and others, to some extent, have duties not to interfere with the individual's permissible pursuit of her own advantage. So one might have a moral right to have and exercise a democratic say in political governance, even at cost to others, using one's democratic say to advance one's own interests (e.g. voting for a change in tax rates advantageous to oneself but detrimental to the general welfare). This claim denies premises 2 and 3. Note that everyone's acting in this way might be collectively self-defeating overall. Also, one might deny that the prerogative to favor oneself extends to acting to try to bring it about that coercive state power is deployed to one's advantage, in the absence of gain that would register in impartial assessment.

Another possible ground for disputing the argument appeals to the deontological distinctions between intended and merely foreseen consequences and between doing, allowing, and enabling. When we act to institute or sustain a democratic political system, we aim to enable each member of society to participate in collective decision-making on equal terms. We may foresee but do not intend that some will misuse or abuse

their democratic say so that people's rights are less fulfilled and the general welfare suffers compared to what would have occurred had they lacked participation rights. It may in these circumstances be permissible to bring about as merely foreseen what it would be forbidden to bring about as intended. This claim might be urged as an objection to premise 3. The invocation of the distinction between intended and merely foreseen consequences works in tandem with a satisficing not maximizing understanding of the duty to contribute asserted in premise 1.

When we establish a barroom, what we are doing is facilitating the purchase and consumption of alcohol on the premises to achieve conviviality. Suppose some barroom brawls will ensue. This bad effect is something we allow, not something we do. In a similar way, one might hold that when we establish a democracy that upholds each person's right to a democratic say, we merely allow that some persons will misuse or abuse their participation rights. It might be permissible to allow improper democratic participation even though it would be wrong to do or perpetrate improper participation.

Suppose doing something harmful is initiating or sustaining a harmful causal sequence. In contrast, one enables harm by removing an obstacle that is preventing an already existing causal sequence from issuing in harm. If one holds that the lack of competence and lack of appropriate motivation in potential democratic voters are like a coiled spring, a causal sequence underway but blocked if the opportunity to vote is not present, then perhaps initiating and sustaining a democratic political order that gives each member of society a democratic say are better described as enabling not merely as allowing harm. On some views, enabling harm is morally on a par with allowing harm, so whether initiating and sustaining democracy is enabling or allowing makes no difference to the moral status of these democracy-upholding actions (Rickless 2011; Barry and Overland 2012, 10–116). But on some views, enabling harm either should be assimilated to doing harm or has an intermediate status.

Moreover, in some circumstances, initiating and sustaining a democratic order might better be understood as doing harm than as merely enabling harm. Suppose promulgating the idea that people have a non-instrumental intrinsic right to a democratic say and facilitating the establishment and continuance of political regimes in which such a claimed right is upheld encourage and nurture bad tendencies in subpar voters. Believing they have a non-instrumental intrinsic right to a democratic say, they are less likely to believe that their incompetence or questionable political participation motivation are morally problematic and more likely to participate in democratic politics in harmful ways than they would be in a political regime in which no such intrinsic non-instrumental right was promulgated and upheld. In these circumstances, initiating and sustaining a democratic political

order in which a non-instrumental intrinsic right to a democratic say is celebrated and upheld qualify as doing harm not merely enabling harm.

The upshot: initiating and sustaining a fully democratic order, if the order brings about harmful consequences, bring about harm as merely foreseen not intended. But in some circumstances the agency involved is enabling not merely allowing, and in some circumstances doing harm not merely enabling harm.

3. EXPERTISE, NATURAL ARISTOCRACY, AND BEST RESULTS

The elitist who affirms that the politically knowledgeable and they alone should rule might appeal to the argument against the existence of a non-instrumental right to a democratic say just considered. Rejecting this right to a democratic say, she urges that (1) we ought to institute and sustain that form of government the long-term maintenance of which would lead to best results, and (2) some non-democratic form of government (in actual and likely circumstances) would lead to best results. There are other forms elitism might take that involve no appeal to anything like points 1 or 2. This section briefly considers one such version of elitism and then notes a significant wrinkle in the argument that appeals to 1 and 2. The following section introduces and examines yet another distinct type of elitism.

To clarify the argument from a claim of superior competence to a claim of a right to rule, consider two different ways in which it might be filled out. Suppose it is pointed out that even though the A people are more politically knowledgeable than the B people, and even on the assumption that the A people are nice folk who would rule conscientiously, nonetheless, the consequences of instituting elitist A rule, impartially assessed, would be worse than the consequences of instituting democracy with an equal vote for all adult citizens. The advocate of rule by the knowledgeable might be unfazed, and retort that at least up to a point, such bad consequences would not defeat the entitlement of the knowledgeable to rule, since it is a basic moral truth that the knowledgeable and wise should rule the ignorant and unwise.

So understood, the claim of expertise is an unvarnished appeal to a norm of natural aristocracy, which in modern times many would reject. Dennis McKerlie interprets Aristotle as embracing the natural aristocracy view. A person of extraordinary virtue, greater than others possess, deserves to be king:

It is not simply that the king should rule for the sake of the citizens. For Aristotle, it would be absurd to expect such a person to be subject to the authority of his

inferiors. At 1284b 28–34 Aristotle compares those who would oppose his authority to rule to presumptuous mortals demanding to take turns with Zeus in ruling the world (McKerlie 2001, 128–9).

Given the concerns of this essay, let us just focus on one type of virtuous person, the wise expert (in other words, one who knows the political truths and if given the opportunity, will choose the public policies they justify).

McKerlie's comment on Aristotle suggests two versions of a natural aristocracy view. One holds that all persons are fundamentally morally equal, share the same moral status, so their comparable interests count the same in the determination of what should be done (see Arneson 1999 and the essays including Arneson in Steinhoff 2015). Moreover, some of these fundamentally morally equal persons deserve to rule just on the grounds of their superior virtue. An alternative version holds that just as humans are not in any sense equally as worthy as Zeus and the other gods, so, too, some humans are fundamentally morally superior to others, have a superior nature, deserve more concern for their interests, are entitled to fundamentally greater respect simply for being the kind of entity they are essentially. The morally superior (the natural aristocrats, the wise experts) are simply on that basis entitled to be rulers of others. In light of the comment about Zeus, Aristotle looks to be an adherent of the latter type of natural aristocracy view. Be that as it may, this chapter sets aside all natural aristocracy views without further comment. I assume they are false (though no doubt interesting and worthy of exploration).

Return now to the argument for elitism that appeals to a background norm that political arrangements should be set to bring about best consequences over the long run. The idea would be that putting power in the hands of political experts is part of the best strategy toward this end. Establishing expert rule might be causally efficacious in producing better laws and other public policies than would otherwise be obtainable, and these better laws and policies might in turn work to promote morally good outcomes—outcomes better than could otherwise be reached. Regarded this way, the argument makes no appeal to meritocratic or natural aristocracy notions.

Of course, it does not automatically follow that if you install the political experts in power, the laws and other public policies that result from their rule would turn out to be superior to what would be reached under a democratic political constitution. Any number of contingencies could prevent the rule of the wise from issuing wise laws. But this is not an issue for the argument for elitism as we are now construing it. If establishing elite rule leads to bad laws and hence bad outcomes for society, the argument for elitism condemns establishing elite rule.

Assume for the sake of the argument that there are political experts and they can be identified and that installing them in power would not (unduly) corrupt them but would lead to enactment and enforcement of more just laws and other public policies than those that any other defeasible regime, including democracy, would produce. That is obviously not the end of the story. The operation of a democratic regime might have beneficial effects other than production of just laws that would contribute to the justice of the society. One obvious possible effect is that having the opportunity to participate in egalitarian political institutions and actually participating in such institutions might have an improving effect on people's sense of justice, on their spirit of solidarity and cooperation, and on their initiative and drive. Put another way, being a peon in an autocracy might dull the soul. This is speculation, but maybe in some circumstances and in some respects, a good empirical case can be made for this claim or some component of it. John Stuart Mill, following in the footsteps of Alexis de Tocqueville, confidently asserts this argument for political democracy, or for some approximation to it, as Mill is not a wholehearted democrat (Mill 1977; originally published 1861).

The proponent of the argument for elitism should accept this qualification of it. We should not make a fetish of ideally just laws and public policies. If in given circumstances morally better outcomes are obtainable if we eschew just laws and public policies and instead install some alternative package of arrangements, we should happily eschew just laws and public policies. The argument for elitism is an instrumental argument: elitist political constitutions are to be preferred if and only if they bring about the best outcomes we can reach. Conceivably this consideration could go the other way: it could be the case that a democratic political constitution would bring about more just laws and public policies than any feasible elitist political arrangements could reach, but this same democratic political constitution would cause a souring of the public culture and private lives of individuals, so that more justice, morally better outcomes overall, would be reached under elite rule, rule by competent experts. In this case we should go with rule by the experts even though doing this would bring about worse governance.

4. ANOTHER VERSION OF ELITISM

Another possible version of elitism supports the claim that experts should rule by appealing to a moral right possessed by each of us not to be subjected to coercion at the hands of incompetent people. This right does not require that anyone subjects anyone else to coercion in the regular and stark ways that any government standardly does. Maybe there should be no imposition

of governmental coercion. But the asserted right implies that if there is to be government, its operation must be set so that it does not violate the right not to suffer coercion at the hands of the incompetent. For this line of thought I am indebted to Jason Brennan. His argument merits scrutiny.

Jason Brennan urges a right to a competent electorate (if there is a democracy in place): “Citizens have a right that any political power held over them should be exercised by competent people in a competent way” (Brennan 2011). Since many citizens in existing modern democracies lack political competence at a threshold level that would plausibly qualify them for the role of holding power over others, many citizens should be denied the franchise. Hence (if we assume some form of government should be instituted) an elite electoral system should be instituted in these countries, replacing the existing one-person-one-vote regimes.

The considerations marshaled so far in this chapter provide grounds for rejecting the right to a competent electorate. In some situations, perhaps the circumstances of actually existing democracies, placing some incompetent citizens in a position of small power by according them the franchise predictably improves the degree to which the society operates in ways that predictably protect people’s rights and promote the general welfare. At least, restricting the franchise, bringing it about that only competent people hold any political power, would predictably lower the degree to which the society operates in a way that fundamental moral principles would accept as satisfactory. (Here the idea is that the society does more to promote fulfillment of rights and other relevant values leaving aside the disputed right to a democratic say, which Brennan is challenging.) Perhaps there are reasons to expect that restricting the class of those eligible to vote will increase the competence of the voters and the competence with which the voting task is carried out but will nonetheless lead to worse laws on the whole. Perhaps those who would be excluded are biased and tend to vote in their own interests, but their interests happen to coincide better with the laws that justice properly understood recommends than would the laws that the competent voters would select. Perhaps the laws that would be selected in some feasible elite electoral system would be superior from the standpoint of justice than the laws that one-person-one-vote democracies tend to produce, but the system that grants universal suffrage might have other effects, as Mill speculates, such that the good side effects of having universal suffrage morally outweigh the poor quality of the laws and public policies the system spawns.

The advocate of the right to competent governance might be unmoved by these appeals to good consequences, and insist that one does not have a right to treat others unfairly merely because that would promote good consequences, even good consequences in the currency of rights fulfillment,

for bystanders. Of course, the issue is not whether it is acceptable for voters unreasonably to harm others by their votes. Let us suppose the voters' actions are unacceptable. The issue is whether there is a right against the installation of a system of governance that allows this to happen. Brennan gives this more expansive formulation of what he calls the *competence principle*: "When a decision is high stakes and involuntarily imposed through force on others, it must be made by reasonable and competent people in a reasonable and competent way." There is a duty owed to those on whom one is imposing, not to impose unless one is reasonable and competent and behaving reasonably and competently. The right against incompetent imposition is not a right against incorrect imposition. Mistakes might be made by the reasonable and competent acting reasonably and competently.

As stated, the competence principle sweeps too broadly. Consider a state-of-nature conflict. I have stolen my neighbor's cow. My neighbor is an unreasonable cuss, and he acts impulsively in response, but what he does happens to be eminently reasonable: he forces me to give back the cow I stole. In this situation I have no right against being imposed on by the unreasonable and incompetent, unreasonably and incompetently, in ways that happen to be right. The same might be true if I claim to be a victim of a majority of unreasonable and incompetent voters, acting unreasonably and incompetently, but imposing on me in ways that just happen to be right, or close enough to right.

Perhaps only the innocent possess a right against incompetent imposition. Against this suggestion, consider a variant of the state-of-nature example, in which the only way the aggrieved incompetent can recover his stolen cow is by forcibly crossing your private property in order to waylay me. You are an innocent bystander, and you are being treated unreasonably and incompetently (in this type of situation, the aggrieved person would be just as likely to trample on the rights of bystanders violating due proportionality), but in this case it happens that no harm is being done to the forcibly imposed-upon bystander. Appealing to the competence principle to assert that the aggrieved incompetent is violating your rights, you would be wrong.³

Perhaps the right against incompetent imposition should be revised along the following lines: when a decision is high stakes and involuntarily imposed through force on others, and the decision happens to be in fact morally wrong, those imposed on have a right that the decision imposed on

³ What is stated in the text is consistent with the claim that disagreement in a state-of-nature regarding who is really at fault in scenarios in which rights appear to have been violated is a source of conflict and breakdown of cooperation and thus a justification for establishing a state. Moreover, disputes about who is competent and entitled to rule can render rule by the competent unfeasible or unsuccessful.

them not be made by unreasonable and incompetent people and not be made by people acting unreasonably and incompetently. In other words, when a resolution of a dispute is imposed on someone against his will, the resolution must either be substantially right or at least issue from what is in these particular circumstances a reliable procedure.

We should still reject the revised principle of competence. To see why, consider cases in which a political procedure is instituted that expectably both leads to violations of the revised principle of competence and also expectably works in other ways to bring it about that people's rights overall are better protected and the general welfare better promoted than would be the case if we refrained from instituting such a political procedure. Here the losses imposed on those who become victims of incompetent political rule might be outweighed by those who gain in other ways, at least if the ratio of gains to losses is sufficiently favorable. We should not accept the revised principle of competence as an absolute exceptionless constraint on political procedure selection.

Nevertheless, even if we reject the principle of competence, we might still accept that sometimes installing and maintaining a political regime that empowers the incompetent might be wrong even if it brings about overall better consequences than any feasible alternative, because the regime predictably imposes wrongfully on some, in ways we are not permitted to do.⁴

The claim that one has a right to competent governance prompts the question, "how competent?". Suppose the members of society could be rank-ordered from best to worst by their degree of political competence and reasonableness. If this could be done, then for any proposal to restrict the suffrage, to block the less competent from exercising even a little political power, there would always be available a further proposal, to limit the suffrage even more. At the limit, the demand for competence would require dictatorship. Perhaps even rule by the very most competent and reasonable would not satisfy the competence principle, if the standard of acceptable competence is set sufficiently high. Of course, beyond some point, restriction of the suffrage might predictably lead to worse choice of laws. But Brennan's principle of competence is a procedural right, a right not to

⁴ One might hold that one has some Brennan entitlement not to be imposed on by the incompetent even when the system that does the imposing is the best system that can be installed as assessed by the standard of protecting rights fulfillment like the rights that are at stake in the conflict that triggers the imposition. But when the system yields morally good results in this way, one might deny there is a right not to be imposed on except competently just as one might deny there is right not to be imposed on except democratically. A best-results account of choice of political governance regimes need not go with acceptance of consequentialism across the board. Non-consequentialists can accept it. For a broadly instrumentalist justification of democratic political rights, see Ronald Dworkin, *Sovereign Virtue*, ch. 4.

be imposed on by the incompetent, not a right to better rather than worse decisions and outcomes.

An alternative view is that procedures should be assessed by their role in producing better or worse outcomes. Procedural rights may be of utmost importance, but their significance is instrumental, so if it specified the procedure that looks better by some standard will produce worse outcomes than the alternative, concern about procedures should go by the boards.

The claimed right of an individual not to be imposed on forcibly by people acting unreasonably and incompetently, at least when the stakes are high, might be decomposed into a claimed right against constitution-makers that they not install a procedure that allows incompetent, unreasonable imposition and a claimed right against those who exercise power unreasonably and incompetently, imposing on innocent victims. Against the first, I claim that a sufficient response defending the constitution-makers would be a showing that the challenged political regime does much better than any feasible alternative to protect people's rights and advance the general welfare. Against the second, the issue is complicated by the fact that an individual voter doesn't make a difference, any difference at all, to morally significant features of outcomes. If my vote is really inconsequential, then that is a good excuse for my failure to become well informed, deliberate carefully, and vote wisely. This issue of duties of voters takes us away from the concerns of this chapter, and I shall not pursue it further here.

5. EMPIRICAL EXPERTISE AND MORAL EXPERTISE

One possible way to deny that superior political knowledge could ever suffice to render authoritarian political rule morally legitimate would start by dividing political knowledge into empirical knowledge and moral knowledge. Let it be granted that ordinary citizens often lack empirical information that is relevant to reasonable policy choice: how to build a bridge, for example, or what amount of funds would be required to build a bridge across a particular river at a specified spot. So perhaps we could somehow restrict the proper scope of democratic decision-making to choice of goals, which would require only moral knowledge, which we might suppose any cognitively normal human adult who applies himself to the task might gain. Given democratically chosen goals, we might accept political decision-making rules that insisted on deference to scientific expertise by legislators in the formation of public policies.⁵

⁵ Something along this line was advanced once by Thomas Christiano. See his *The Rule of the Many*.

This won't do as it stands. Sensible choice of goals is virtually always conditioned on many factual beliefs. Adopting the goal of erecting a bridge over a particular water barrier depends standardly on many assumptions about the consequences of building a bridge versus not building it and of alleviating the transportation needs that suggested bridge-building is hoped to solve in some other way, or of deciding to kick the can down the road and not worry about these problems at least for the near future.

But one might still appeal to the special nature of moral knowledge to resist the presumption that a fraction of people possesses the knowledge that is relevant to proper choice of laws and public policies and they alone have the right to rule. Even if empirical premises are interlarded with evaluative and moral premises in arguments for choice of public policy goals and public policy programs, still it remains so that valid arguments to conclusions that this or that public policy should be selected will always involve evaluative and moral premises. But there is no such thing as special technical expertise in the identification of evaluative and moral truths. For short, let's call the relevant non-empirical truths the moral truths. If it is at all possible to pull off the trick of identifying true moral claims, any person can do so. So no argument to the conclusion that a particular public policy ought to be established can be developed without appeal to moral premises on which no one has special expertise and any normal human person has authority to pronounce. One's pronouncements might well be wrong, but anyone's pronouncements might be wrong. And every normal person will have an extensive stock of everyday empirical lore and common-sense empirical knowledge gained just in the normal course of growing up and finding one's way about the world as one lives one's life. Plus, the question to what extent it is reasonable to defer to experts on empirical matters is itself a normative claim, regarding which the empirical experts have no special knowledge. All in all, deference to expertise is not rationally required when one is engaged in figuring out how to vote, and there is no case that ordinary citizens are disqualified from a share in political rule by some argument asserting the special claims of expertise.

This line of thought is open to challenge. What justifies the claim that there is no such thing as moral expertise? Reason goes where it goes. The moral principle that determines what ought to be done in our circumstances might take the form of a complex equation, which you can understand and solve, and I cannot.⁶ In these circumstances my claim to a moral right to

⁶ In this connection see R. M. Hare's distinction between two ideal types of moral reasoners, proles and archangels, and two types of moral reasoning, critical and intuitive. Hare himself suggested that we are all variously proleish and archangelic in different

have a share in political power that will issue in legislation or other public policy affecting many people is a claim to influence decisions when I have no reasoned basis for deciding one way rather than another. Such a claim is unreasonable.

Suppose there is an identifiable group in society that has better knowledge of the political truths relevant to choice of laws and public policies. Suppose further that if this group had political power, the group would not become corrupt or lazy, but would bring it about that better laws are enacted than would be enacted under any other regime we could establish. Suppose further that this elite rule would not bring about bad consequences in some indirect way, but would indeed lead to best results impartially assessed. We might wonder what more would be needed to deliver a sound argument for elite rule.

6. EPISTOCRACY AND RAWLSIAN POLITICAL LIBERALISM

The argument for elite rule is open to objection from the standpoint of Rawlsian political liberalism, a prominent trend in contemporary political philosophy. These objections cast doubt on Rawlsian political liberalism rather than on the argument for elite rule. This argument can be stated as follows:

1. We are obligated to institute and sustain a political order that adequately protects people's basic moral rights and advances the general welfare, provided there is a morally permissible way that we can establish such an order.
2. If the political order assigns political power to competent experts, the political order adequately protects people's basic moral rights and advances the general welfare.
3. If the political order does not assign political power to competent experts, the political order does not adequately protect people's basic moral rights and advance the general welfare.
4. A democratic political order, in which every normal adult citizen has an equal democratic say, does not assign political power to competent experts.
5. We are obligated to institute and sustain a non-democratic political order that assigns political power to competent experts, provided there is a morally permissible way that we can establish such an order.

decision contexts, but one might hold also that some people are overall more archangelic than others, more competent with respect to moral reasoning and judgment. See Hare (1981).

Some clarifications: I take no stand on the plausibility of premises 2, 3, and 4. I'm interested roughly speaking in the question—if 2, 3, and 4 are true—are we morally bound to institute some form of elite rule (rule by competent experts), provided that doing so would be feasible and would not require all-things-considered wrongful actions such as murdering (too many) innocent people.

In premise 1, the obligation to establish and sustain a political order that adequately protects people's rights and so on is said to be qualified—there must be a feasible path to this goal that would be morally permissible to traverse. The moral permissibility qualification would come into play if we could only establish a regime that adequately protects people's rights by violating a moral constraint that in the circumstances outweighs the obligation to establish the regime, all things considered. For example, if we could establish a rights-protecting regime that would last for at least five years only by slaughtering a million innocent people, doing so might be deemed impermissible all things considered even though establishment would in the long run reduce the overall incidence of slaughter.

Suppose that in some circumstances it is not possible to establish a political regime that adequately protects people's basic moral rights and advances the general welfare. If it is not possible to establish a tolerable regime, we cannot be obligated to do so. But the argument from elitism still casts a shadow on this situation. If establishing some non-democratic political regime that assigns political power only to competent experts would establish a political regime that succeeds better at protecting people's basic moral rights and advances the general welfare than any democratic regime we could establish, even if neither type of regime would adequately succeed at this basic governance task, we are obligated to establish the rule by experts, unless the moral costs of transition to this regime outweighed or preempted the expectable long-run moral gains of making the transition.

A political order adequately protects people's basic moral rights and advances the general welfare just in case rights are protected and welfare advanced to an extent such that individuals who are not themselves violating the rights of others are morally at liberty to pursue their own projects and aims and are not required to devote further personal resources toward improving the political order. In other words, individuals are not obligated always to act in ways that produce the impersonally best attainable outcomes. They are morally at liberty to act in ways that lead to less than best outcomes, provided the shortfall between the value of the outcomes they reach and the value of the best they might have achieved is not excessive. Individuals have a Scheffler prerogative to act as they prefer,

within limits.⁷ In this same vein, individuals have obligations to work together to produce a tolerably good political order.

I make no effort to identify what level of government performance should count as adequate, or tolerable, or sufficiently good. Nor do I make any attempt to specify how rights protection and promotion of good quality lives for people might be appropriately balanced in an overall standard of government performance. This matter is left to intuitive judgment in wide reflective equilibrium. Some might argue that the good-enough level is the maximal level: suboptimal performance is unacceptable. A system of government that could be better designed and implemented, to do a better job of fulfilling people's rights and promoting their welfare, should be better designed and implemented. In many situations a government system might show obvious flaws and deficits, but yet the government is no worse than anything else that might be implemented in the circumstances. If we tried to reform the government structure and political constitution, we would unavoidably make things worse. In these circumstances satisfying is maximizing.

Some might argue that a democratic political order that takes the form of a representative democracy tends to assign political power to competent experts. Voters by majority will elect competent experts to be legislators and top public officials. Obviously a democratic system, to be acceptable, need not perfectly screen political candidates so that only competent experts succeed in electoral contests. The democratic order to be acceptable needs only to do well enough, so that a tolerable threshold of government performance is attained, a good-enough level of rights protection and advancement of the common good. If an argument to this effect succeeds, premise 4 in the argument for elitism fails and the argument does not succeed in establishing its conclusion.

John Stuart Mill sometimes suggested that a representative democracy system might do a good-enough job at placing political power in the hands of individuals competent to exercise the responsibilities of political rule (Mill 1977, ch. 3 and 4; Thompson 1976). In a well-functioning representative democracy, voters choosing among candidates would not need to master the intricacies of the complex empirical and moral issues, the understanding of which is necessary for making reasonable choices among alternative public policies. Voters need only assess the good character and intelligence of those running for office, and can leave selection among policies to elected legislators and executive branch leaders. However, Mill's hopes for this

⁷ This idea is introduced in Samuel Scheffler, *The Rejection of Consequentialism* (Oxford: Oxford University Press).

division of political labor may be unrealistic. Potential political leaders of superior intelligence and estimable moral character might yet be wedded to bad political programs and unjust but nice-sounding principles. There may be no substitute, in a representative government, for the wisdom, intelligence, and knowledge of the voters who select the representatives. If these are lacking, premise 4 may become true.

The track record of non-democratic government in modern times is, to put it mildly, not very good. Recall Hitler, Stalin, and Pol Pot. But of course the history of disastrous non-democratic political regimes is irrelevant to the soundness or lack of soundness of the argument for elitism. Even if there are many actual and millions of possible non-democratic forms of governance that are expectably worse in terms of promotion of rights protection and welfare advancement than the range of democratic governments we have observed from the eighteenth century down to the present, that does not gainsay the possibility that some identifiable and implementable form of non-democratic governance would fulfill the fundamental tasks of government better than any feasible form of democratic governance.

The argument as presented addresses what should be done if certain facts obtain and does not tell us what we ought to do in the face of uncertainty about what the facts are and about what outcomes would result from the adoption of any of the various policies we might choose. In present and likely future circumstances we will face, decisions about whether to support a proposed political constitution or political regime will be decisions under uncertainty. I assume that the argument for elitism could be reconfigured as an argument about what to choose under uncertainty. Suppose it is not known with certainty, but very likely, that if we institute a non-democratic system, rights will be respected and welfare promoted to a good-enough degree, and that if we institute a democratic system, fulfillment of rights and welfare advancement will not be promoted to a good-enough degree. Then relative to the available evidence, it will be right to institute a non-democratic system.

However, absence of certainty about the consequences of adopting one or another political system complicates the argument that would have to be made. Perhaps concentrating political power in the hands of a few political experts might tend to produce good consequences across a wide swath of likely conditions but would lead to catastrophe under some circumstances, whereas maintaining a democratic regime would produce generally mediocre results but would avoid catastrophe under all circumstances. Perhaps in selecting political regimes we should give priority to avoidance of catastrophe (on disaster avoidance, see Kavka 1986). By focusing only on the case in which the consequences of adopting one or

another of the available alternatives are known with certainty, we avoid these complications.

The argument for elitism just presented does not assume that there is no moral right possessed by each member of society to be ruled only by democratic procedures. Suppose there is such a right to a democratic say. So long as this right to a democratic say can be overridden when fulfilling it conflicts with the fulfillment of other rights and would have to be purchased at too great a cost to the general welfare, the argument for elitism can still go through.

It seems to be the case that David Estlund is committed to rejecting the argument for elitism (Estlund 2008, ch. 2, 3, and 11). That is, he is committed to denying that we should ever accept its conclusion, that we are obligated to institute and sustain a non-democratic political order that assigns political power to competent experts, for the reasons contained in the premises of this argument.

The background moral framework here is Rawlsian political liberalism, an attractive doctrine. For our purposes its key element is a liberal principle of legitimacy, which Rawls formulates as follows: “Our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason” (quoted from Estlund 2008, at 43). Let us say political coercion cannot be morally acceptable unless imposed by a state under a form of government that all reasonable citizens accept (there is no reasonable ground for its rejection). This liberal principle of legitimacy gives expression to our conception of citizens as free and equal.

Exploring the relation between liberal legitimacy and democracy, it makes sense to focus attention on the views of Estlund, who accepts liberal legitimacy, deploys it to argue for democracy, and also accepts that part of the justification of democracy consist of its epistemic virtue—its tendency to select substantially just public policies. He thus recognizes a threat that selection of a form of government for its epistemic virtues might lead not to affirmation of democracy but of some scheme of rule by experts.

He considers what have been called “plural vote” schemes as posing a form of the threat that is hard to resist. Suppose we cannot reasonably reject the proposal that educating citizens, training them to be literate and numerate and so on, would produce a better set of democratic voters. How then can we resist the proposal to give extra votes (extra voting power) to those who are more educated than others? He notes that the latter proposal involves invidious comparisons, claims that some persons are wiser or more politically knowledgeable than others, and so empowering them to

rule will lead to more just public policies, whereas the proposal to introduce education for all does not. The proposals that involve invidious comparisons will all be subject to some reasonable objection, so will fail the liberal legitimacy test.

Estlund raises what he calls a “demographic” challenge to any such proposal. Those who are picked out as more educated may differ from the rest of the population in ways that will tend to worsen their decision-making to an extent that outweighs whatever benefits might be expected to come with having a more educated political class. The more educated might be predominantly white males, for example. For any demographic biases we can identify, we could correct for the bias by selecting a subset of the qualified experts to have the franchise, so that the group is a cross section of the population according to the descriptions we identify. But Estlund supposes it would always be reasonable to object to any such demographically adjusted version of the elite rule scheme by postulating that there might be hidden or latent biases not empirically discoverable.

Question: why isn’t democracy itself open to reasonable rejection, on the ground that it is reasonable (meaning not that this judgment is correct, but that it is somewhat reasonable or is reasonable enough), that universal adult suffrage enfranchises too many incompetent voters, and hence leads to choice of substantially unjust decisions that suffrage restriction or assignment of extra votes to the better educated would mitigate? Estlund’s answer: universal suffrage does not involve invidious comparisons.⁸ In contrast, “Under unequal suffrage, some people are formally and permanently subjected to the rule of certain others” (Estlund 2008, at 37). The claim is not that democracy must be agreed by all reasonable citizens, or from all reasonable points of view to be epistemically superior to any feasible alternative, but that of the political procedures that are not subject to reasonable rejection, democracy is epistemically best (beats the proposal of choice of public policy by random coin flip, for example).

In response: the mere claim, in the absence of empirical evidence, that some particular plural vote or unequal suffrage scheme that corrects for all known demographic bias might conceivably harbor some undetected latent source of bias, is not a serious, significant objection. This conceivable bias problem would have especially little weight if we implemented unequal

⁸ In passing I note that it is not clear why invidious comparisons should be especially vulnerable to reasonable rejectability. The constitutional proposal that all political decisions be made by consulting astrological signs, with the stipulation that no one has special astrological competence and the determination of who will do the astrological consulting to decide any particular issue is to be made by coin toss, makes no invidious comparisons but is reasonably rejectable on the grounds that it is a bad idea. If some argument for elite rule has independent plausibility, then democracy is a bad idea.

suffrage in some political jurisdictions and the results proved to be impressive, as judged by the epistemically best standards of justice we can identify in present circumstances. If you lower the bar of reasonable rejection so this *de minimis* objection passes it, then you are trading off expectable substantive justice in outcomes to gain liberal legitimacy at a clearly unacceptable discount rate.

One can appreciate the concerns that lead Estlund down this path of argument. However, we should regard the stern suspicion of elite rule that this path of argument protects as constituting a *reductio ad absurdum* of the political liberalism doctrine that carves out this path. All of the objections that the Estlund maneuvers discover are compatible with there being good and sufficient evidence and argument for the truth of each of the premises in the elitist argument. Even if the premises of the argument are all true and well supported, they are, according to political liberalism, not available as justifications of a form of governance as morally acceptable, because the premises might still be subject to reasonable rejection. This is possible because in the political liberalism doctrine, a reasonable objection need not be one that a fully reasonable and rational person would accept, just one that an ordinary person reasoning in ordinary ways might accept.

This standard becomes a very powerful constraint on the legitimacy of a political system if “reasonably” is interpreted in a relaxed way, as proponents of the doctrine affirm. The weaker the idea of reasonable rejectability, the stronger the constraints on what can qualify as legitimate political rule. The constraint becomes too powerful, as the argument for elitism shows.

Maybe the argument for elitism does not justify elite rule in actual circumstances, because in our circumstances one or more of the premises in the argument is false. What should not be acceptable is to hold that even if the premises are correct and well supported, and it really is the case that we can adequately protect people’s basic moral rights and advance the general welfare only by scrapping democracy and instituting some non-democratic form of political rule, this course of action would nonetheless be morally unacceptable and should not be implemented because some member of society has some partially, but not fully reasonable rejection to it.

Maybe what I have reported as Estlund’s view is inaccurate. Surely an advocate of political liberalism should allow that circumstances might arise in which the performance of any feasible democratic regime we could establish and sustain would be so abysmal compared to the performance of an identifiable feasible non-democratic alternative involving assignment of political power to competent experts that in those circumstances the proposal that we ought to establish the non-democratic alternative would not be reasonably rejectable. The outcomes of any democracy we could sustain might be beyond the pale, unacceptable from any reasonable moral

standpoint. The proposal to install non-democracy in these circumstances would be justifiable by the principle that if there is some feasible political system that would uncontroversially fulfill the basic moral functions of government to a tolerable, adequate extent, and no other feasible political system that would do the same, we are obligated to establish and sustain the uniquely, uncontroversially tolerable system. This principle would not be reasonably rejectable.

Grant that in the extreme circumstances described above the political liberalism advocate following Estlund's interpretation of the doctrine could hold that acceptance of rule by experts could be justified. My claim then would be that political liberalism's acceptance of rule by experts comes too late. A political regime that was not so horrendous that from no semi-reasonable standpoint could it be found acceptable could still be horrendous. If the best available democracy would really deliver an intolerably bad record of failure to protect people's rights and advance the general welfare, as assessed by the correct view of these matters, and some identifiable form of rule by experts would deliver a substantial improvement in terms of this measure, the further fact that this claim would be subject to reasonable (or more exactly to "reasonable") objection would be neither here nor there. The fact that some conscientious person trying to figure out what is right, even if he is following the lead of some major religious or ethical tradition, would incorrectly judge that the record of a horrendous democracy does not qualify as horrendous, and would anyway be inferior to some form of rule by experts, is insufficient to support the claim that democracy is tolerable, much less morally claims our allegiance.

7. CONCLUSION

No decisive conclusion emerges from this discussion of elitism. Considerations introduced in Section 2 stand in the way of acceptance of the Section 2 argument against the claim that each of us has a non-instrumental, intrinsic right to a democratic say. I don't yet see a positive argument *for* the claim, however. My own view is that if we should favor democracy, we should favor democracy purely on instrumental grounds. But even if you aren't fully persuaded that this instrumentalism is the right stance to take, you should still accept the weaker conclusion, that even if there is some sort of qualified non-instrumental right to a democratic say, it can be overcome when citizens' lack of political competence brings about an excessive shortfall in fulfillment of people's fundamental moral rights.

A final thought: Another possible ground for disputing the argument to the conclusion that there is no non-instrumental intrinsic right to a democratic say appeals to democratic equality considerations. Samuel Scheffler writes: “we believe that there is something valuable about human relationships that are—in certain crucial respects at least—unstructured by differences of rank, power, or status” (Scheffler 2005; see also Kolodny 2014). How we might develop the claim that social equality is valuable into an argument for a democratic say, and how we should assess this line of argument are good topics left for future discussion. My hunch is that this exercise would turn up empty pockets, but hunches are not arguments.

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