

## **Epistocracy on Seasteads?**

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### **Abstract**

Contemporary governance relies extensively and increasingly on academic expertise. This expertise dependency is intimately related to the technological and regulatory complexity and level of specialization of modern society. Expertization is also spurred by elites' social and political interests and the force of Enlightenment arguments for knowledge-based policy-making. Existing diagnoses of a rising epistocracy – a rule of experts – present it as either a tragedy for democracy or embrace it as a way of ensuring rational decisions and policies. A more balanced assessment should recognize that the normative legitimacy of any political rule – a rule in which the knowledgeable are given considerable scope and privileges included – depends on both procedures and outcomes. The chapter takes as its point of departure the phenomenon of seasteads, and the possibility of making expert arrangements in seasteads that are both democratically authorized and accountable, and likely to contribute to increased quality in decision- and policy-making. Among the wider universe of epistemic criteria, this discussion focuses on the prerequisites in seasteads for institutionalizing an investigatory ethos, cognitive pluralism, and epistemic modesty. The chapter concludes that seasteads offer quite some promise given a genuine interest in developing and experimenting with epistocratic, but legitimate, forms of governance. Yet, a set of demanding cognitive, motivational and institutional conditions must be in place, or seasteads' expert arrangements stand the chance of scoring lower on both democratic and epistemic parameters than mainland arrangements.

### **1. Introduction: Expertization of policy-making**

There are two dominant accounts of how the role of academic knowledge in policy-making has changed over recent decades. According to one account, knowledge production is becoming more democratic, and the previous dominance of academic expertise is being replaced by more “pluralist” and “hybrid” forms. A distinguished example is the group of scholars who, at the turn of the century, announced that a “new” and more “socially robust” production of knowledge (“Mode 2”) was about to replace traditional expert arrangements dominated by academics and academic knowledge (“Mode 1”) (Gibbons, 1999; Nowotny et al., 2001).

Yet, according to another account, contemporary governance relies extensively and perhaps even increasingly on academic expertise (Turner, 2003; Douglas, 2009; Kitcher, 2011). One sign of such a development is the growth in depoliticized expert bodies such as courts, agencies, and central banks, inhabited by academics with substantive discretionary powers (Vibert, 2007; Olsen, 2010). Another is the ascent of academics to high political and bureaucratic offices, such as when economics professors are appointed as ministers or top civil servants (Fourcade, 2006). A further expression is the increased significance of epistemic logics in parliamentary processes and in the public sphere, as lobby groups, civil society organizations, and political parties increasingly feel the need to support their proposals with references to academic knowledge and research (Fischer, 2009). These developments form the backdrop for diagnoses of a rising “expertocracy” (Habermas, 1996), or “epistocracy” (Estlund, 2008; see also Brennan, 2016) – a rule of experts or the knowledgeable.

#### **1.1. Expertise reliance – how come?**

The background for the growing reliance on academic knowledge is first of all the technological and regulatory complexity and level of specialization of modern society. This complexity makes governments functionally dependent on expertise: without specialized knowledge, these societies would simply not work (Majone, 1996; Kitcher, 2011). This expertise dependency constitutes, so to

speak, a ‘fact of expertise’ in modern polities (Post, 2012) similar to the “fact of reasonable pluralism” (Rawls, 1993): Under contemporary, complex conditions, it is impossible to make rational political decisions without relying extensively on expert advice and even expert decisions.

More ideational accounts connect epistocratic developments to widespread beliefs in the ‘instrumental’, ‘problem-solving’ capacity of expertise, that is, that a consistent utilization of expertise will help us solve policy problems and ensure social progress (Weiss, 1979). This Enlightenment doctrine has also been taken up by contemporary movements for ‘evidence-based policy-making’, centered on the idea that public policy should be based on objective evidence established through rigorous testing (Nutley et al., 2000; Thaler & Sunstein, 2009).

Moreover, the use of academic knowledge may be promoted by powerful social groups and actors, who are animated either by a sincere commitment to knowledge-based policy-making or by the strategic or tactical benefits of using knowledge (Weiss, 1979; Boswell, 2008). It is, for instance, well known how politicians and officials use expertise selectively to consolidate organizational preferences or justify predetermined policy decisions (Herbst, 2003; Schrefler, 2010), or symbolically to demonstrate competence and “epistemic authority” (Geuss, 2001).

## **1.2. Epistocracy – good or bad?**

Existing diagnoses of a rising rule of experts tend to present it as a tragedy for democracy, leaving us in effect with “façade democracy” (Streeck, 2014), “disfigured democracy” (Urbinati, 2014), or “post-democracy” (Habermas, 2015). On the other extreme are scholars who welcome “epistocracy” as a way of overcoming the ignorance of the citizenry and as a precondition for rational and knowledge-based policy-making (Pincione and Tesón, 2006, Caplan, 2007, Brennan, 2016).

## **2. Normative requirements: Democratic and epistemic legitimacy**

A more balanced assessment should recognize that the normative legitimacy of any political rule – a rule in which the knowledgeable are given considerable scope and privileges included – depends on both procedures and outcomes, i.e., on democratic qualities of political processes, but also on the quality of the decisions and policies that are produced (Holst and Molander, 2017).<sup>1</sup>

### **2.1. Democratic delegation and democratization of expertise**

Knowledge-based decision- and policy-making, delegating decisions to or relying on the judgment and advice of experts clearly implies giving them extra political power. No doubt, the legitimacy of this political inequality between experts and non-experts depends decisively on whether it is democratically delegated: the experts must have been appointed by someone who is elected by free and equal citizens, by someone who is appointed by someone who is elected by those citizens or by someone who is appointed by someone who is appointed by someone elected by citizens, etc. In addition, we often see a more wide-reaching “democratization of expertise” defended: Relevant lay knowledge should be considered and lay people should be given access to expert knowledge and to the experts themselves, and they should influence the selection of experts (Weingart, 2005).

### **2.2. Epistemic norms, epistemic modesty, and epistemic pluralism**

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<sup>1</sup> The indicators of expert arrangements’ democratic and epistemic legitimacy spelled out in the following are taken from a more extensive and elaborated list in Holst and Molander (2017).

Yet, from a legitimacy perspective, it is arguably equally decisive that experts' involvement actually contributes to better decisions and policies. The official idea is that it does, and we can hope that this is the case – but it is not obvious, and does not happen automatically. It is well known how experts are often biased and make mistakes (Tetlock, 2005, Kirkeboen, 2009, Mercier, 2011). To minimize the risk of “bad” expert advice and decisions, several prerequisites are probably vital. Here we will focus on the extent to which an investigatory ethos, cognitive pluralism, norms of epistemic modesty and a sound intellectual division of labor are adequately institutionalized.

### **2.3. Knowledge-based governance in seasteads – is it viable?**

More specifically, our point of departure is the phenomenon of seasteads and the possibility of making expert arrangements in seasteads that are democratically authorized and accountable, *and* likely to contribute to increased quality in decision- and policy-making. As our brief discussion will show, seasteads offer quite some promise given an interest in developing and experimenting with epistocratic – but legitimate – forms of governance. A set of conditions must be in place, however, or seasteads' expert arrangements stand the chance of scoring lower on both democratic and epistemic parameters than mainland arrangements.

## **3. Discussion**

### **3.1. Epistemic legitimacy**

Norms of good inquiry are famously spelled out by figures such as Robert Merton (1942/1973) and Jürgen Habermas (1972/1984), and experts most likely deliver better if they live up to these dos and don'ts of investigatory communities. Seasteads could systematically recruit experts and cultivate expert communities with a commitment to such norms. This includes spelling out codes of investigatory scrutiny and knowledge-based policy-making in legislation and guidelines, prescribing that expert advice and decisions are based on scientific knowledge where such knowledge is available and relevant, that experts behave in a deliberative way and deliver textual products where conclusions and proposals are based explicitly on arguments, that all relevant background material is made public for anyone to scrutinize, etc. Sloppy work by experts could moreover be sanctioned. Seastead could institutionalize procedures for reviewing experts' performance, and for excluding putative experts with bad records or with a stake in the matter under consideration from re-assignments. All such measures, if implemented, would most likely reduce the likelihood of expert mistakes and biases, and would generally distinguish seasteads from the current state of affairs in the mainland. Undoubtedly, the mainland has available a range of highly competent and committed experts, and there are promising attempts at formulating and implementing norms of good conduct in inquiry, both nationally and internationally. The institutionalization and sanctioning of such norms in mainland policy-making, and the competence and epistemic motivation among those we call experts, are, however, highly variable. Even in countries with high levels of economic and social development and where knowledge-based policy-making is high on the agenda officially, we see how social and political interests among decision-makers and stakeholders inside and outside governments contribute to a knowledge utilization that is primarily strategic and symbolic, and not genuinely of the problem-solving kind. It is not difficult to imagine seasteads that delivered much better.

If so, a set of conditions would, however, have to be fulfilled. First, the persons moving and recruited to seasteads would need to be of the knowledgeable kind. If an investigatory ethos is to be coherently pursued and implemented in expert communities, there have to be people around that qualify as experts in the relevant domains and policy areas. Just as importantly, those that appoint, organize, and control experts and the quality of their investigatory ethos need to be, if not experts in the relevant specialized field themselves, then knowledgeable enough in terms of both substance knowledge and knowledge of research procedures and scientific argument, so that they will be able to interact meaningfully with experts and hold them effectively to account.

Secondly, motivations both among experts and those utilizing their expertise would have to be primarily epistemic. For example, if central stakeholders in seasteads are motivated by short-term economic profit or political-ideological dogmas, or primarily engaged in building strategic alliances with mainland actors, there is little reason to think that the seasteads will develop into laboratories of legitimate epistocratic governance. Thirdly, the persuasiveness and complexity of our expertise dependency and level of specialization under contemporary conditions makes seasteads and the quality of seasteads' expert arrangements and knowledge utilization inevitably dependent on cognitive and other resources from the mainland and the institutionalization and organization of expertise and good inquiry on the seastead. It will thus be in seasteads' interests to coordinate their experiments in knowledge-production and knowledge-based policy-making with the mainland and to subscribe to and support the further development of internationally binding norms and regulations set up to facilitate good investigatory conduct universally.

Similar conditions apply if we look at the requirement of epistemic modesty and the condition of cognitive pluralism. Generally, it is often observed that experts fall victim to overconfidence. For the quality of expert advice and decisions, it is therefore crucial that experts are aware of their specific area of competence, the limits of their competence, and make their provisos explicit. This includes awareness of the evaluative, non-scientific dimensions of problems, to avoid the so-called technocratic fallacy: that of reducing value-based questions to technical questions.

Epistemic self-constraint is furthermore closely related to the existence of cognitive diversity and an adequate intellectual division of labor. Experts reasoning alone are typically prone to the "confirmation bias" - i.e., the tendency to only look for arguments that confirm their own ideas – and to "reason-based choice" – i.e., the tendency to pick the option for which reasons can be most easily gathered. Deliberating groups are less prone to these fallacies, and they may also enlarge the pool of ideas and information and weed out bad arguments (Mercier, 2011). Yet the positive epistemic effects of deliberation are crucially dependent on diversity. Without diversity, deliberation may work in the opposite direction and create group-think (Sunstein, 2006; Sunstein and Hastie, 2015).

Again, we could imagine seasteads that took the institutionalization of epistemic modesty and pluralism seriously and substantively outperformed the mainland where expert arrangements are known to be haunted, although variably, by technocratic tendencies, cognitive monism, and some disciplines' imperialist ambitions. Yet, once more, the conditions for successful epistocratic experimentation are quite demanding. Seasteads' expert communities would need to include a plurality of expertise, while their decision- and policy-makers would need to be intellectually and organizationally prepared for this pluralism. Epistemic modesty and non-technocratic attitudes would need to find a place in seastead experts' motivational structure. Decision- and policy-makers would need to handle the delicate balancing task of giving experts the trust and scope that knowledge-based policy-making requires, while not butting experts' inclination to be overconfident and engage in struggles of professional hegemony and dominance. This would generally require inhabitants of seasteads to live up to high standards, both cognitively and motivationally. It would also require seasteads that function as relatively independent epistemic laboratories, but that at the same time engage with the expert communities and institutions of the mainland upon which their success intimately depends, due to the cognitive division of labor in a complex modern society like ours, both within and between countries.

### **3.2. Democracy**

Small size is neither a necessary nor a sufficient condition for the institutionalization of democracy, but democratic authorization and democratization of expertise – be it of the knowledge base or of the expert communities – would immediately seem to be less complex, and easier to organize and make transparent in a small unit such as a seastead than in a modern mass democracy as we know it. It would require, of course, that democratic norms of delegation and participation were esteemed and

respected in the seastead in question. It would also require that the lay persons of seasteads were motivated to participate in politics and contribute to the democratization of expertise, instead of adding hours to their leisure time. In a seastead inhabited by committed and engaged participatory democrats, the challenge would typically be to strike the right balance between democratization of expertise and the epistemic concerns that justify the making of exclusive expert arrangements in the first place.

### About the Author

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